AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

10-15-80
Vol. 45 No. 201
Pages 68365-68624

federal register

Wednesday
October 15, 1980

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Highlights

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

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The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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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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Presidential Documents

Title 3—

The President

Presidential Determination No. 80–28 of September 30, 1980

Determination Pursuant to Section 207(a) of the Immigration and Nationality Act, as Amended (INA) Concerning the Admission and Adjustment of Status of Refugees

Memorandum for the Secretary of State

Pursuant to Section 207(a) of the INA, and in accordance with Section 204(d)(1) of Public Law 96–212 (94 Stat. 109), I hereby determine, after appropriate Congressional consultation, that the admission of 217,000 refugees to the United States during Fiscal Year 1981 is justified by humanitarian concerns or is otherwise in the national interest. I also determine that providing an additional 5,000 refugee admission numbers to be available for adjustment of status, in accordance with Section 209(b) of the INA, is justified by humanitarian concerns or is otherwise in the national interest.

Pursuant to Section 207(a)(3) of the INA, I determine, after appropriate Congressional consultation, that these refugee admission numbers shall be allocated as follows:

REFUGEE ADMISSIONS

Fiscal Year 1981

Area of Origin	*Admissions for Fiscal year 1981*
INDOCHINA	168,000
SOVIET UNION	33,000
EASTERN EUROPE	4,500
NEAR EAST	4,500
LATIN AMERICA	4,000
AFRICA	3,000
TOTAL	217,000
Asylum Status Adjustments	5,000

Pursuant to Section 101(a)(42)(B) of the INA, I hereby specify, after appropriate Congressional consultation, that special circumstances exist such that, for the purposes of admission under the limits established in this Determination, the following persons, if they otherwise qualify for admission, may be considered refugees of special humanitarian concern to the United States even though they are still within their countries of nationality or habitual residence:

persons in Vietnam with past or present ties to the United States,

present and former political prisoners and their family members in Argentina,

present and former political prisoners and their family members and persons in Cuba with relatives in the United States.

The Secretary of State is requested to inform the appropriate committees of the Congress of these determinations.

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

Jimmy Carter

THE WHITE HOUSE,
Washington, September 30, 1980.

[FR Doc 80-32208
Filed 10-10-80; 4:23 pm]
Billing code 3195-01-M

Presidential Documents

Executive Order 12246 of October 10, 1980

Cuban and Haitian Entrants

By the authority vested in me as President of the United States of America by Section 501 of the Refugee Education Assistance Act of 1980 and Section 301 of Title 3 of the United States Code, and in order to provide for assistance to be made available relating to Cuban and Haitian entrants, it is hereby ordered as follows:

1–101. All the functions vested in the President by Section 501(c) of the Refugee Education Assistance Act of 1980, are hereby delegated to the Secretary of State.

1–102. In carrying out the functions delegated to him by this Order, the Secretary of State shall ensure that among the actions he takes or directs from time to time, he shall promptly take action which provides assistance for those Cuban and Haitian entrants located or to be located at Fort Indiantown Gap, Fort McCoy, Fort Chaffee, Fort Allen, existing processing and reception sites in Florida, and such other sites as he may designate.

Jimmy Carter

THE WHITE HOUSE,
October 10, 1980.

[FR Doc 80-32305
Filed 10-14-80; 11:16 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 4799 of October 10, 1980

National Lupus Week, 1980

By the President of the United States of America

A Proclamation

Systemic lupus erythematosus (also known as lupus, or SLE) is a serious connective tissue disorder, affecting an estimated 500,000 Americans. Almost 90 percent of its victims are young women.

In the systemic form, lupus can affect almost any part of the body, often producing abnormalities in the kidney, heart, skin, joints, and other internal organs.

The outlook for victims of lupus has vastly improved in recent years. In 1955, the survival rate for lupus victims was only 50 percent four years after diagnosis. Now, more than 80 percent of lupus patients are alive 10 years after their disease has been identified. This increased survival is due to a greater awareness of the disease, better diagnostic methods, and development of more effective drug therapies. Nevertheless, an estimated 50,000 new cases are diagnosed each year, and much additional research is needed to pinpoint the underlying cause of this disease and to discover methods for preventing or halting its progression.

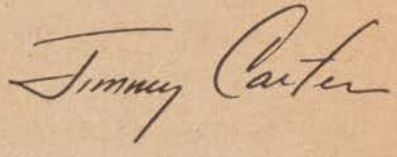
In the last few years, progress has been made toward better understanding of lupus. Public and privately-supported medical research and education mean that each year thousands of patients can look forward to improved treatment, and the opportunity to live happier and more productive lives. However, new research findings and new approaches for improved treatment and diagnosis are needed if we are ever to eliminate lupus as a cause of human suffering and to improve the quality of life in our society for its victims.

The Congress has, by Senate Joint Resolution 201, authorized and requested the President to designate the week of October 19 through October 25, 1980, as National Lupus Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week of October 19 through October 25, 1980, as National Lupus Week. I invite the Governors of the States, the Commonwealth of Puerto Rico, and officials of other areas subject to the jurisdiction of the United States to issue similar proclamations.

I urge the people of the United States and educational, philanthropic, scientific, medical, and health care organizations and professions to provide the necessary assistance and resources to discover the cause and cure of systemic lupus erythematosus and the other rheumatic diseases and to alleviate the suffering of all persons struck by these disorders.

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



[FR Doc. 80-32306
Filed 10-14-80; 11:17 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 4800 of October 13, 1980

Italian-American Heritage Week, 1980

By the President of the United States of America

A Proclamation

Columbus Day is a symbol of the debt our Nation owes to Italian-Americans.

During the past four hundred years, millions of Italians have become Italian-Americans. Many of them arrived in this country without money or property or friends. They had only the hope of opportunity and the strength of their character. They took advantage of opportunities which America offered and the result has been an extraordinary contribution to every facet of American life.

In recognition of the many contributions of Italian-Americans to our country, the Congress, by House Joint Resolution 568, has requested the President to designate the week of October 12 through October 19, 1980, as Italian-American Heritage Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the week of October 12, through October 19, 1980, as Italian-American Heritage Week. I call upon the people of the United States, State and local agencies, and interested organizations to observe that week with appropriate ceremonies, activities and programs.

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

Jimmy Carter

[FR Doc. 80-32307
Filed 10-14-80; 11:18 am]
Billing code 3195-01-M

Editorial Note: The President's remarks of October 13, 1980, on signing Proclamation 4800, are printed in the Weekly Compilation of Presidential Documents (vol. 16, No. 42, p.)

Rules and Regulations

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Vol. 45, No. 201
Wednesday, October 15, 1980

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GENERAL ACCOUNTING OFFICE

4 CFR Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 20, 21 and 22

Personnel System

AGENCY: General Accounting Office.

ACTION: Final regulations.

SUMMARY: These regulations establish the General Accounting Office (GAO) personnel system as provided for by the General Accounting Office Personnel Act of 1980, Public Law 96–191.

The General Accounting Office has amended the proposed rule published July 2, 1980, to reflect public comment and to provide greater clarity and ease of understanding.

EFFECTIVE DATE: These regulations will be effective on October 1, 1980.

FOR FURTHER INFORMATION CONTACT: Clifford I. Gould, Special Assistant to the Comptroller General, U.S. General Accounting Office, 441 G Street, NW, Washington, D.C. 20548, (202) 275–5940.

SUPPLEMENTARY INFORMATION:

Background

On July 2, 1980 (45 FR 44954) the General Accounting Office published proposed rules to establish the General Accounting Office personnel system. Comments were received from 26 individuals and organizations. As a result of these comments, as well as informal suggestions, GAO has modified the final regulations in several respects as set out below. GAO intends to issue further guidance and information through the GAO Operations Manual System which will speak to recommendations not properly included in the regulatory material establishing the personnel system.

Aside from editorial changes recommended for clarity which GAO has largely adopted, the following highlights the substantive comments and their disposition.

GAO Personnel Appeals Board

A number of individuals expressed concern that the regulation did not deal with the composition of the GAO Personnel Appeals Board and its independence from undue management influence.

Section 4 of the GAO Personnel Act of 1980 established the Personnel Appeals Board effective October 1, 1980. The act prescribes how appointments are made, eligibility of members, terms of office, authority of the Board, etc. The act is clear in requiring the Board to promulgate regulations providing for employee appeals and for establishing its operating procedures.

Accordingly, GAO management has not attempted to elaborate on the provisions of the act in order to avoid any impression of influencing how the Board will operate. We believe, however, that mention of the establishment of the Board by Congress is appropriate in the regulations establishing the GAO personnel system.

Merit System Principles

Numerous comments were received concerning "Merit System Principles," suggesting that individual principles were inconsistent with other principles, and many suggestions that other principles be added.

Sec. 3(b)(1)(A) of the GAO Personnel Act of 1980 requires that our personnel system shall embody the merit system principles described in section 2301(b) of title 5, United States Code, adopted by Congress as part of the Civil Service Reform Act of 1978. Accordingly, regardless of the merits of the proposed suggestions, Congress has prescribed the merit system principles for the GAO personnel system. GAO management lacks authority to modify those principles administratively.

Prohibited Personnel Practices

Several commentators suggested that we expand on the list of prohibited personnel practices. However, Sec. 3(b)(1)(B) of the GAO Personnel Act of 1980 requires that our system prohibit those personnel practices which are prohibited in section 2302(b) of title 5, United States Code. Therefore we have not added any other prohibited personnel practices.

Performance Appraisal

One organization suggested changing "evaluation of job performance on the basis of job-related criteria" to "on the basis of objective job-related criteria." The GAO Personnel Act requires that the system for performance appraisals meet the requirements of section 4302 of title 5, U.S.C. which says "on the basis of objective criteria." GAO believes that some subjectivity is inherent in any appraisal system. It is important that job-related criteria, which is more relevant and realistic, be used to measure performance. Accordingly, no change was made.

An organization suggested that a requirement be added to require evaluation of employees' performance at least annually. GAO agrees that performance should be evaluated at least annually and has added this requirement.

Removal for Unacceptable Performance

One commentator suggested adding the term pay level to cover any possible changes GAO might make to its personnel system such as a rank-in-person system. The commentator also suggested that the requirement of a 30-day advance notice to a GAO employee whose reduction in grade or removal is proposed under this section be deleted and that no specific time be included. In this regard it was pointed out that GAO may want to provide for different advance warning periods depending on the grade level or types of positions.

The commentator also suggested clarifying language relating to the recordkeeping requirements for employees whose performance has improved during the notice period.

The above changes have been incorporated into the final regulations to provide greater flexibility for GAO's Personnel System.

Pay

Many respondents commented on the inconsistency between the phrase "equal pay for substantially equal work" in Sec. 5.1 and the phrase "equal pay for work of substantially equal value" in Sec. 2.4. Most suggested adopting the language "work of substantially equal value" for Sec. 5.1 pointing out that it constitutes a higher standard established by the Civil Service Reform Act of 1978. This inconsistency currently exists in title 5, United States Code

(Section 2301(b) and 5301(a)). The GAO Personnel Act of 1980 requires that we embody the principles in section 2301(b) and fix pay consistent with the principles of section 5301(a). Since the Civil Service Reform Act of 1978 language represents the most recent expression of congressional intent in personnel management, we believe the suggestions can be accommodated consistent with section 2301(b) of title 5, U.S.C. Accordingly, the phrase "equal pay for work of substantially equal value" has been adopted in Sec. 5.1.

An organization suggested that GAO include another "Part" covering a grading system or levels of work system to replace Chapter 51, title 5, U.S.C. The Congress specifically removed GAO from the provisions of Chapter 51, title 5, U.S.C. and provided GAO with the flexibility to adopt a system tailored to GAO's specific needs. GAO does not believe it should include provisions beyond the specific statutory requirement. GAO intends to issue further guidance and information through GAO Operations Manual System which will speak to this matter.

Political Activities

Several commentators raised questions concerning political contributions and whether GAO employees are prohibited from making any political contributions. In an attempt to clarify this matter, we have added a sentence pointing out that GAO employees are not precluded from making a financial contribution to a political party or organization.

Adverse Actions (Less Than 14 Days)

Several respondents expressed concern that Sec. 7.5 did not provide for a hearing or appeal to the GAO Personnel Appeals Board for suspensions of less than 14 days. At the same time, Sec. 7.5(c) requires Personnel to provide documentation to the Board upon its request. Sec. 3(f) of the GAO Personnel Act provides that the personnel system shall provide for the taking of other personnel actions consistent with Chapter 75 of title 5, United States Code. The expressed intent of Congress was to provide GAO employees rights and protections similar to those they enjoyed in the competitive service. The act did not grant additional appeal rights or protections. The procedures for suspensions of less than 14 days were adopted by Congress as part of the Civil Service Act of 1978 and incorporated in Chapter 75 of title 5. Those procedures do not provide for a hearing or appeal to the Merit Systems Protection Board. Accordingly, GAO has not provided for a hearing or appeal to the GAO Personnel Appeals Board. GAO believes the procedures established by Congress are adequate to protect individuals in these kinds of adverse actions. The requirement to furnish documentation to the Board for actions over which it has no authority is unnecessary and has been deleted.

Adverse Actions: Removals, Suspension for More Than 14 Days, Reduction in Grade or Pay, or Furlough for 30 Days or Less

Many responses raised questions about this section, suggesting that the regulations specify the reasons that would cause these actions to be taken and in general seeking further elaboration of the matters covered. The GAO Personnel Act of 1980 requires that the personnel system shall provide for the taking of personnel actions consistent with Chapter 75 of title 5, United States Code. Secs. 7.5 and 7.6 provide maximum consistency with subchapters I and II respectively, of Chapter 75 of title 5, U.S.C. supplemented by OPM final regulations (44 FR 47029). GAO does not believe it should regulate beyond the specific statutory requirement.

One commentator suggested that we omit section 7.6(c) which permits the Comptroller General to have a hearing in cases concerning adverse actions involving suspensions for more than 14 days, reduction in grade or pay, or furlough for 30 days or less. It was pointed out that our current procedures provide for a rapid disposition of such cases thereby insuring a final resolution in a more reasonable period than if a hearing was held. It was further pointed out that it would not deprive anyone of their "due process."

In view of the reasons stated above, we have adopted the suggestion and have deleted this provision from the final regulations.

Grievances

Two respondents suggested that employees should have the right to appeal the final decision of the grievance procedure to the GAO Personnel Appeals Board. The Congress recognized that an administrative grievance procedure was necessary for personnel actions not covered by discrimination appeals, adverse action appeals, and labor relations grievance procedures. Such actions are considered less severe than those specifically spelled out in the legislation and accordingly Congress has not required that they be appealable outside the employing organization. The GAO Personnel Act of 1980 did not give GAO employees superior rights over other Federal employees. Congress did not give employees a right to appeal adverse actions (suspensions of less than 14 days) which are typically more severe than matters handled under administrative grievance procedures. GAO does not believe it should regulate beyond the specific statutory requirement.

Services to Employees

This section is being added to the final regulations since GAO is still subject to the provisions of Chapter 79 of title 5, United States Code.

GAO Senior Executive Service

Several respondents raised a question concerning GAO's Senior Executive Service meeting the requirement that it be administered so as to "provide for program continuity and policy advocacy in the management of public programs." GAO agrees that its role is not as policy advocate in the management of public programs. GAO has revised this requirement and believes it is consistent with section 3131 of title 5, U.S.C.

The General Accounting Office has carefully examined and considered all comments made during the public comment period. It has attempted to address the major points individuals and organizations have made both in writing and orally. Certain comments and suggestions were made concerning matters more properly handled through the GAO Operations Manual System.

Accordingly, Subchapters A and B of Title 4 of the Code of Federal Regulations are amended to read as follow:

(1) SUBCHAPTER A, which shall include Parts 1–19, is redesignated Personnel System.

SUBCHAPTER A—PERSONNEL SYSTEM

(2) SUBCHAPTER B, which shall include Parts 20–29, is designated General Procedures.

SUBCHAPTER B—GENERAL PROCEDURES

PARTS 1 AND 6 [REDESIGNATED]

(3) Parts 1 and 6 of Subchapter A are redesignated parts 11 and 12, respectively.

PARTS 10, 20, AND 21 [REDESIGNATED]

(4) Parts 10, 20, and 21 of Subchapter A are redesignated Parts 20, 21, and 22 of Subchapter B.

(5) Subchapter A is amended as follows:

a. Part 2 is added to read as follows:

PART 2—PURPOSE AND GENERAL PROVISION

Sec.
2.1 Purpose, scope, and applicability.
2.2 References.
2.3 GAO Personnel Appeals Board.
2.4 Merit system principles.
2.5 Prohibited personnel practices.
2.6 Veterans' preference.

Authority: Sec. 3, Pub. L. 96–191, 94 Stat. 27 (31 U.S.C. 52–2).

§ 2.1 Purpose, scope, and applicability.

This regulation establishes and sets forth the basic policy for the General Accounting Office (GAO) personnel system. Personnel management is a primary responsibility of all who plan, direct, or supervise the work of employees. The objective of personnel management is to contribute to the effective accomplishment of GAO's mission through proper acquisition, development, fair treatment, motivation, compensation and productive utilization of employees.

Nothing in this regulation prohibits or restricts any lawful effort to achieve equal employment opportunity through affirmative action.

§ 2.2 References.

(a) Public Law 96–191, 94 Stat 27 "The General Accounting Office Personnel Act of 1980."

(b) Title 5, United States Code.

§ 2.3 GAO Personnel Appeals Board.

The General Accounting Office Personnel Act of 1980 established a board to be known as the General Accounting Office Personnel Appeals Board. This board will promulgate regulations providing for employee appeals and establishing its operating procedures.

§ 2.4 Merit system principles.

Merit personnel systems are based on the principle that an organization is best served by motivated, competent, honest and productive workers. In a merit system, employees are hired, promoted, rewarded, and retained on the basis of individual ability and fitness for employment without regard to race, color, sex, religion, age, or national origin. Central to this principle is the protection of employees from discrimination, improper political influence and personal favoritism.

Equal employment opportunity is an integral part of every merit system. Affirmative action plans, designed to provide a work force reflective of the Nation's diversity, must assure that both in operation and results the merit system reflects equal opportunity at every step of the personnel process.

GAO personnel systems shall embody the following merit system principles:

(a) Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition which assures that all receive equal opportunity.

(b) All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights.

(c) Equal pay should be provided for work of substantially equal value, with appropriate consideration of both national and local rates paid by employers in the private sector, and appropriate incentives and recognition should be provided for excellence in performance.

(d) All employees should maintain high standards of integrity, conduct, and concern for the public interest.

(e) The work force should be used efficiently and effectively.

(f) Employees should be retained on the basis of the adequacy of their performance, inadequate performance should be corrected, and employes should be separated who cannot or will not improve their performance to meet required standards.

(g) Employees should be provided effective education and training in cases in which such education and training would result in better organizational and individual performance.

(h) Employees should be protected against arbitrary action, personal favoritism, or coercion from partisan political purposes and prohibited from using their official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for election.

(i) Employees should be protected against reprisal for the lawful disclosure of information which the employee reasonably believes evidences: a violation of any law, rule or regulation; or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

§ 2.5 Prohibited personnel practices.

Any GAO employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority engage in the following prohibited personnel practices.

(a) Discrimination. GAO employees shall not discriminate for or against any employee or applicant for employment—

(1) On the basis of race, color, religion, sex, or national origin, as prohibited under section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000 e–16);

(2) On the basis of age, as prohibited under section 12 and 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 631, 633a);

(3) On the basis of sex, as prohibited under section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d));

(4) On the basis of handicapping condition, as prohibited under section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791); or

(5) On the basis of marital status or political affiliation, as prohibited under any law, rule, or regulation.

(b) Recommendations or statements. GAO employees shall not solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action unless such recommendation or statement is based on the personal knowledge or records of the person furnishing it and consists of—

(1) An evaluation of the work performance, ability, aptitude, or general qualifications of such individual, or

(2) An evaluation of the character, loyalty, or suitability of such individual.

(c) Political activity. GAO employees shall not coerce the political activity of any person (including the providing of any political contribution or service), or take any action against any employee or applicant for employment as a reprisal for the refusal of any person to engage in such political activity.

(d) Compete for employment. GAO employees shall not deceive or willfully obstruct any person with respect to such person's right to compete for employment.

(e) Influencing competition. GAO employees shall not influene any person to withdraw from competition for any position for the purpose of improving or injuring the prospects of any other person for employment.

(f) Preference or advantage. GAO employees shall not grant any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment (including defining the scope or manner of competition or the requirements for any position) for the purpose of improving or injuring the prospects of any particular person for employment.

(g) Relatives. GAO employees who are serving as public officials (as

defined in section 3110(a)(2) of title 5, United States Code) shall not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a GAO position any individual who is a relative (as defined in section 3110(a)(3) of title 5, United States Code) of such employee.

(h) Reprisals. GAO employees shall not take or fail to take a personnel action with respect to any employee or applicant for employment as a reprisal for—

(1) A disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences—

(i) A violation of any law, rule, or regulation, or

(ii) Mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs; or

(2) A disclosure to the General Counsel of the GAO Personnel Appeals Board of information which the employee or applicant reasonably believes evidences—

(i) A violation of any law, rule, or regulation, or

(ii) Mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

(i) Reprisals for appeals. GAO employees shall not take or fail to take any personnel action against any employee or applicant for employment as a reprisal for the exercise of any appeal right granted by any law, rule, or regulation.

(j) Discrimination for conduct. GAO employees shall not discriminate for or against any employee or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others; except that nothing in this paragraph shall prohibit an agency from taking into account in determining suitability or fitness any conviction of the employee or applicant for any crime under the laws of any State, or the District of Columbia, or of the United States.

(k) Other personnel actions. GAO employees shall not take or fail to take any other personnel action if the taking of or failure to take such action violates any law, rule or regulation implementing, or directly concerning, the merit system principles described in section 2.4.

(l) Information to the Congress. Nothing in this section shall be construed to authorize the withholding of information from the Congress or the taking of any personnel action against an employee who discloses information to the Congress.

§ 2.6 Veterans' preference.

GAO will provide preference, for any individual who would be a preference eligible in the executive branch, in a manner and to an extent consistent with preference eligibles in the executive branch.

Appeals from preference decisions will be heard by the GAO Personnel Appeals Board.

c. Part 3 is added to read as follows:

PART 3—EMPLOYMENT

Sec.
3.1 Appointment, promotion, and assignment.
3.2 Oath of office.
3.3 Assignments to and from States

Authority: Sec. 3, Pub. L. 96-191, 94 Stat. 27 (31 U.S.C. 52-2).

§ 3.1 Appointment, promotion, and assignment.

Employees of GAO shall be appointed, promoted and assigned solely on the basis of merit and fitness, but without regard to the provisions of title 5, United States Code, governing appointments and other personnel actions in the competitive service.

§ 3.2 Oath of office.

The provisions of Subchapter II of Chapter 33 of title 5, United States Code, and Office of Personnel Management implementing regulations apply to General Accounting Office employees.

§ 3.3 Assignments to and from States.

The provisions of Subchapter VI of Chapter 33 of title 5, United States Code, and Office of Personnel Management implementing regulations apply to General Accounting Office employees.

d. Part 4 is added to read as follows:

PART 4—EMPLOYEE PERFORMANCE AND UTILIZATION

Sec.
4.1 Training.
4.2 Performance appraisal.
4.3 Removal for unacceptable performance.
4.4 Incentive awards.

Authority: Sec. 3, Pub. L. 96-191, 94 Stat. 27 (31 U.S.C. 52-2).

§ 4.1 Training.

The provisions of Chapter 41, of title 5, United States Code, and Office of Personnel Management implementing regulations apply to General Accounting Office employees.

§ 4.2 Performance appraisal.

The GAO shall develop one or more performance appraisal systems which provide for periodic appraisals of job performance of employees; encourages employee participation in establishing performance standards; and uses the results of performance appraisal as a basis for training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees.

Each performance appraisal system shall provide for—

(a) establishing performance standards which will, to the maximum extent feasible, permit the accurate evaluation of job performance on the basis of job-related criteria (which may include the extent of courtesy demonstrated to the public) for each GAO employee.

(b) as soon as practicable, but not later than October 1, 1981, with respect to initial appraisal periods, and thereafter at the beginning of each following appraisal period, communicating to reach GAO employee the performance standards and the critical elements of the employee's position.

(c) annually evaluating each employee during the appraisal period on such standards.

(d) recognizing and rewarding employees whose performance so warrants.

(e) assisting employees in improving unacceptable performance.

(f) reassigning, reducing in grade, or removing employees who continue to have unacceptable performance but only after an opportunity to demonstrate acceptable performance.

§ 4.3 Removal for unacceptable performance.

GAO may reduce in grade/pay level or remove an employee for unacceptable performance in accordance with the provisions of this section.

(a) Employee entitlement. A GAO employee whose reduction in grade/pay level or removal is proposed under this section is entitled to—

(1) An advance written notice of the proposed action which identifies—

(i) Specifies instances of unacceptable performance by the employee on which the proposed action is based; and

(ii) The critical elements of the employee's position involved in each instance of unacceptable performance.

(2) Be represented by an attorney or other representative.

(3) A reasonable time to answer orally and in writing.

(4) A written decision which—

(i) Specific the instances of unacceptable performance by the employee on which the reduction in grade/pay level or removal is based.

(ii) Unless proposed by the Comptroller General or by a senior manager (e.g., the Deputy Comptroller General, an Assistant Comptroller General, or a Division or Office Director) has been concurred in by an employee who is in a higher position than the employee who proposed the action.

(b) Decisions to retain, reduce in grade/pay level or remove. The decision to retain, reduce in grade or remove a GAO employee—

(1) Shall be made within 30 days after the date of expiration of the notice period, and

(2) In the case of reduction in grade/pay level or removal, may be based only on those instances of unacceptable performance by the employee—

(i) Which occurred during the 1-year period ending on the date of the notice of the proposed action.

(ii) For which the notice and other requirements of this section are complied with.

(c) Performance improvement. If because of performance improvement by the employee during the notice period, the employee is not reduced in grade/pay level or removed, and the employee's performance continues to be acceptable for 1 year from the date of advance written notice, any records shall be retained only as prescribed by other recordkeeping requirements, such as grievances, adverse action appeals, or discrimination complaints. In these circumstances any entry or notation of unacceptable performance shall be removed from the employee's official personnel folder and maintained in separate files to be used only in connection with an employee initiated complaint.

(d) Appeals. A GAO employee who has been reduced in grade/pay level or removed under this section is entitled to appeal the action to the GAO Personnel Appeals Board.

(e) Nonapplicability. This section does not apply to—

(1) The reduction to the grade/pay level previously held of a supervisor or manager who has not completed the trail period

(2) The reduction in grade/pay level or removal of a GAO employee who is serving a trial period under an initial appointment or who has not completed 1 year of current continuous employment under other than a temporary appointment limited to 1 year or less

(3) Employees in the GAO Senior Executive Service.

§ 4.4 Incentive awards.

The provisions of Chapter 45 of title 5, United States Code and Office of Personnel Management implementing regulations apply to General Accounting Office employees.

e. Part 5 is added to read as follows:

PART 5—COMPENSATION

Sec.

5.1 Pay.
5.2 Grade and pay retention.
5.3 Merit pay.
5.4 Pay administration.
5.5 Travel, transportation, and subsistence.
5.6 Allowances.

Authority: Sec. 3, Pub. L. 96-191, 94 Stat. 27 (31 U.S.C. 52-2).

§ 5.1 Pay.

(a) Pay principles. Pay of the employees of GAO shall be fixed by the Comptroller General consistent with the principles that—

(1) There be equal pay for work of substantially equal value.

(2) Pay distinctions be maintained in keeping with work and performance distinctions.

(3) Pay rates be comparable with private enterprise pay rates for the same levels of work.

(4) Pay levels be interrelated to the General Schedule.

(b) Pay rates.

(1) The Comptroller General shall publish a schedule of pay rates which shall apply to GAO employees. Except as provided in (2) and regulations for the GAO Senior Executive Service, the highest rate under such schedule shall not exceed the highest rate of basic pay payable for grade GS-15 under the General Schedule.

(2) Such schedule may provide for rates which do not exceed the maximum rate payable for grade GS-18 of the General Schedule for up to one hundred employees, reduced by the number of employees who are in the GAO Senior Executive Service, other than those in such service pursuant to section 5(a)(4) of the GAO Personnel Act of 1980.

(c) Pay adjustments. Except as provided in regulations for the GAO Senior Executive Service and the Merit Pay System, the pay of GAO employees shall be adjusted at the same time and to the same extent as rates of basic pay are adjusted for the General Schedule.

§ 5.2 Grade and pay retention.

(a) Change of positions. Any GAO employee who is placed in a lower grade position as a result of a reduction-in-force may be entitled to the retained grade of the higher position he or she previously held. The employee receives this entitlement (which is for a period of 2 years) if he or she has served for at least 52 consecutive weeks in one or more positions at a grade or grades higher than the new position. The 2-year period begins on the date of placement to the lower grade position.

(b) Reclassification. Any GAO employee who is in a position which is reduced in grade is entitled to have the grade of such position before reduction be treated as the retained grade of such employee for the 2-year period beginning on the date of reduction in grade. However, this section shall not apply to any reduction in the grade of a position which had not been classified at the higher grade for a continuous period of at least 1 year immediately before such reduction.

(c) Retained grade. For the 2-year period referred to in paragraphs a and b of this section, the retained grade of GAO employees shall be treated as the grade of the employee's position for all purposes (including pay and pay administration, retirement, life insurance and eligibility for training and promotion) except—

(1) For purposes of section 5.2(a).

(2) For purposes of applying any reduction-in-force procedures.

(3) For purposes of determining whether the employee is covered by a merit pay system.

(4) For such other purposes as the Comptroller General may provide by regulation.

(d) Termination of retained grade. The foregoing provisions of this section shall cease to apply to any GAO employee who—

(1) Has a break in service of 1 workday or more;

(2) Is demoted for personal cause or at the employee's request;

(3) Is placed in, or declines, a reasonable offer of, a position the grade of which is equal or higher than the retained grade; or

(4) Elects in writing to have the benefits of this chapter terminate.

(e) Pay retention. Any GAO employee: who ceases to be entitled to a retained grade by reason of the expiration of the 2-year period; or who (but for this paragraph) would be subject to a reduction in pay under circumstances prescribed by the Comptroller General by regulation to warrant the application of this paragraph is entitled to—

Basic pay at a rate equal to the employee's allowable former rate of basic pay, plus 50 percent of the amount of each increase in the maximum rate of basic pay payable for the employee's position immediately after such reduction in pay if such allowable former rate exceeds such maximum rate for such grade.

(f) "Allowable former rate of basic pay." This means the lower of—

(1) The rate of basic pay payable to the employee immediately before the reduction in pay; or

(2) 150 percent of the maximum rate of basic pay payable for the grade of the employee's position immediately after such reduction in pay.

(g) Termination of retained pay. The pay retention provisions in section 5.2(e) shall cease to apply to a GAO employee who—

(1) Has a break in service of 1 workday or more.

(2) Is entitled by operation of sections 5.1, 5.2, and 5.3 to a rate of basic pay which is equal to or higher than, or declines a reasonable offer of a position the rate of basic pay for which is equal to or higher than, the rate to which the employee is entitled under section 5.2(e); or

(3) Is demoted for personal cause or at the employee's request.

(h) Remedial actions. Under regulations prescribed by the Comptroller General, Personnel shall—

(1) Obtain and make available to employees receiving benefits under this section, information on vacancies in other Federal agencies.

(2) Take such steps as may be appropriate to assure employees receiving benefits under this section have the opportunity to obtain necessary qualifications for the selection to positions which would minimize the need for the application of this section; and

(3) Establish a program under which employees receiving benefits under this section are given priority in the consideration for or placement in positions which are equal to their retained grade or pay.

(i) Appeals. In the case of the termination of any benefits to a GAO employee under this section on the grounds that such employee declined a reasonable offer of a position the grade or pay of which was equal to or greater than their retained grade or pay, after administrative remedies have been exhausted, such termination may be appealed to the GAO Personnel Appeals Board under procedures prescribed by the Board.

§ 5.3 Merit pay.

The Comptroller General may promulgate regulations establishing a merit pay system for such employees of the General Accounting Office as the Comptroller General considers appropriate. The merit pay system shall be designed to carry out purposes consistent with those set forth in section 5401(a) of title 5, United States Code, which provides—

§ 5401. Purpose

(a) It is the purpose of this chapter to provide for—

(1) a merit pay system which shall—

(A) within available funds, recognize and reward quality performance by varying merit pay adjustments;

(B) use performance appraisals as the basis for determining merit pay adjustments;

(C) within available funds, provide for training to improve objectivity and fairness in the evaluation of performance; and

(D) regulate the costs of merit pay by establishing appropriate control techniques; and

(2) a cash award program which shall provide cash awards for superior accomplishment and special service.

§ 5.4 Pay administration.

The provisions of Chapter 55 of title 5, United States Code and the Office of Personnel Management implementing regulations apply to General Accounting Office employees.

§ 5.5 Travel, transportation, and subsistence.

The provisions of Chapter 57 of title 5, United States Code and the implementing regulations for the Executive Branch apply to General Accounting Office employees.

§ 5.6 Allowances.

The provisions of Chapter 59 of title 5, United States Code and the implementing regulations for the Executive Branch apply to General Accounting Office employees.

f. A new Part 6 is added to read as follows:

PART 6—ATTENDANCE AND LEAVE

Sec.

6.1 Applicable law and regulations.

Authority: Sec. 3, Pub. L. 96-191, 94 Stat. 27 (31 U.S.C. 52-2).

§ 6.1 Applicable law and regulations.

The provision of Subpart E, Title 5, United States Code and the Office of Personnel Management implementing regulations regarding "Attendance and Leave" apply to General Accounting Office employees. This includes hours of work, annual leave, sick leave, and other paid leave.

g. Part 7 is added to read as follows:

PART 7—PERSONNEL RELATIONS AND SERVICES

Sec.

7.1 Labor management relations.

7.2 Equal employment opportunity.

7.3 Political activities.

7.4 Employment limitations, foreign gifts, and decorations and misconduct.

7.5 Adverse actions: Suspensions for 14 days or less.

7.6 Adverse actions: Removal, suspension for more than 14 days, reduction in grade or pay, or furlough for 30 days or less.

7.7 Other appeals and grievances.

7.8 Service to employees.

Authority: Sec. 3, Pub. L. 96-191; 94 Stat. 27 (31 U.S.C. 52-2).

§ 7.1 Labor management relations.

(a) Policy. Each employee of GAO has the right, freely and without fear of penalty or reprisal, to form, join, or assist an employee organization, or to refrain from such activity.

(b) Labor relations program. A labor relations program consistent with chapter 71 of title 5, United States Code will be developed for the General Accounting Office.

§ 7.2 Equal employment opportunity.

(a) Policy. All personnel actions affecting employees or applicants for employment in GAO shall be taken without regard to race, color, religion, age, sex, national origin, political affiliation, marital status or handicapping condition.

(b) Equal opportunity recruiting program. GAO shall conduct continuing programs for the recruitment of members of minorities and women for positions in GAO in a manner designed to eliminate underrepresentation of minorities and women in the various categories of employment in GAO. Special efforts will be directed at recruiting in minority communities, in educational institutions, and from other sources from which minorities can be recruited. GAO will conduct a continuing program of evaluation and oversight of such recruiting programs to determine their effectiveness in eliminating minority and women underrepresentation.

(c) Statutory rights and remedies. Nothing in this order shall be construed to abolish or diminish any right or remedy granted to employees of or applicants for employment in GAO—

(1) By section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16);

(2) By sections 12 and 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 631, 633a);

(3) By section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d));

(4) By sections 501 and 505 of the Rehabilitation Act of 1973 (29 U.S.C. 791, 794a); or

(5) By any other law prohibiting discrimination in Federal employment on the basis of race, color, religion, age,

sex, national origin, political affiliation, marital status or handicapping condition.

Authorities granted thereunder to the Equal Employment Opportunity Commission, Office of Personnel Management, the Merit Systems Protection Board, or any other agency in the executive branch concerning oversight and appeals shall be exercised by the GAO Personnel Appeals Board. Other responsibilities shall be exercised by the Comptroller General.

§ 7.3 Political activities.

(a) Political contributions and services. GAO employees are not obliged, by reason of employment, to contribute to a political fund or to render political service, and they may not be removed or otherwise prejudiced for refusal to do so.

(b) Use of authority or influence. GAO employees may not use their official authority or influence to coerce the political action of a person or body.

(c) Political contributions. GAO employees may not request or receive from, or give to, an employee, a Member of Congress, or an officer of the uniformed service a thing of value for political purposes. An employee who violates this section shall be removed from employment. It should be noted, however, that this does not preclude GAO employees from making a financial contribution to a political party or organization.

(d) Elections; political campaigns. GAO employees may not use their official authority or influence for the purpose of interfering with or affecting the results of an election; or take part in political management or in political campaigns.

Employees retain the right to vote as they choose and to express their opinions on political subjects and candidates.

An employee who violates this section shall be removed from employment. However, if the GAO Personnel Appeals Board, finds by unanimous vote that the violation does not warrant removal, a penalty of not less than 30-days suspension without pay shall be imposed by direction of the GAO Personnel Appeals Board.

(e) Nonpartisan political activity permitted. Section 7.3(d) does not prohibit political activity in connection with (1) a nonpartisan campaign and election (where none of the candidates represent a political party which had candidates for presidential elector in the last presidential election), or (2) a question which is not specifically identified with a National or State political party or political party of a territory or possession of the United States. (This includes questions relating to constitutional amendments, referendums, approval of municipal ordinances and others of a similar nature.)

(f) Political activity permitted in certain municipalities. The Comptroller General may permit GAO employees to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside, to the extent the Comptroller General considers it to be in their domestic interest, when—

(1) The municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of voters are employed by the United States Government; and

(2) The Comptroller General determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees to permit that political participation.

§ 7.4 Employment limitations, foreign gifts and decorations, and misconduct.

The provisions of Subchapters II, IV, and V of Chapter 73 of title 5, United States Code and implementing regulations thereunder continue to apply to this office.

§ 7.5 Adverse actions: Suspensions for 14 days or less.

(a) Policy. A GAO employee may be suspended for 14 days or less for such cause as will promote the efficiency of GAO (including discourteous conduct to the public confirmed by an immediate supervisor's report of four such instances within any 1-year period or any other pattern of discourteous conduct). Suspension means placing an employee, for disciplinary reasons, temporarily in a status without duties and pay.

(b) Employee entitlement. An employee against whom a suspension for 14 days or less is proposed is entitled to—

(1) An advance written notice stating the specific reasons for the proposed action;

(2) A reasonable time to answer orally and in writing and to furnish affidavits and other documentary evidence in support of the answer;

(3) Be represented by an attorney or other representative; and

(4) A written decision and the specific reasons therefore at the earliest practicable date.

(c) Documentation. Copies of the notice of proposed action, the answer of the employee if written, a summary thereof if made orally, the notice of decision and reasons therefor, and any order effecting the suspension, together with any supporting material, shall be maintained by Personnel and shall be furnished to the employee affected upon the employee's request.

(d) Nonapplicability. This section is not applicable to—(1) An employee who is serving a trial period under an initial appointment in GAO or who has not completed 1 year of current continuous employment in the same or similar positions in GAO under other than a temporary appointment limited to 1 year or less.

(2) A suspension in the interest of national security. § 7.6 Adverse actions: Removal, suspension for more than 14 days, reduction in grade or pay, or furlough for 30 days or less.

§ 7.6 Adverse actions: Removal, suspension for more than 14 days, reduced in grade, reduced in pay or furloughed for 30 days or less.

(a) Policy. A GAO employee may be removed, suspended for more than 14 days, reduction in grade or pay, or furlough for 30 days or less for such cause as will promote the efficiency of GAO. Furloughed means placing an employee in a temporary status without duties and pay because of lack of work or funds or other nondisciplinary reasons.

(b) Employee entitlement. An employee against whom an action is proposed under this section is entitled to—

(1) At least 30 days' advance written notice, unless there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed, stating the specific reasons for the proposed action,

(2) A reasonable time to answer orally and in writing and to furnish affidavits and other documents in support of the answer.

(3) Be represented by an attorney or other representative; and

(4) A written decision and the specific reasons therefor at the earliest practicable date.

(c) Appeals. After administrative remedies have been exhausted, an employee against whom an action is taken under this section is entitled to appeal to the GAO Personnel Appeals Board.

(d) Documentation. Copies of the notice of proposed action, the answer of the employee if written, a summary thereof when made orally, the notice of

decision and reasons therefor, and any order affecting an action covered by this section, together with any supporting material, shall be maintained by Personnel and shall be furnished to the GAO Personnel Appeals Board upon its request and to the employee affected upon the employee's request.

(e) Nonapplicability. This section does not apply to—

(1) Employees who are serving a trial period under an initial appointment or who has not completed 1 year of current continuous employment under other than a temporary appointment limited to 1 year or less.

(2) A suspension or removal of an employee in the interests of national security.

(3) A reduction in force.

(4) The reduction in grade of a supervisor or manager who has not completed the probationary period.

(5) A reduction in grade or removal for unacceptable performance under part 4.

(6) An action ordered by the GAO Personnel Appeals Board.

§ 7.7 Other appeals and grievances.

The personnel system shall provide procedures for the processing of complaints and grievances which are not otherwise provided for.

§ 7.8 Services to employees.

The provisions of Chapter 79 of title 5, United States Code, and the Office of Personnel Management implementing regulations apply to General Accounting Office employees.

h. Part 8 is added to read as follows:

PART 8—INSURANCE AND ANNUITIES

Sec.

8.1 Applicable law and regulations.

Authority: Sec. 3, Pub. L. 96–191; 94 Stat. 27 (31 U.S.C. 52–2).

§ 8.1 Applicable law and regulations.

The provisions of Subpart G, title 5, United States Code and implementing regulations for the Executive Branch covering compensation for work injuries, retirement, unemployment compensation, life insurance, and health insurance apply to General Accounting Office employees.

i. Part 9 is added to read as follows:

PART 9—SENIOR EXECUTIVE SERVICE

Sec.

9.1 GAO Senior Executive Service.

Authority: Sec. 5, Pub. L. 96–191; 94 Stat. 31 (31 U.S.C. 52–4).

§ 9.1 GAO Senior Executive Service.

(a) The Comptroller General may promulgate regulations establishing a General Accounting Office Senior Executive Service which meets the requirements set forth in section 3131 of title 5, United States Code, which provides—

§ 3131 The GAO Senior Executive Service

The Senior Executive Service shall be administered so as to—

(1) provide for a compensation system, including salaries, benefits, and incentives, and for other conditions of employment, designed to attract and retain highly competent senior executives;

(2) ensure that compensation, retention, and tenure are contingent on executive success which is measured on the basis of individual and organizational performance (including such factors as improvements in efficiency, productivity, quality of work or service, cost efficiency, and timeliness of performance and success in meeting equal employment opportunity goals);

(3) assure that senior executives are accountable and responsible for the effectiveness and productivity of employees under them;

(4) recognize exceptional accomplishment;

(5) enable the head of an agency to reassign senior executives to best accomplish the agency's mission;

(6) provide for severance pay, early retirement, and placement assistance for senior executives who are removed from the Senior Executive Service for nondisciplinary reasons;

(7) protect senior executives from arbitrary or capricious actions;

(8) provide for program continuity in the management of GAO programs;

(9) maintain a merit personnel system free of prohibited personnel practices;

(10) ensure accountability for honest, economical, and efficient Government;

(11) ensure compliance with all applicable personnel laws, rules, and regulations, including those related to equal employment opportunity, political activity, and conflicts of interest;

(12) provide for the initial and continuing systematic development of highly competent senior executives;

(13) provide for an executive system which is guided by the public interest and free from improper political interference; and

(14) appoint career executives to fill Senior Executive Service positions to the extent practicable, consistent with the effective and efficient implementation of agency policies and responsibilities.

(b) Requirements for positions included in the GAO Senior Executive System. The GAO Senior Executive Service may include—

a. The 100 positions authorized by section 3(c)(3) of the GAO Personnel Act of 1980;

b. The position of the General Counsel authorized by section 203(c) of the Federal Legislative Salary Act of 1964 (31 U.S.C. 51a); and

c. The 5 positions authorized by section 203(i) of the Federal Legislative Salary Act of 1964 (31 U.S.C. 51b); and

d. The 10 positions authorized by section 204(d) of the Legislative Reorganization Act of 1970.

(31 U.S.C. 1154(d))

Elmer B. Staats,

Comptroller General of the United States.

[FR Doc. 80–31931 Filed 10–14–80; 8:45 am]

BILLING CODE 1610–01–M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 1

Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This amendment will expand the scope and applicability of the Department's uniform rules of practice governing adjudicatory proceedings to include actions initiated under the Egg Research and Consumer Information Act, as amended (7 U.S.C. 2701, amended Pub. L. 96–276, 94 Stat. 541, effective June 17, 1980). The Egg Research and Consumer Information Act was amended on June 17, 1980, to authorize assessment of civil penalties and issuance of cease and desist orders by the Secretary of Agriculture against any person found to be in violation of the Act, the Egg Research and Promotion Order (7 CFR 1250.301 *et. seq.*) or the Regulations thereunder (7 CFR 1250.500 *et. seq.*). Accordingly, this action will make the Department's uniform rules applicable to the administrative adjudications now authorized under the Act, and will thus permit the orderly conduct of any such adjudications as may be initiated by the Secretary.

EFFECTIVE DATE: October 15, 1980.

FOR FURTHER INFORMATION CONTACT: John C. Chernauska, Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. 20250; telephone (202) 447–5935.

SUPPLEMENTARY INFORMATION: This action has been determined to be exempt from the procedures under Executive Order 12044 because it is administrative in nature.

Effective June 17, 1980, the Egg Research and Consumer Information Act was amended to authorize administrative adjudications to enforce the provisions of the Act, the Order, and the regulations thereunder, against any

person found to be in violation thereof, through the imposition of civil penalties and the issuance of cease and desist orders by the Secretary. The amendments to the Act provide that before any penalty or cease and desist order can be issued the affected person shall be provided with an opportunity for a hearing. Prior to June 17, 1980, the enforcment of violations of the Act and Order was limited to actions prosecuted in the Federal District Courts, thus, there was no need for administrative rules of practice before that date.

The Department's uniform rules of practice (7 CFR Part 1, subpart H), which govern the conduct of adjudicatory proceedings under numerous statutes, have been in effect since February 1, 1977. Accordingly, to insure consistency and uniformity in the conduct of the Department's administrative proceedings, it has been determined that proceedings initiated under the amended Egg Research and Consumer Information Act should also be governed by these uniform procedures.

Since 5 U.S.C. 553 does not apply to the promulgation of agency rules of procedure and since existing rules of practice are simply being adopted for this new statutory program, it has been determined that it is unnecessary to provide an opportunity for the submission of comments on this action. For these same reasons it has been determined that good cause exists to make this action effective upon publication in the Federal Register.

In consideration of the foregoing, 7 CFR Part 1, subpart H, is amended as follows:

Dated: October 8, 1980.

Bob Bergland,

Secretary.

PART 1—ADMINISTRATIVE REGULATIONS SUBPART H—RULES OF PRACTICE GOVERNING FORMAL ADJUDICATORY PROCEEDINGS INSTITUTED BY THE SECRETARY UNDER VARIOUS STATUTES

§ 1.131 [Amended]

§ 1.131(a) should be amended by inserting the following statutory reference in the list of statutes in alphabetical order:

Egg Research and Consumer Information Act, as amended, 7 U.S.C. 2714, Pub. L. 96–276, 94 Stat. 541.

(7 U.S.C. 2701 *et. seq.*, as amended, Pub. L. 96–276, 94 Stat. 541, effective June 17, 1980)

[FR Doc. 80-32039 Filed 10-14-80; 8:45 am]

BILING CODE 3410-01-M

Agricultural Marketing Service

7 CFR Part 906

Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action authorizes expenses and rate of assessment for the 1980–81 fiscal period, to be collected from handlers to support activities of the Texas Valley Citrus Committee which locally administers the Federal marketing order covering oranges and grapefruit grown in Texas.

DATES: Effective August 1, 1980, through July 31, 1981.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975. The Final Impact Statement relative to this final rule is available upon request from the above named individual.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "not significant." This final rule is issued under Marketing Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This marketing order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon recommendations and information submitted by the Texas Valley Citrus Committee, and other available information. It is found that the expenses and rate of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

This action was recommended at a public meeting at which all present could state their views. There is insufficient time between the date when information became available upon which this final rule is based and when the action must be taken to warrant a 60-day comment period as recommended in E.O. 12044, and it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553). The order requires that the rate of assessment for a particular fiscal period shall apply to all assessable fruit handled from the beginning of such period, which began August 1, 1980. To enable the committee to meet fiscal obligations which are now accruing, approval of the expenses and assessment rate is necessary without delay. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Therefore, a new § 906.220 is added to read as follows (this section is effective through July 31, 1981, and will not be published in the annual Code of Federal Regulations):

§ 906.220 Expenses, rate of assessment, and carryover of unexpended funds.

(a) Expenses that are reasonable and likely to be incurred by the Texas Valley Citrus Committee during the period August 1, 1980, through July 31, 1981, will amount to $830,000.

(b) The rate of assessment for said period payable by each handler in accordance with § 906.34 is fixed at $0.045 per 7/10 bushel carton of oranges or grapefruit.

(c) Unexpended funds in excess of expenses incurred during fiscal period ended July 31, 1980, shall be carried over as a reserve in accordance with § 906.35.

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

Dated: October 8, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-32037 Filed 10-14-80; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 908

[Valencia Orange Regulation 666, Amdt. 1]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This action increases the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period October 3–October 9, 1980. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the period specified due to the marketing situation confronting the orange industry.

DATES: The amendment is effective for the period October 3–October 9, 1980.

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

SUPPLEMENTARY INFORMATION: *Findings.* This amendment is issued under the

marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1979–80 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on January 22, 1980. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again on October 7, 1980, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended the quantity of Valencia oranges deemed advisable to be handled during the specified week be increased to the quantities hereinafter specified.

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

Paragraph (a) of § 908.966 Valencia Orange Regulation 666 (45 FR 65181) is amended to read as follows:

§ 908.966 Valencia orange regulation.

(a) * * *

(1) District 1: 308,000 cartons;

(2) District 2: 392,000 cartons;

(3) District 3: Open movement.

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

Dated: October 9, 1980.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-32027 Filed 10-14-80; 8:45 am]

BILLING CODE 3410-02-M

Office of Inspector General

7 CFR Parts 2610 and 2710

Organization, Functions, and Delegations of Authority; Availability of Information to the Public; Establishment of Office of Inspector General

AGENCY: Office of Inspector General, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture amends its regulations relating to the organization, functions, and delegations of authority and the availability of information to the public. The amendments are necessary to reflect the establishment of the Office of Inspector General pursuant to the Inspector General Act of 1978 (Public Law 95–452, 5 U.S.C. app.).

EFFECTIVE DATE: October 15, 1980.

FOR FURTHER INFORMATION CONTACT: L. L. Free, Assistant Inspector General, Administration, Office of Inspector General, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–6915).

SUPPLEMENTARY INFORMATION: This rule relates to internal agency management and, therefore, pursuant to 5 U.S.C. 553 it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12044.

Accordingly, the heading for Chapter XXVI, Title 7, CFR, is revised to read as follows:

CHAPTER XXVI—OFFICE OF INSPECTOR GENERAL, DEPARTMENT OF AGRICULTURE

Part 2610 is revised as shown below. Chapter XXVII, Title 7, CFR, and Part 2710 are deleted to reflect the termination of the Office of Audit.

PART 2610—ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Sec.

2610.1 General statement.
2610.2 Headquarters organization.
2610.3 Regional organization.
2610.4 Agency requests for service.
2610.5 Other requests for service.
2610.6 Delegations of authority.

Authority: 5 U.S.C. 301, 552, and 559 and Public Law 95–452, approved October 12, 1978, 5 U.S.C. app.

§ 2610.1 General statement.

(a) The Inspector General Act of 1978, Public Law 95–452, 5 U.S.C. app. established an Office of Inspector General (OIG) in the U.S. Department of Agriculture (USDA) and transferred to it the functions, powers, and duties of offices referred to in the Department as the "Office of Investigation" and the "Office of Audit;" units already assigned to an OIG created by Secretary's Memorandums 1915 and 1927, dated March 23, 1977 and October 5, 1977 respectively.

(b) Under the Act, OIG is established as an independent unit under the general supervision of the Secretary. The mission of OIG is to conduct audits and investigations of USDA programs and operations to determine efficiency and effectiveness and to detect fraud and abuse in the administration of the programs and operations. Other functions include protection of the Secretary, and programs related to employee and facilities security.

(c) The Secretary has made the following delegations of authority to the Inspector General (IG) (7 CFR 2.33):

(1) Advise the Secretary and General Officers in the planning, development, and execution of Department policies and programs.

(2) Provide for physical protection of the Secretary.

(3) Promulgate departmental policies, standards, techniques, and procedures, and represent the Department in maintaining the security of physical facilities, self-protection, and warden systems.

(4) In addition to the above delegations of authority, the IG, under the general supervision of the Secretary, has specific duties, responsibilities, and authorities pursuant to the Act, including:

(i) Conduct and supervise audits and investigations relating to programs and operations of the Department.

(ii) Provide leadership, coordination and policy recommendations to promote economy, efficiency and effectiveness and to prevent and detect fraud and abuse in the administration of the Department's programs and operations.

(iii) Keep the Secretary and the Congress fully and currently informed about problems and deficiencies and the necessity for and progress of corrective actions in the administration of the Department's programs and operations.

(iv) Make such investigations and reports relating to the administration of

programs and operations of the Department as are in the judgment of the IG, necessary or desirable.

(v) Review existing and proposed legislation and regulations and make recommendations to the Secretary and the Congress on the impact such laws or regulations will have on the economy and efficiency of program administration or in the prevention and detection of fraud and abuse in the programs and operations of the Department.

(vi) Have access to all records, reports, audits, reviews documents, papers, recommendations or other material available to the Department which relate to programs and operations for which the IG has responsibility.

(vii) Report expeditiously to the Attorney General any matter where there are reasonable grounds to believe there has been a violation of Federal criminal law.

(viii) Issue subpoenas to other than Federal agencies for the production of information, documents, reports, answers, records, accounts, papers and other data and documentary evidence necessary in the performance of functions assigned by the Act.

(ix) Receive and investigate complaints or information from any department employees concerning possible violations of law, rules or regulations, or mismanagement, gross waste of funds, abuse of authority, or substantial and specific dangers to the public health and safety.

(x) Select, appoint, and employ necessary officers and employees in OIG in accordance with laws and regulations governing the civil service including an Assistant Inspector General for Auditing (AIG/A) and an Assistant Inspector General for Investigations (AIG/I)

(xi) Obtain services as authorized by Section 3109 of Title 5, United States Code.

(xii) Enter into contracts and other arrangements for audits, studies, analyses and other services with public agencies and private persons and make such payments as may be necessary to carry out the provisions of the Act to the extent and in such amounts as may be provided in an appropriation act.

§ 2610.2 Headquarters organization.

(a) The IG has a Headquarters Office in Washington, D.C. and Regional Offices throughout the nation. The Headquarters Office consists of the immediate office of the IG, two staff units and three operational units. The immediate office of the IG includes (1) The Deputy Inspector General, whose assigned functions are to assist the IG in directing and coordinating operational and staff functions of OIG and to assume the responsibilities and functions of the IG when he is absent; (2) a Special Assistant and (3) an Equal Employment Opportunity Coordinator.

(b) *Staff units.* (1) The Assistant Inspector General for Administration (AIG/AD) is responsible to the IG for formulating, coordinating and administering comprehensive programs for the administrative, budget, financial, personnel, systems improvement, and information activities of OIG; for maintaining the directives system, Title 8, Administrative Regulations, and Federal Register issuances, and for administering the Freedom of Information and Privacy Acts. Three staff elements assist in carrying out these functions: (i) Personnel Management Staff, (ii) Management and Budget Staff and (iii) Systems Improvement and Information Staff.

(2) The Assistant Inspector General for Planning, Research and Evaluation (AIG/PRE) is responsible to the IG for formulating, coordinating and administering comprehensive and integrated planning, analysis, evaluation and research systems that prepare the organization and its people for a changing future. The unit monitors and comments on proposed legislation and regulations affecting OIG operations; coordinates the development of OIG's semiannual and other reports, and performs the IG's function as Departmental liaison with the General Accounting Office.

(c) *Operational units.* (1) The Director of the Foreign Operations Staff (FOS) is responsible to the IG for supervising the performance of OIG's audit and investigative activities relating to the Department's foreign programs and operations. Included are programs and activities of the Foreign Agricultural Service (FAS). Domestic personnel cases for FAS are however, conducted by the AIG/I.

(2) The Assistant Inspector General for Investigations (AIG/I) is responsible to the IG for supervising the performance of all OIG investigations and investigative activities relating to the Department's domestic programs and operations. Three staff divisions assist in carrying out these functions: (i) Marketing and Consumer Programs Division; (ii) Rural Development and Farm Programs Division, and (iii) Security and Special Investigations Division (SSI). SSI conducts special major program investigations and performs staff functions. The other two divisions perform staff oriented functions.

(3) The Assistant Inspector General for Auditing (AIG/A) is responsible to the IG for supervising the performance of all OIG auditing activities relating to the Department's domestic programs and operations. Four divisions assist in carrying out these functions: (i) Marketing and Consumer Programs Division; (ii) Rural Development and Farm Programs Division; (iii) Technical Services Division, and (iv) Headquarters Audit Division.

§ 2610.3 Regional organization.

(a) Each Regional Inspector General for Auditing (RIG/A) is responsible to the IG and to the AIG/A, for supervising the performance of all OIG auditing activities relating to the Department's domestic programs and operations within an assigned geographic area, and to the IG for coordinating with the Regional Inspectors General for Investigations to assure that the audit and investigative capacity is used as one resource in accomplishing OIG goals and objectives. The addresses, phone numbers and territories served by the seven Audit Regional Offices are as follows:

Audit region, address, and phone number	Territory
North Atlantic Region, 26 Federal Plaza, Room 1811, New York, New York 10278; (212) 264-7510.	Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Puerto Rico, Rhode Island, Vermont, and Virgin Island.
Northeast Region, Room 422, Federal Bldg., 6505 Belcrest Road, Hyattsville, Maryland 20782, (301) 436-8763.	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.
Southeast Region, Room 900, 1447 Peachtree St., N.E., Atlanta, Georgia 30309, (404) 881-3675.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.
Midwest Region, Room 800, 1 North Wacker Drive, Chicago, Illinois 60606, (312) 353-1352.	Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.
Southwest Region, Room 324, Federal Office Building, 101 South Main Street, Temple, Texas 76501, (817) 774-1711.	Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.
Great Plains Region, 8930 Ward Parkway, Post Office Box 205, Kansas City, Missouri 64141, (816) 926-6817.	Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.
Western Region, Room 522, Customs House, 555 Battery Street, San Francisco, California 94111, (415) 556-4244.	Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territories of the Pacific, Washington, and all Forest Service audits, nationwide.

(b) Each Regional Inspector General for Investigations (RIG/I) is responsible to the IG and to the AIG/I for supervising the performance of all OIG investigative activities relating to the Department's domestic programs and operations within an

assigned geographic area, and to the IG for coordinating with the RIG/A to assure that the audit and investigative capacity is used as one resource in accomplishing OIG goals and objectives. The addresses, phone numbers and the territories served by the seven Investigations Regional Offices are as follows:

Investigations region, address, and phone number	Territory
North Atlantic Region, Room 1707, 26 Federal Plaza, New York, New York 10007, (212) 264–8400.	Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.
Northeast Region, Room 432A, Federal Building, Hyattsville, Maryland 20782, (301) 436–8850.	Delaware, District of Columbia, Maryland, Pennsylvania, Puerto Rico, Virgin Islands, Virginia, and West Virginia.
Southeast Region, Room 901, 1447 Peachtree St., N.E., Atlanta, Georgia 30309, (404) 881–4377.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.
Midwest Region, Room 800, 1 North Wacker Drive, Chicago, Illinois 60606, (312) 353–1358.	Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.
Southwest Region, Room 311, Federal Office Building, 101 South Main Street, Temple, Texas 76501, (817) 774–1351.	Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.
Great Plains Region, 8930 Ward Parkway, P.O. Box 205, Kansas City, Missouri 64141, (816) 926–6627.	Iowa, Kansas, Missouri, Nebraska, Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.
Western Region, Room 526, 555 Battery Street, San Francisco, California 94111, (415) 556–4245.	Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Wake Island, Washington, and Trust Territories of the Pacific.

§ 2610.4 Agency requests for service.

Heads of USDA agencies and offices will direct requests for audit or investigative service as follows:

(a) To Director, Foreign Operations Staff; Regional Inspector General for Auditing or Investigations; or Director, Secruity and Special Investigations Division or Headquarters Audit Division. Direct requests to the OIG audit or investigation official responsible for providing service of the type desirec in the geographical area where service is desired.

(b) To Inspector General. Agency officials or other employees may, at any time, direct to the personal attention of the IG any audit or investigation matter that warrants such attention.

§ 2610.5 Other requests for service.

Other persons desiring to bring to the personal attention of the IG audit or investigation matters may address their communications to: The Inspector General, U.S. Department of Agriculture, Washington, D.C. 20250.

§ 2610.6 Delegations of authority.

(a) AIGs and Directors listed in § 2610.2; and RIGs, listed in § 2610.3, are authorized to take whatever actions are necessary to carry out their assigned functions. This authority may be redelegated.

(b) The IG reserves the right to establish audit and investigation policies, programs, procedures, and standards; to allocate appropriated funds; to determine audit and investigation jurisdiction, and to exercise any of the powers or functions or to perform any of the duties in the above delegation.

Part 2710 [Deleted]

Issued at Washington, D.C., this 1st day of October 1980.

Thomas F. McBride,

Inspector General.

[FR Doc. 80–32104 Filed 10–14–80; 8:45 am]

BILLING CODE 3410–01–M

7 CFR Part 2620

Availability of Information to the Public; Establishment of Office of Inspector General

AGENCY: Office of Inspector General, Department of Agriculture.

ACTION: Final rule.

SUMMARY: The Department of Agriculture amends its regulations relating to availability of information to the public to reflect the establishment of the Office of Inspector General pursuant to the Inspector General Act of 1978 (Public Law 95–452, 5 U.S.C. app.).

EFFECTIVE DATE: October 15, 1980.

FOR FURTHER INFORMATION CONTACT: L. L. Free, Assistant Inspector, General, Administration, Office of Inspector General, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–6915).

SUPPLEMENTARY INFORMATION: This rule relates to internal agency management and, therefore, pursuant to 5 U.S.C. 553 it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register.** Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12044.

Accordingly, Part 2620, Chapter XXVI, Title 7 CFR, is revised to read as follows:

PART 2620—AVAILABILITY OF INFORMATION TO THE PUBLIC

Sec.

2620.1 General statement.
2620.2 Public inspection and copying.
2620.3 Requests.
2620.4 Denials.
2620.5 Appeals.

Authority: 5 U.S.C. 301, 552, 559, 5 U.S.C. app.

§ 2620.1 General statement.

This part is issued in accordance with, and subject to, the regulations of the Secretary of Agriculture §§ 1.1 through 1.16 (and Appendix A thereto) of this title, implementing the Freedom of Information Act, 5 U.S.C. 552, and governs the availability of records of the Office of Inspector General (OIG) to the public upon request.

§ 2620.2 Public inspection and copying.

5 U.S.C. 552(a)(2) requires that certain materials be made available for public inspection and copying, and that a current index of these materials be published quarterly or otherwise made available. OIG does not maintain any materials within the scope of these requirements.

§ 2620.3 Requests.

(a) Requests for OIG records shall be made in writing in accordance with § 1.3(a) of this title and addressed to the Assistant Inspector General, Administration (AIG/AD), Office of Inspector General, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or to the Director, Systems Improvement and Information Staff, same address. The above officials are delegated authority to make determinations regarding such requests in accordance with § 1.4(c) of this title.

(b) Requests should be reasonably specific in identifying the record requested and should include the name, address, and telephone number of the requester.

(c) Available records may be inspected and copied in the office of the AIG/AD, from 8:30 a.m. to 5 p.m., local time on regular working days or may be obtained by mail. Copies will be provided upon payment of applicable fees, unless waived or reduced, in accordance with the Department of Agriculture fee schedule, set forth in Appendix A to Part 1, Subpart A, of Subtitle A of this title.

§ 2620.4 Denials.

If the AIG/AD, determines that a requested record is exempt from mandatory disclosure and that discretionary release would be improper, the AIG/AD shall give written notice of denial in accordance with § 1.5(a) of this title.

§ 2620.5 Appeals.

The denial of a requested record may be appealed in accordance with § 1.3(e) of this title. Appeals shall be addressed to the Inspector General, Administation Building, U.S. Department of Agriculture, Washington, D.C. 20250. The Inspector General will give prompt notice of his determination in accordance with § 1.5(d) of this title.

Issued at Washington, D.C., this 1st day of October 1980.

Thomas F. McBride,

Inspector General.

[FR Doc. 80-32105 Filed 10-14-80; 8:45 am]

BILLING CODE 3410-01-M

Animal and Plant Health Inspection Service

9 CFR Part 82

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry; Areas Quarantined and Released

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to quarantine a portion of Sedgewick County in Kansas and a portion of Pierce County in Washington because of the existence of exotic Newcastle disease and to release a portion of Los Angeles County in California from the areas quarantined because of exotic Newcastle disease. Exotic Newcastle disease was confirmed in such portion of Sedgewick County, Kansas, on September 18, 1980, and in Pierce County, Washington, on September 12, 1980. Therefore, in order to prevent the dissemination of exotic Newcastle disease it is necessary to quarantine the affected areas. Further surveillance activity indicates that exotic Newcastle disease no longer exists in a portion of Los Angeles County in California.

EFFECTIVE DATE: October 9, 1980.

FOR FURTHER INFORMATION CONTACT: C. G. Mason, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, 6505 Belcrest Road, Federal Building, Room 751, Hyattsville, MD 20782, 301-436-8073.

SUPPLEMENTARY INFORMATION: These amendments quarantine a portion of Sedgewick County in Kansas and a portion of Pierce County in Washington because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement and their carcasses, and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined area.

These amendments also release a portion of Los Angeles County in California from the areas quarantined because of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will no longer apply to the released area.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. In § 82.3(a)(2) relating to the State of California, paragraph (ii) relating to the premises of David Mohilef, 735 East Hyde Park Boulevard, Ingelwood, Los Angeles County is deleted.

2. In § 82.3 (a)(18)(i) and (a)(19)(i), are added to read:

§ 82.3 Areas quarantined.

(a) * * *

(2) * * *

* * * * *

(18) *Kansas.* (i) The premises of Gupton's Tropical Aquarium, 2815 George Washington Blvd., Wichita, Sedgewick County.

(19) *Washington.* (i) The premises of F. G. (Garry) Marr dba Brig-O-Dune Pet Center, 2319 Point Fosdick Drive, N.W., Gig Harbor, Pierce County.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

These amendments impose certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish their purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

The amendment releasing the quarantined area relieves certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease. It should be made effective immediately in order to permit affected persons to move poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles interstate from such area without unnecessary restrictions. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register.**

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by J. C. Jefferies, Acting Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without opportunity for prior public comment or preparation of an impact analysis statement at this time.

This final rule implements the regulations in Part 82. It will be scheduled for review in conjunction with the periodic review of the regulations in that Part required under the provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Done at Washington, D.C., this 9th day of October 1980.

Pierre A. Chaloux,

Deputy Administrator, Veterinary Services.

[FR Doc. 80-32038 Filed 10-14-80; 8:45 am]

BILLING CODE 3410-34-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 101

[Revision 2, Amdt. 17]

Delegations of Authority To Conduct Program Activities in Field Offices

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: SBA is delegating increased program authority to the Branch

Managers and Assistant Branch Managers for Finance and Investment in the El Paso and Corpus Christi Branch Offices commensurate with the authority of the Assistant District Director for Finance and Investment. This is intended to provide more effective and prompt program services.

EFFECTIVE DATE: October 15, 1980.

FOR FURTHER INFORMATION CONTACT: Ronald Allen, Paperwork Management Branch, Small Business Administration, 1441 "L" St., N.W., Washington, D.C. 20416, Telephone: (202) 653-6399.

SUPPLEMENTARY INFORMATION: Part 101 consists of rules relating to the Agency's organization and procedures; therefore, notice of proposed rulemaking and public participation thereon as prescribed in 5 U.S.C. 553 is not required and this amendment to Part 101 is adopted without resort to those procedures. For the reasons set out in the preamble and pursuant to authority in Section 5(b)(6) of the Small Business Act, 15 U.S.C. 634, Part 101, 13 CFR Part 101 is amended by revising Section 101.3-2 to increase the authority of the El Paso and Corpus Christi Branch Managers and Assistant Branch Managers to equal the Assistant District Director for Finance and Investment as set forth below:

§ 101.3-2 Delegations of authority to conduct program activities in field offices.

1. Part I, Section A, paragraph 1a, is amended by revising paragraphs (8) and (9) and adding a new paragraph (12) as follows:

Part I—Financing Program

Section A—Loan Approval Authority

1. *Business and Handicapped Assistance Loans* * * *

a. * * *

	Approve	Decline
(8) Branch Manager, Buffalo, Corpus Christi, Elmira, and El Paso	$350,000	$350,000
(9) Branch Manager, Except Fairbanks, Buffalo, Corpus Christi, Elmira, and El Paso	250,000	350,000
* * * * * * *		
(12) Assistant Branch Manager for F&I, Corpus Christi, and El Paso B/O's Only	350,000	350,000

2. Part I, Section A, paragraph 1b is amended by revising paragraphs (8) and (10) and adding paragraph (14) as follows:

b. * * *

	Approve	Decline
* * * * * * *		
(8) Branch Manager, Corpus Christi, El Paso, Milwaukee, and Springfield	$500,000	$500,000
(9) Branch Manager, Buffalo and Elmira	350,000	500,000
(10) Branch Manager, Except Fairbanks, Buffalo, Corpus Christi, El Paso, Elmira, Milwaukee, and Springfield.	250,000	500,000
(11) Branch Manager, Fairbanks B/O	150,000	150,000
(12) Assistant Branch Manager for F&I, Milwaukee and Springfield B/O	350,000	500,000
(13) Assistant Branch Manager for F&I, Biloxi B/O	250,000	500,000
(14) Assistant Branch Manager for F&I, Corpus Christi and El Paso B/O	500,000	500,000

3. Part I, Section A, paragraph 2 is amended by revising paragraph i as follows:

2. *Economic Opportunity Loans* * * *

* * * * *

i. Assistant Branch Manager for F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.

4. Part I, Section A, paragraph 3a is amended by revising paragraphs (8) thru (10) and adding (11) and (12).

3. *Product Disaster and Economic Injury Disaster Loans* * * *

a. *Direct and Immediate Participation Loans:*

* * * * * *

(8) Branch Manager, Corpus Christi and El Paso B/O's only—500,000

(9) Branch Manager, Except Corpus Christi, Fairbanks and El Paso—300,000

(10) Assistant Branch Manager for F&I, Corpus Christi and El Paso B/O's only—500,000

(11) Assistant Branch Manager for F&I, Biloxi, Milwaukee and Springfield B/O's only—$500,000

(12) Branch Manager, Fairbanks B/O only—150,000

5. Part I, Section A, paragraph 3b is amended by revising paragraphs (8) thru (10) and adding (11) and (12).

b. *Guaranty Loans:* * * *

* * * * * *

(8) Branch Manager, Corpus Christi and El Paso B/O's only—1,000,000

(9) Branch Manager, Except Fairbanks, Corpus Christi, and El Paso B/O's only—500,000

(10) Assistant Branch Manager for F&I, Corpus Christi and El Paso B/O's only—1,000,000

(11) Assistant Branch Manager for F&I, Biloxi, Milwaukee and Springfield B/O's only—$500,000

(12) Branch Manager, Fairbanks B/O only—150,000

6. Part I, Section A, paragraph 4a is amended by revising paragraphs (8) thru (10) and adding (11) and (12).

4. *Sections 7(b)(3), 7(b)(5), 7(b)(6), 7(b)(7), 7(b)(8), and 7(g) Loans* * * *

a. *Direct and Immediate Participation Loans:*

* * * * * *

(8) Branch Manager, Corpus Christi and El Paso B/O's only—500,000

(9) Branch Manager, Except Fairbanks, Corpus Christi, and El Paso B/O's—300,000

(10) Assistant Branch Manager for F&I, Corpus Christi and El Paso B/O only—500,000

(11) Assistant Branch Manager for F&I, Biloxi, Milwaukee and Springfield B/O's only—300,000

(12) Branch Manager, Fairbanks B/O only—150,000

7. Part I, Section A, paragraph 4b is amended by revising paragraphs (8) thru (10) and adding (11) and (12).

b. *Guaranty Loans* * * *

* * * * * *

(8) Branch Manager, Corpus Christi and El Paso B/O's only—1,000,000

(9) Branch Manager, Except Fairbanks, Corpus Christi, and El Paso B/O's—500,000

(10) Assistant Branch Manager for F&I, Corpus Christi and El Paso B/O's only—1,000,000

(11) Assistant Branch Manager for F&I, Biloxi, Milwaukee and Springfield B/O's only—500,000

(12) Branch Manager, Fairbanks B/O only—150,000

8. Part I, Section A, paragraph 5i is revised as follows:

5. *Economic Dislocation Loans* * * *

* * * * * *

(i) Assistant Branch Manager for F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only—100,000

9. Part I, Section B, paragraph 1h is revised as follows:

Section B—Other Financing Authority * * *

1. *Loan Participation Agreements* * * *

* * * * * *

h. Assistant Branch Manager for F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.

10. Part I, Section B, paragraphs 2a.(9) and 2b.(9) are revised as follows:

2. *Loan Authorizations*

a. * * *

* * * * * *

(9) Assistant Branch Manager for F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.

b. * * *

* * * * *

(9) Assistant Branch Manager for F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.

11. Part I, Section B, paragraph 3a.(8) is revised as follows:

3. *Disbursement Period Extension* * * *

a. * * *

* * * * *

(8) Assistant Branch Manager for F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.

* * * * *

12. Part I, Section B, paragraph 4(i) is revised as follows:

4. *Service Charges* * * *

* * * * *

(i) Assistant Branch Manager for F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.

13. Part II, Section A, paragraph 1a.(1)(i) and 1a.(2) (i) and (j) are revised as follows:

Part II—Disaster Program

* * * * *

Section A—Disaster Loan Authority

1. *Direct and Immediate Participation 7(b)(i) Physical Disaster Loans* * * *

a. * * *

(1) *Home Loans* * * *

* * * * *

(i) Assistant Branch Manager for F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.

(2) *Business Loans* * * *

* * * * *

(i) Assistant Branch Manager for F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only—$500,000

(j) * * *

14. Part II, Section A, paragraph 2 is amended by revising paragraphs (h) thru (j) and adding (k) and (l).

2. *Guaranteed Physical Disaster Loans*

* * *

* * * * *

	Approve	Decline
(h) Branch Manager, Corpus Christi, and El Paso B/O's	$200,000	$1,000,000
(i) Branch Manager, Except Fairbanks, Corpus Christi, and El Paso B/O's	100,000	500,000
(j) Assistant Branch Manager for F & I, Corpus Christi, and El Paso B/O's	200,000	1,000,000
(k) Assistant Branch Manager for F & I, Biloxi, Milwaukee, and Springfield B/O's Only	100,000	500,000
(l) Branch Manager, Fairbanks B/O Only	100,000	150,000

15. Part II, Section A, paragraph 3 is amended by revising paragraphs (h) thru (j) and adding (k) and (l).

3. *Direct and Immediate Participation Economic Injury Disaster Loans* * * *

* * * * *

(h) Branch Manager, Corpus Christi and El Paso B/O's Only—$500,000

(i) Branch Manager, Except Fairbanks, Corpus Christi and El Paso B/O's—300,000

(j) Assistant Branch Manager for F & I, Corpus Christi and El Paso B/O's Only—500,000

(k) Assistant Branch Manager for F & I, Biloxi, Milwaukee and Springfield B/O's Only—300,000

(l) Branch Manager, Fairbanks B/O Only—150,000

16. Part II, Section A, paragraph 4 is amended by revising paragraphs (h) thru (j) and adding (k) and (l).

4. *Guaranteed Economic Injury Disaster Loans* * * *

* * * * *

(h) Branch Manager, Corpus Christi and El Paso B/O's Only—1,000,000

(i) Branch Manager, Except Fairbanks, Corpus Christi and El Paso B/O's—500,000

(j) Assistant Branch Manager for F & I, Corpus Christi and El Paso B/O's Only—1,000,000

(k) Assistant Branch Manager for F & I, Biloxi, Milwaukee and Springfield Only—500,000

(l) Branch Manager, Fairbanks B/O Only—150,000

17. Part II, Section A, paragraph 5(f) is revised as follows:

5. *Processing Representative* * * *

* * * * *

(f) Assistant Branch Manager for F & I, Biloxi, Corpus Christi, El Paso, Milwaukee, and Springfield B/O's Only.

* * * * *

18. Part II, Section A, paragraph 7a. (8) is revised as follows:

7. Disaster Loan Authorizations

a. * * *

* * * * *

(8) Assistant Branch Manager for F & I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.

(9) * * *

19. Part II, Section A, paragraph 7 b(9) is revised as follows:

b. * * *

* * * * *

(9) Assistant Branch Manager for F & I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.

(10) * * *

(11) * * *

20. Part II, Section A, paragraph 5a. (9) is revised as follows:

8. *Disbursement Period Extension on Disaster Loans* * * *

a. * * *

* * * * *

(9) Assistant Branch Manager for F & I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.

* * * * *

21. Part II, Section B, paragraph 1b. is amended by adding paragraphs (16) and (17).

Section B—Administrative Authority

1. *Establishment of Disaster Field Offices*

a. * * *

* * * * *

b. * * *

* * * * *

(16) Branch Manager, Corpus Christi and El Paso B/O's only.

(17) Assistant Branch Manager for F & I, Corpus Christi and El Paso B/O's only.

22. Part II, Section B, paragraph 2a, 2b and 2c are amended by adding paragraphs (16) and (17).

2. *Purchase and Contract Authority*

a. * * *

* * * * *

(16) Branch Manager, Corpus Christi and El Paso B/O's only.

(17) Assistant Branch Manager for F & I, Corpus Christi and El Paso B/O's only.

b. * * *

* * * * *

(16) Branch Manager, Corpus Christi and El Paso B/O's only.

(17) Assistant Branch Manager for F & I, Corpus Chiristi and El Paso B/O's Only.

c. * * *

* * * * *

(16) Branch Manager, Corpus Christi and El Paso B/O's Only.

(17) Assistant Branch Manager for F & I, Corpus Christi and El Paso B/O's only.

23. Part III, Section A, paragraph 1. is amended by adding paragraphs h and i.

Part III—Other Financial and Guarantee Programs

Section A—Section 501 and 502 Loan Approval Authority * * *

1. *Section 501 State Development Company Loans* * * *

* * * * *

h. Branch Manager, Corpus Christi and El Paso B/O's only—750,000

i. Assistant Branch Manager for F & I, Corpus Christi and El Paso B/O's Only—750,000

24. Part III, Section A, paragraph 2b is amended by adding paragraphs (4) and (5).

2. *Section 502 Local Development Company Loans* * * *

* * * * *

b. * * *

* * * * *

(4) Branch Manager, Corpus Christi and El Paso B/O's Only—500,000
(5) Assistant Branch Manager for F & I, Corpus Christi and El Paso B/O's Only—500,000
* * * * *

25. Part III, Section B, paragraph 1 is amended by adding paragraphs h and i.

Section B—Other 501 and 502 Authority

1. *Participation Agreements* * * *
* * * * * *

h. Branch Manager, Corpus Christi and El Paso B/O's Only.
i. Assistant Branch Manager for F & I, Corpus Christi and El Paso B/O's Only.

26. Part III, Section B, paragraphs 2a and 2b are amended by adding (8) and (9).

2. *Loan Authorizations*
a. * * *
* * * * * *

(8) Branch Manager, Corpus Christi and El Paso B/O's Only.
(9) Assistant Branch Manager for F & I, Corpus Christi and El Paso B/O's Only.
b. * * *
* * * * * *

(8) Branch Manager, Corpus Christi and El Paso B/O's Only.
(9) Assistant Branch Manager for F & I, Corpus Christi and El Paso B/O's Only.

27. Part III, Section B, paragraph 3 is amended by adding paragraphs h and i.

3. *Disbursement Period Extension* * * *
* * * * * *

h. Branch Manager, Corpus Christi and El Paso B/O's Only.
i. Assistant Branch Manager for F & I, Corpus Christi and El Paso B/O's Only.

28. Part III, Section D, paragraph 1 is amended by adding paragraphs h, i, and j.

Section D—EDA Loan Authority

1. *EDA Loan Disbursement Authority* * * *
* * * * * *

h. Branch Manager, Corpus Christi and El Paso B/O's only.
i. Assistant Branch Manager for F & I, Corpus Christi and El Paso B/O's only.
j. Branch Counsel, Corpus Christi and El Paso B/O's only.

29. Part IV, Section A, paragraph 1d is amended by revising paragraph (10).

Part IV—Portfolio Management (PM) Program

Section A—Portfolio Management, Servicing, Collection, and Liquidation Authority

1. * * *
* * * * * *

a. * * *
b. * * *
c. * * *
d. * * *
* * * * * *

(10) Assistant Branch Manager for F & I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.
(11) * * *
* * * * * *

Dated: September 26, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-32042 Filed 10-14-80; 8:45 am]
BILLING CODE 8025-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 211

[Release No. SAB-39]

Staff Accounting Bulletin No. 39

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Staff Accounting Bulletin.

SUMMARY: This interpretation presents the staff's view that the general proscription against routine bookkeeping services and the preparation of financial statements by independent auditors, as expressed in Accounting Series Release Nos. 126 and 234, is applicable irrespective of whether a constituent entity is located within or outside of the United States and whether or not the involved entity is material to the total enterprise.

DATE: October 6, 1980.

FOR FURTHER INFORMATION CONTACT: Rita J. Gunter (202-272-2133), Office of the Chief Accountant, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The statements in Staff Accounting Bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval; they represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

George A. Fitzsimmons,

Secretary.

October 6, 1980.

Staff Accounting Bulletin No. 39

The staff hereby adds Section O to Topic 6 which sets forth the staff's view that the general proscription against routine bookkeeping services and the preparation of financial statements by independent auditors, as expressed in Accounting Series Release Nos. 126 and 234, is applicable irrespective of whether a constituent entity is located within or outside of the United States and whether or not the involved entity is material to the total enterprise.

Topic 6: Interpretations of Accounting Series Releases

* * * * * *

O. Accounting Series Release Nos. 126, "Independence of Accountants—Guidelines and Examples of Situations Involving the Independence of Accountants," and 234, "Interpretations and Guidelines—Independence of Accountants."

Facts

A registrant with international operations has a foreign subsidiary or other affiliate whose assets and operations are not material to the consolidated financial statements. The registrant proposes to engage its independent accountant to perform certain routine services for the foreign subsidiary or other affiliate because such subsidiary has no employees capable of performing the services, or for other reasons the registrant finds it desirable or expedient to engage the independent accountant in such capacity.

Question 1:

In these or similar circumstances, would the independence of the accountant be affected adversely if he were engaged to provide routine, on-going recordkeeping services or prepare the financial statements for this foreign subsidiary or other affiliate?

Interpretive Response:

Yes. In Accounting Series Release No. 126, the Commission stated:

The Commission is of the opinion that an accountant cannot objectively audit books and records which he has maintained for a client. The performance of these services, whether accomplished manually or by means of computers and other mechanized instruments, ultimately places the accountant in the position of evaluating and attesting to his own recordkeeping.

This notion was elaborated in Accounting Series Release No. 234 which states in pertinent part:

It is the Commission's position that an accounting firm cannot be deemed independent with regard to auditing financial statements of a client . . . if the firm performs other accounting services through which it participates with management in operational decisions.

A major value of an audit of financial statements by an independent accountant is derived from the fact that the accounting records and financial statements of management are reviewed

and examined from an independent or outside viewpoint by knowledgeable professional accountants who are not connected with management.

Rule 2-01(b) of Regulation S-X (17 CFR 210.2-01(b)) precludes an independent accountant, during the period of his professional engagement to examine the financial statements being reported on, at the date of his report or during the period covered by the financial statements from having *any* direct financial interest in his client or any of its parents, subsidiaries or other affiliates. For reasons of appearance and practicality, no standard of materiality is relevant for the purposes of this prohibition. Similarly, and for the same reasons, the staff believes materiality considerations to be irrelevant to independence determinations regarding routine bookkeeping services. Neither does the geographic location of the constituent entity nor the place the offending service is performed mitigate the independence problem. However, this interpretation is not intended to affect earlier guidance respecting emergency situations, temporary in nature, such as those described in Accounting Series Release No. 81, paragraphs 44 and 45.

Question 2:

In these or similar circumstances, is it acceptable to engage the registrant's independent accountant to act as the corporate secretary for the foreign subsidiary?

Interpretive Response:

No. Both the appearance and fact of independence are essential to the credibility that an independent audit adds to the financial reporting process. Rule 2-01(b) of Regulation S-X (17 CFR 210.2-01(b)) states that, ". . . an accountant will be considered not independent . . . [where] he or his firm or a member thereof was connected as a promoter, underwriter, voting trustee, director, officer, or employee . . ." An independent auditor who serves as a corporate secretary appears to be acting in a managerial or other capacity associated with the conduct of the business rather than an impartial outside party. Such a relationship has the potential to affect, in an adverse manner, the appearance of the accountant's independence.

[FR Doc. 80-32102 Filed 10-14-80; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 141

[Docket No. RM80-61]

Statements and Reports (Schedules), Order Discontinuing Reporting Requirements: FPC Form Nos. 12B, 12C, 12E-2, and 12F; Correction

October 9, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Correction.

SUMMARY: This notice corrects Order No. 87 to discontinue FPC Form Nos. 12B, 12C, 12E-2 and 12F by adding to the Commission's amended regulations references to section 141.57, and the October 1, 1980, effective date for deletion of section 141.56.

FOR FURTHER INFORMATION CONTACT: Cathy Ciaglo, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 3329, Washington, D.C. 20426, (202) 357-8318.

SUPPLEMENTARY INFORMATION: In the Federal Energy Regulatory Commission's Order No. 87, Order Discontinuing Reporting Requirements: FPC Form Nos. 12B, 12C, 12E-2 and 12F, issued May 21, 1980 (45 FR 37420, June 3, 1980), references to section 141.57 and the effective date for deletion of section 141.56 were inadvertently omitted from the Commission's regulations. On page 5 of the Order, the regulations should read as follows:

§§ 141.53, 141.54, 141.56, 141.57 [Deleted]

1. Sections 141.53, 141.54 and 141.57 are deleted in their entirety.

2. Effective October 1, 1980, § 141.56 is deleted in its entirety.

Kenneth F. Plumb,

Secretary

[FR Doc. 80-32040 Filed 10-14-80; 8:45 am]
BILLING CODE 6450-85-M

18 CFR Part 282

[Docket No. RM81-1]

Incremental Pricing; Interim Rule Adopting Revised Alternative Fuel Price Ceilings for the State of Rhode Island

Issued October 3, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Interim rule.

SUMMARY: The Federal Energy Regulatory Commission hereby adopts an interim rule amending § 282.404 of its regulations. This amendment corrects a reporting error in the incremental pricing program by revising the alternative fuel price ceilings applicable to incrementally priced natural gas users in the State of Rhode Island for the months of May through September, 1980.

DATES: Interim rule effective October 3, 1980. Comments due: November 10, 1980. Public Hearing: October 28, 1980. Requests to participate by: October 21, 1980.

ADDRESSES: All comments and requests to participate should be mailed to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The public hearing will be held at the above address.

FOR FURTHER INFORMATION CONTACT:
Sandra Delude, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-9095,
or
Carol M. Lane, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8114.

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission (Commission) hereby revises the alternative fuel price ceilings applicable to incrementally priced natural gas users in the State of Rhode Island for the months of May through September, 1980.

I. Background

Title II of the Natural Gas Policy Act of 1978 (NGPA)[1] requires this Commission to prescribe and make effective a program of incremental pricing of natural gas used as industrial boiler fuel. Section 204(e) of the NGPA directs the Commission to establish ceilings on prices charged to incrementally priced users such that the price paid for natural gas by the industrial user does not exceed the alternative fuel cost in the user's region.

Under the Commission's regulations implementing section 204(e), alternative fuel price ceilings for each month are published in the **Federal Register** on or before the 20th day of the preceding month. These prices are calculated by means of a formula which utilizes the prices of high sulfur No. 6 fuel oil in each of the 48 contiguous states observed during a previous period. The task of collecting the necessary data, applying the formula, and publishing the calculated alternative fuel price ceilings

[1] 15 U.S.C. §§ 3301 *et seq.*

each month is carried out by the Energy Information Administration (EIA) of the Department of Energy.

II. Discussion

Section 204(e)(1) of the NGPA stipulates that the appropriate alternative fuel cost for each region shall be the price paid for the alternative fuel by industrial users in that region. The alternative fuel cost for the State of Rhode Island should therefore have been calculated upon the basis of prices paid to oil suppliers by industrial consumers in that State.[2] The Commission has learned, however, that the data reported to the EIA for Rhode Island erroneously reflected prices for No. 6 fuel oil sales that were made for storage, rather than for sales to industrial ultimate consumers.

The Commission asked the EIA to recalculate the alternative fuel price ceilings, using the correct data, for those months during which such recalculation would have an impact upon the prices charged non-exempt users in the State of Rhode Island.[3] The recalculated figures indicate that the correct ceilings for Rhode Island during those months are significantly lower than the published ceilings. For example, the correct ceiling for August is 58 cents lower than the published ceiling.

On the basis of this information, the Commission finds good cause to amend its regulations. Specifically, § 282.404(a) is amended by providing that the alternative fuel price ceilings for May through September for the State of Rhode Island shall be those set forth in that section rather than those previously published in the **Federal Register** by the EIA for those months.

With respect to the other 47 contiguous States, the EIA's recalculated figures for May through September indicate that the effect of the revised reporting from Rhode Island is either non-existent or causes a small increase in the price ceilings. The Commission has determined not to revise the alternative fuel price ceilings for States other than Rhode Island, because it finds that any benefit to the incremental pricing program which might be gained by such a revision would be outweighed by the adminstrative expense that would be placed upon pipelines, distribution companies, and end-users.

[2] Oil suppliers report their sales each month to the EIA on Form EIA–194.

[3] The recalculation was made for the months of May through September, 1980. Since non-exempt users in Rhode Island experienced no surcharges prior that period, a downward adjustment of the alternative fuel price ceilings prior to May would have no effect. For October and succeeding months, the EIA has ascertained that correct data is being reported.

III. Refund of Overcharges

The Commission has determined that all surcharges billed to end-users in the State of Rhode Island to date have emanated from the supply system of the Providence Gas Company. This company has informed the Commission that, while it has notified its non-exempt customers that they have incurred incremental pricing surcharges, no collections of such surcharges have actually been made.[4] Accordingly, it will not be necessary to provide a mechanism for refund to those customers. The supplier may simply recalculate the surcharges and submit a revised bill.[5]

IV. Effective Date

The Commission believes that failure to grant relief as quickly as possible to incrementally-priced end-users in the State of Rhode Island would be contrary to the public interest. Accordingly, the Commission finds that good cause exists under 5 U.S.C. §§ 553 (b) and (d) to make this rule effective October 3, 1980, as an interim rule applicable to all incremental pricing surcharges in the State of Rhode Island for sales occurring in May–September, 1980. The Commission will, however, afford an opportunity for interested persons to present views and comments, as set forth below, before the rule is adopted in final form.

V. Comment Procedures

A. Written Comments

Interested persons are invited to submit written comments, data, views, or arguments with respect to this interim rule. Comments should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 and should reference Docket No. RM81–1. An original and 14 copies should be filed. All comments received prior to 4:30 p.m. EST, November 10, 1980, will be considered by the Commission prior to promulgation of final regulations. All written submissions will be placed in the public file which has been established in this docket and which is available for public inspection through the Commission's Division of Public Information, Room 100, 825 North Capitol Street, N.E., Washington, D.C., during regular business hours.

[4] *See,* Application for Adjustment filed by Providence Gas Company on September 22, 1980, Docket No. SA80–150.

[5] Providence has indicated to the Commission Staff that it has has already paid the surcharge amounts to its own supplier. The Staff has contacted this supplier and been informed that it and its suppliers will be able to effect any refunds by crediting their respective customers' surcharge accounts prospectively.

B. Public Hearing

Interested persons may request the opportunity for an oral presentation of their views at a public hearing. Requests for an oral hearing should be submitted no later than October 21, 1980, to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 and should reference Docket No. RM81–1. If a public hearing is held in this docket, it will be held at the above address on October 28, 1980, and will be announced by October 24, 1980.

(Natural Gas Policy Act of 1978, 15 U.S.C. §§ 3301, *et seq.;* Department of Energy Organization Act, 42 U.S.C. §§ 7101, *et seq.;* E.O. 12009, 3 CFR 142 (1978))

In consideration of the foregoing, the Commission amends Subpart D, Part 282, Subchapter I, of Chapter I, Title 18 of the Code of Federal Regulations, on an interim basis, as provided below, effective October 3, 1980.

By the Commission. Chairman Curtis voted present.

Lois D. Cashell,

Acting Secretary.

Section 282.404 is amended in paragraph (a) to read as follows:

§ 282.404 Alternative fuel price ceilings.

(a) *General rule.* On or before the twentieth day of each month, in accordance with the provisions of § 282.402 and paragraph (b) of this section, alternative fuel price ceilings shall be published for each incremental pricing region as set forth in paragraph (c) of this section. Such ceilings shall be effective for purposes of this part for the month following the month of publication, *provided that:*

(1) for the month of April, 1980, the following ceilings shall be effective and shall supersede those ceilings published on March 20, 1980: * * *

(2) for the months of May through September, 1980, the following ceilings shall be effective for the State of Rhode Island and shall supersede those ceilings previously published:

Month	Dollars[1]
May	3.08
June	2.85
July	2.72
August	2.84
September	3.09

[1] Dollar per million Btu's.

[FR Doc. 80–32041 Filed 10–14–80: 8:45 am]

BILLING CODE 6450–85–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122 and 124

[EN-FRL 1632-3]

Consolidated Permit Regulations; NPDES New Dischargers

AGENCY: Environmental Protection Agency (EPA).

ACTION: Suspension of portion of final rule.

SUMMARY: This action suspends until further notice a portion of the National Pollutant Discharge Elimination System (NPDES) "new discharger" definition and related provisions governing new dischargers in the consolidated permit regulations.

EFFECTIVE DATE: October 15, 1980.

FOR FURTHER INFORMATION CONTACT: Alan W. Eckert or Peter D. Holmes, Office of the General Counsel (A-131), U.S. Environmental Protection Agency, Washington, D.C. 20460, (202) 755-0753.

SUPPLEMENTARY INFORMATION: On August 29, 1980, the Honorable W. Eugene Davis, United States District Court, Western District of Louisiana, entered an order granting in part and denying in part a preliminary injunction in *American Petroleum Institute* v. *Costle*, No. 79-0858 (the full text of the order appears below). The order enjoins EPA from applying the NPDES new discharger definition (40 CFR § 122.3) in the consolidated permit regulations issued May 19, 1980, to mobile drilling rigs operating in offshore areas adjacent to the Gulf Coast, the Atlantic Coast, California, and Alaska, except in the Flower Gardens and other environmentally sensitive areas identified by the Bureau of Land Management. Judge Davis denied the plaintiffs' motion for a preliminary injunction against enforcement of the signatory and certification requirements (40 CFR § 122.6). Effective immediately, therefore, EPA is suspending until further notice the NPDES new discharger definition as it applies to offshore mobile drilling rigs operating in these areas.

In accordance with Judge Davis' order, the application of the following regulations to these offshore mobile drilling rigs also is suspended: (1) the prohibition in 40 CFR § 122.10(a) of compliance schedules for new dischargers; (2) the requirement in 40 CFR § 122.53(b) that proposed new dischargers submit applications at least 180 days before discharge is to begin; (3) the requirement in 40 CFR § 122.66(d)(4) that new dischargers install, have in operating condition, and start-up all necessary pollution control equipment before discharging, and that they meet all permit conditions within the shortest feasible time; and (4) the provision in 40 CFR § 124.60(a) that new dischargers are without a permit pending final Agency action in a formal hearing or on the denial of a request for a formal hearing. Mobile drilling rigs will continue to be subject to all other applicable requirements of the consolidated permit regulations, including the basic requirement that no point source discharge pollutants except in compliance with an NPDES permit. See 40 CFR § 122.51(b) and §§ 301(a) and 402(a)(1) of the Clean Water Act.

Accordingly, the following regulations are suspended insofar as they apply to owners and operators of mobile drilling rigs operating in offshore areas adjacent to the Gulf Coast, the Atlantic Coast, California, and Alaska, except for the Flower Garden Area in the Gulf of Mexico and other areas identified as environmentally sensitive by the Bureau of Land Management:

§§ 122.3, 122.10, 122.53, 124.60, and 124.66 [Amended]

(1) The definition of "new discharger" in 40 CFR § 122.3;
(2) 40 CFR § 122.10(a);
(3) 40 CFR § 122.53(b);
(4) 40 CFR § 124.60(a); and
(5) 40 CFR § 124.66(d)(4).

Dated: October 7, 1980.

Douglas M. Costle,

Administrator.

U.S. District Court—Western District of Louisiana—Lafayette Division

American Petroleum Institute, et al., Plaintiffs, v. Douglas M. Costle, et al., Defendants, Civil Action No: 79-0858.

Order Granting Preliminary Injunction

The motion of plaintiffs for a preliminary injunction having come on for hearing on August 18, 1980 and the Court having considered the Complaint, as amended, the affidavits filed in support of and in opposition to the motion, the evidence in the form of written exhibits submitted during the aforementioned hearing, and having heard oral argument of counsel, and for the written reasons assigned,

It is hereby ordered by this Court, effective September 3, 1980,

That the plaintiffs' Motion for a Preliminary Injunction enjoining the Administrator of the U.S. Environmental Protection Agency and U.S. Environmental Protection Agency shall be and the same is hereby granted with respect to the application of the new discharger regulations as they may apply to owners and operators of mobile drilling rigs operating in offshore areas adjacent to the Gulf Coast, the Atlantic coastal states, California, and Alaska, and the Environmental Protection Agency, its Administrator, employees, agents, and successors are enjoined and prohibited from enforcing regulations 40 C.F.R. Sections 122.3 (new discharger definition), 122.53(b), 124.60(a), 122.10(a) and 122.66(d)(4) as those regulations may apply to owners and operators of movable drilling rigs operating in the aforementioned areas. (The Flower Garden Area and other areas defined by the Bureau of Land Management as environmentally sensitive are specifically excluded.)

That the plaintiffs' Motion for a Preliminary Injunction enjoining the enforcement of 40 C.F.R. Section 122.6 with regard to signatory and certification requirements is denied.

Lafayette, Louisiana this 29th day of August, 1980.

W. Eugene Davis,

Judge, United States District Court.

[FR Doc. 80-31850 Filed 10-14-80; 8:45 am]

BILLING CODE 6560-33-M

40 CFR Part 180

[PP 9F2195/R278; PH-FRL 1634-5]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals In or on Raw Agricultural Commodities; Methoprene[Isopropyl(E,E)-11-Methoxy-3,7,11-Trimethyl-2,4-Dodecadienoate]

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insect growth regulator methoprene [isopropyl(*E,E*)-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate] in or on the raw agricultural commodity mushrooms at 1.0 part per million (ppm). The regulation was requested by Zoecon Corp. This rule establishes the maximum permissible level for residues of the insect growth regulator in or on the raw agricultural commodity mushrooms at 1.0 ppm.

EFFECTIVE DATE: Effective on October 15, 1980.

ADDRESSES: Written objections may be submitted to the Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Rm. E-341, Office of Pesticide Programs, Registration Division (TS-767), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460 (202-755-1150).

SUPPLEMENTARY INFORMATION: The EPA issued a notice that published in the Federal Register of June 7, 1979 (44 FR 32737) that Zoecon Corp., 975 California Ave., Palo Alto, CA 94304, had filed a

pesticide petition (PP 9F2195) with EPA. This petition proposed that 40 CFR Part 180 be amended by establishing tolerances for residues of the insect growth regulator methoprene [isopropyl(*E,E*)-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate] in or on the raw agricultural commodity mushrooms at 3.0 ppm. No comments were received in response to this notice of filing.

The request for the establishment of the tolerance for residues of methoprene on mushrooms was denied because the Agency had determined that, based on all of the available data reviewed by the Agency, a 1.0 ppm tolerance would be more appropriate to cover residues of methoprene on mushrooms. On June 19, 1980, Zoecon Corp. submitted an amended Section F petition, withdrawing the proposed tolerance of 3.0 ppm in or on the raw agricultural commodity mushrooms and proposed a tolerance of 1.0 ppm. With the withdrawal of the initial Section F petition, which proposed a tolerance of 3.0 ppm and the submission of a revised Section F petition, proposing tolerance of 1.0 ppm in or on mushrooms, no other deficiencies remained concerning establishment of a tolerance.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included a rat acute oral toxicity study with a median lethal dose (LD_{50}) of 10 grams (gm)/kilogram(kg), a 90-day dog feeding study with a no-observable-effect-level (NOEL) of 500 parts per million (ppm) with increased liver weight ratios at 5,000 ppm; a 90-day rat feeding study with a NOEL of 1,000 ppm with increased organ weight at 5,000 ppm; an 18-month mouse feeding study with a NOEL of 250 ppm with no oncogenic effects, a 24-month rat feeding oncogenicity study with a NOEL of 1,000 ppm, a three-generation rat reproduction study with a NOEL of 2,500 ppm (highest level fed); a rabbit teratology study (negative at 500 mg/kg), a rat teratology study (negative at 500 mg/kg) with slight indications of abnormalities at 1,000 mg/kg, and a negative mutagenicity study in rat (dominant lethal 2,000 mg/kg). The increased organ weights which were observed in the 90-day rat feeding study at 5,000 ppm (as stated above) were not observed in the 24-month rat feeding study. Taking the effect observed in the subacute study into account, the Agency has determined that a conservative NOEL of 1,000 ppm can be assigned for effects observed in rats.

Exemptions from the requirement of tolerances have been established for the methoprene in or on the raw agricultural commodities, eggs; the fat, meat, and meat byproducts of goats, hogs, horses, poultry, and sheep; fish; forage grasses; forage legumes; rice; rice straw; and shellfish when used on pastures, rice fields; marshlands, and other noncrop areas to control flood water mosquitoes (40 CFR 180.1033). Tolerances are established for residues of methoprene in or on cattle fat and milk.

The acceptable daily intake (ADI) for humans is calculated to be 0.5000 mg/kg/day based on the 24-month rat feeding using a 100-fold safety factor. The maximum permitted intake (MPI) for a 60 kg person has been calculated to be 30 mg/day. Tolerances have previously been established for residues of methoprene on a variety of raw agricultural commodities. The theoretical maximum residue contribution (TMRC) for the proposed and existing tolerances are calculated to be 0.18 percent of the TMRC of 0.0542 mg/day.

Data considered desirable but currently lacking are: (a) A six-month chronic feeding study in a nonrodent species (preferably dogs) to demonstrate a NOEL; (b) An up-to-date analysis of technical methoprene; and (c) A teratology study. The petitioner has submitted written assurance, to the Agency, that the six-month (nonrodent) chronic feeding study (preferably dogs) that demonstrates a NOEL will be submitted to the Agency by November 21, 1981; and that an up-to-date analysis of technical methoprene will be submitted by August 21, 1981. The petitioner has also provided written assurance that it will initiate any action deemed necessary to fulfill the teratology data gap, when the Agency completes the Industrial Biotest (IBT) data validation.

There are currently no regulatory actions pending against the registration of this pesticide. There are no other relevant considerations in establishing this tolerance for mushrooms at 1.0 ppm.

Methoprene is considered useful for the purpose for which the tolerance is sought and it is concluded that the tolerance of 1.0 ppm established by amending 40 CFR 180.359 will protect the public health. It is concluded, therefore, that the tolerance be established as set forth below.

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

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." This regulation has been reviewed and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective date: October 15, 1980.

(Sec. 408(d)(2), 68 Stat. 512, (21 U.S.C. 346a(d)(2)))

Dated: October 10, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by alphabetically inserting the raw agricultural commodity "mushrooms" in the table under § 180.359 to read as follows:

§ 180.359 Methoprene; tolerances for residues.

* * * * *

Commodity	Parts per million
* * * * *	
Mushrooms	1.0

[FR Doc. 80-32087 Filed 10-14-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 52c

Correction to Grant-In-Aid Regulations

AGENCY: Public Health Service, HHS.

ACTION: Final rule; correction.

SUMMARY: On February 25, 1980, final rules concerning the subject grant-in-aid regulations of the National Institutes of Health were adopted (45 FR 12240). This document was corrected in the March 27, 1980, **Federal Register** on page 20096. This notice corrects an error in that document. On page 20096 in the 9th line from the bottom of the third column, the reference to "§ 52 c.6(b)" should read "§ 52 c.6(a)".

FOR FURTHER INFORMATION CONTACT:
Mr. Lowell D. Peart, NIH Regulations Officer, National Institutes of Health, Bethesda, Md., (301) 496–4606.

Dated: October 7, 1980.

Donald S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 80-32070 Filed 10-14-80; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF COMMERCE

Maritime Administration

46 CFR Part 276

Construction-Differential Subsidy Repayment; Total Repayment Policy

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Interim rule.

SUMMARY: After a review of the comments received from interested parties with respect to a Notice of Proposed Rulemaking (45 FR 29610, May 5, 1980), the Maritime Subsidy Board (Board) is publishing an amendment to 46 CFR Part 276 as an interim rule. This amendment is a new § 276.3, which states the policy of the Board in considering requests for the total repayment of construction-differential subsidy (CDS), as authorized under provisions of the Merchant Marine Act, 1936, As amended. The Board has decided to limit the scope of the rule to the factors it will consider, among others, only with respect to applications for CDS repayment on tankers of at least 100,000 deadweight tons (DWT).

EFFECTIVE DATE: October 15, 1980.

COMMENT DATE: On or before December 15, 1980.

ADDRESS: Send comments to Robert J. Patton, Jr., Secretary, Maritime Subsidy Board/Maritime Administration. Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT:
Mr. J. B. Young, Acting Director, Office of Trade Studies and Statistics, Maritime Administration, Washington, D.C. 20230, telephone (202) 377–4791.

SUPPLEMENTARY INFORMATION: On November 2, 1978, the Board published in the **Federal Register** (43 FR 51045) a notice of proposed rulemaking to amend 46 CFR Part 276 in order to state its policy in considering all applications for the total repayment of CDS in exchange for the permanent removal of domestic trading restrictions.

The Board originally published that proposed rulemaking amendment at the suggestion of the U.S. District Court for the District of Columbia and in response to a formal petition for such rulemaking. The suggestion of the District Court was contained in its opinion in a case challenging the authority of the Secretary of Commerce (Secretary) to accept full CDS repayment in return for the removal of statutory domestic trading restrictions on CDS vessels.

Sections 501–507 of the Merchant Marine Act, 1936, as amended (Act) (46 U.S.C. 1151–1157), contain the provisions relating to qualifications and conditions for the award of CDS by the Secretary, which authority has been delegated to the Board. Essentially, CDS represents the excess of the cost of constructing (including reconstructing or reconditioning in exceptional cases) a vessel in a United States shipyard (excluding the cost of national defense features) over the fair and reasonable estimated cost of its construction in a foreign shipbuilding center considered to be a representative example for the determination of such estimated foreign cost. This excess is paid by the Secretary to the United States shipyard only with respect to a vessel "to be used in the foreign commerce of the United States."

Section 506 of the Act (46 U.S.C. 1156) requires the owner of every vessel for which CDS has been paid to agree that the vessel be operated "exclusively in foreign trade", as defined in section 905 of the Act (46 U.S.C. 1244), or in foreign trade with specified incidental domestic service. It provides that if the vessel is operated in the domestic trade in connection with any of these services, there shall be an annual repayment by the owner, determined by applying to one twenty-fifth of the CDS paid the ratio of the gross revenue derived from the domestic trade to the gross revenue derived from the entire voyages completed during the preceding year. With respect to any tanker or other liquid bulk carrier, a statutory life (economic useful life) of 20 years is applicable, pursuant to section 9 of Pub. L. 86–518 (74 Stat. 216). Accordingly, the ratio would be applied to one-twentieth of the CDS paid on such vessels. Section 506 of the Act also provides for the temporary transfer of such vessel to services other than those covered by the owner's CDS contract for periods "not exceeding 6 months in any year," but only with the consent of the Secretary. A condition for consent to such temporary transfer is the agreement by the owner to repay, on conditions that the Secretary may prescribe, an amount which bears the same proportion to CDS paid as such temporary period bears to the entire economic life of the vessel.

The fundamental question of the Secretary's authority to accept full repayment of CDS in return for the permanent removal of the domestic trading restrictions in Section 506 of the Act has been decided by the Supreme Court of the United States. *Seatrain Shipbuilding Corp., et al. v. Shell Oil Co. et al.*, 100 S. Ct. 800 (February 20, 1980). The Court held that the Act empowers the Secretary to approve full repayment of CDS with permanent release of restrictions on a vessel's operation in domestic trade.

Subsequent to remand by the Supreme Court, one of the original plaintiffs filed a motion in the Court of Appeals for the District of Columbia Circuit for rebriefing and rearguing the issue of repayment in the form of a fully-secured, interest-bearing, 20-year promissory note. On April 14, 1980, the Court advised all counsel that briefs or memoranda would be accepted, and these were submitted. The matter remains under consideration by the Court.

In light of the favorable Supreme Court decision and the lapse of time since the original publication of the proposed amendment, the Board republished a notice of proposed rulemaking (45 FR 29610, May 5, 1980) to provide interested parties with the opportunity to comment further on the proposed amendment. Most of the comments dealt with tankers of at least 100,000 DWT and expressed concern over the potential competitive disadvantage of operators of tankers in the domestic trade.

Since republication of the proposed rule, the Board has received applications for six vessels (three of which were subsequently withdrawn) for the repayment of CDS, all with respect to tankers of at least 100,000 DWT. Notice of each of these applications was published in the **Federal Register**, inviting comment by interested parties 45 FR 32035, May 15, 1980; 45 FR 48934, July 22, 1980; and 45 FR 50377, July 29, 1980. Numerous responses were received in these matters. After careful consideration of all comments received in response to the proposed rulemaking, as well as to the individual notices of applications for total CDS repayment, the Board has decided to adopt a rule on an interim basis but to limit the application of its rule to tankers of at least 100,000 DWT.

As a matter of the Board's discretion, a regulatory analysis is being prepared to improve decisionmaking under provision of E.O. 12044 and implementing procedures of the Department of Commerce and the Maritime Administration. A draft

regulatory analysis will be made available for public comment prior to publication of a final rule. The public's comments will be considered in preparing a final regulatory analysis, which will be made available when notice of final rulemaking is published.

This rulemaking is being adopted in interim form and is effective immediately upon publication. However, interested parties are being afforded the opportunity to comment on a policy of more limited scope than was published as a proposed rule, and are encouraged to submit written comments and supporting data concerning this amendment. All such written submissions will be given full consideration prior to the Board's publication of any final rule governing total repayment of CDS.

Accordingly, 46 CFR Part 276 is being amended as follows:

1. The citation of "Source" is deleted and the table of sections and statement of "Authority" are revised to read as follows:

PART 276—CONSTRUCTION-DIFFERENTIAL SUBSIDY REPAYMENT

Sec.

276.1 Partial repayment-incidental domestic trading.
276.2 Reporting requirement-partial repayment.
276.3 Total repayment.

Authority: Sections 204(b), 207, 506, and 714, Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b), 1117, 1156, and 1204) Pub. L. 86–518 (74 Stat. 216); Reorganization Plans No. 21 of 1960 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 840), as amended by Pub. L. 91–469 (84 Stat. 1036); and Department of Commerce Organization Order 10–8 (36 FR 19707), July 23, 1973).

§§ 276.1 and 276.2 [Amended]

2. The captions of §§ 276.1 and 276.2 are amended to be identical in content to those in the table of sections.

3. A new § 276.3 is added to read as follows:

§ 276.3 Total repayment.

(a) *General.* The Maritime Subsidy Board (Board), under authority delegated by the Secretary of Commerce (Secretary), may, in its sole discretion, allow the total repayment of unamortized CDS, with interest, to the Board and rescind permanently the domestic trading restrictions related to the grant of CDS. This discretion may be exercised at any time prior to, at, or after delivery of the vessel by the shipyard, with respect to the use of the vessel upon its completion and delivery. Approval will be granted only where exceptional circumstances exists. Approval of total repayment shall be irreversible. The Board will consider only requests for total repayment of unamortized CDS with respect to tankers of at least 100,000 DWT. With respect to any such request received, the Board will publish a notice in the **Federal Register**, providing opportunity for comment by interested parties. After the Board has acted upon any such application, the Board will publish a concise written explanation for its action.

(b) *Exceptional Circumstances.* After the Board has determined that no favorable opportunities exist for viable employment of the vessel in the foreign trade during a protracted period of duration in excess of that normally associated with cyclical market downturns, the Board will consider the following factors, among others, in connection with each request for total repayment of unamortized CDS to determine whether exceptional circumstances exist:

(1) The purposes and policy of the Act.

(2) The economic impact on the U.S.-flag foreign and domestic tanker fleets.

(3) The economic impact on shipbuilding in the U.S.

(4) The financial situation of the applicant and its related companies.

(5) The financial interest of the Government including Title XI obligations.

(c) *Repayment Terms.* Total repayment of unamortized CDS means the paying back, under such arrangement as the Board may approve, of the portion of the disbursed CDS attributable to the remaining statutory life of the vessel. Interest payable on the unamortized CDS shall be computed from the day of disbursement of each CDS payment by the Board through the day the CDS repayment is received. The rate of interest shall be equal to that rate applicable to financing under Title XI of the Act, effective on the day of disbursement of each CDS payment during the vessel's period of construction.

(d) *Waiver.* The Board has the power to waive the requirements of any provision of this section 276.3 for a specific period of time under special circumstances and for good cause shown. The Board will publish a concise written explanation for any such waiver.

(Secs. 204(b), 207, 506, and 714, Merchant Marine Act, 1936, as amended (46 U.S.C. 114(b), 1117, 1156, and 1204; Pub. L. 86–518 (74 Stat. 216); Reorganization Plans No. 21 of 1950 (64 Stat. 1273), and No. 7 of 1961 (75 Stat. 804), as amended by Pub. L. 91–469 (84 Stat. 1036); and Department of Commerce Organization Order 10–8 (36 FR 19707), July 23, 1973))

(Catalog of Federal Domestic Assistance Program No. 11.500 (Construction-Differential Subsidy))

By Order of the Maritime Subsidy Board, Maritime Administration.

Dated: October 8, 1980

Robert J. Patton, Jr.

Secretary, Maritime Subsidy Board, Maritime Administration.

[FR Doc. 80–32036 Filed 10–14–80; 8:45 am]

BILLING CODE 3510–15–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[S.O. No. 1488]

Norfolk & Western Railway Co. Authorized To Operate an Unit-Grain-Train and To Waive Tariff Requirements

October 3, 1980.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1488.

SUMMARY: This service order authorizes the Norfolk and Western Railway Company to operate a unit-grain-train out of sequence, one trip only, between Delphi, Indiana, and Champaign, Illinois, and to waive tariff items requiring consecutive trips. This is done in order to provide more efficient use of rail equipment and to provide elevator space for newly harvested corn already enroute.

EFFECTIVE DATE: 12:01 a.m., October 4, 1980, and remaining in effect until 11:59 p.m., October 8, 1980.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr. (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Norfolk and Western Railway Company (NW) has placed a 100 car unit-grain-train, owned by Continental Grain Company, for corn loading at The Andersons' elevator at Delphi, Indiana. The Andersons' has requested to use this equipment out of sequence, to relieve its congestion of other grain and to provide space for newly harvested corn already enroute. Tariff items require this equipment to be used in consecutive trips. NW has requested authority to waive these tariff items and to operate this train between Delphi, Indiana, and Champaign, Illinois, for one trip only, Continental Grain has concurred to the use of its equipment out of sequence, by The Andersons.

It is the opinion of the Commission that an emergency exists requiring the NW to operate a unit-grain-train out of sequence, and to waive tariff requirements to promote more efficient

car utilization in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1488 Service Order No. 1488.

(a) *Authority. Norfolk and Western Railway Company Authorized To Operate Unit-Grain-Train and to Waive Tariff Requirements.* Norfolk and Western Railway Company (NW) is authorized to operate a unit-grain-train out of sequence, one trip only, between Delphi, Indiana, and Champaign, Illinois, and to waive tariff items requiring consecutive trips.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) *Effective date.* This order shall become effective at 12:01 a.m., October 4, 1980.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 8, 1980, unless otherwise modified, amended or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-32030 Filed 10-14-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[Corrected S.O. No. 1486]

Delaware & Hudson Railway Co. Authorized To Operate Over Tracks of Consolidated Rail Corp.

October 8, 1980.

AGENCY: Interstate Commerce Commission.

ACTION: Corrected Service Order No. 1486.

SUMMARY: This order authorizes the Delaware and Hudson Railway (D&H) Company to operate over the lines of Consolidated Rail Corporation (CR) between Binghamton, New York, and Scranton, Pennsylvania, due to the rapidly deteriorating condition of its own line between those points. D&H will continue, however, to provide local service on its line. An application for acquisition and operation of the CR line has been filed with the Commission.

Service Order No. 1486 is corrected due to an improper cite in the ordering paragraph of the original order served September 26, 1980, and published at 45 FR 65243, Oct. 2, 1980.

EFFECTIVE DATE: 12:01 a.m., October 10, 1980, and continuing in effect until 11:59 p.m., January 31, 1981, unless modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M.F. Clemens, Jr. (202) 275–7840

SUPPLEMENTARY INFORMATION:

The line of the Delaware and Hudson Railway Company (D&H) between Binghamton, New York, and Scranton, Pennsylvania, has deteriorated to such a level that with the onset of winter weather conditions, it is feared the line will be inoperable. Further, the D&H estimates the cost of rehabilitation of the line to be over $7 million. The D&H has entered into a sales agreement with Consolidated Rail Corporation (CR) whereby the D&H proposed to purchase CR's line between Binghamton, New York, and Scranton, Pennsylvania, for approximately one-third the cost of rehabilitating its own line. D&H asserts that further economies would be realized through fuel savings due to fewer grades, and faster operations, all of which would impact favorably on D&H's rapidly declining financial situation.

On September 22, 1980, the D&H filed an application for authority to acquire and operate the CR line and reiterated a request for temporary authority to operate the line during the pendency of the Commission's deliberations.

It is the opinion of the Commission that an emergency exists requiring the operation of D&H trains over tracks of CR in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1486 Service Order No. 1486.

(a) *Authorization. Delaware and Hudson Railway Company Authorized To Operate Over Tracks of Consolidated Rail Corporation.* The Delaware and Hudson Railway Company (D&H) is authorized to operate over tracks of Consolidated Rail Corporation (CR) between Binghamton, New York, and Scranton, Pennsylvania, as described in their sales agreement entered September 8, 1980.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) *Rates applicable.* The rates applicable to traffic moved via this line shall be the same as the rate for traffic moved via the D&H line. Rates on traffic moved to and from local points on the CR line shall be applicable CR rate.

(d) Nothing herein shall be considered a prejudgment of the application by D&H for acquisition and operation of this line.

(e) *Effective date.* This order shall become effective at 12:01 a.m., October 10, 1980.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 31, 1981, unless otherwise modified, amended or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-32029 Filed 10-14-80; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 45, No. 201
Wednesday, October 15, 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.

COUNCIL ON WAGE AND PRICE STABILITY

6 CFR Ch. VII

Semiannual Agenda

AGENCY: Council on Wage and Price Stability.

ACTION: Publication of semi-annual agenda of voluntary standards and procedural regulations under development or review.

SUMMARY: Pursuant to Executive Order 12044, the Council on Wage and Price Stability is publishing its semi-annual agenda of standards and procedures under development or review.

FOR FURTHER INFORMATION CONTACT: David A. Henderson, Deputy General Counsel, Office of the General Counsel, Council on Wage and Price Stability, 600 17th Street, N.W., Washington, D.C. 20506, (202) 456–6210.

SUPPLEMENTARY INFORMATION: Executive Order 12044 requires every agency to publish twice a year a list of its regulations under development or review. Aside from its procedural rules, the Council does not issue regulations that directly require compliance by members of the public; it does, however, issue voluntary pay and price standards that members of the public are encouraged to observe.

The Council is publishing today its agenda of standards and procedures under development or review for the six-month period October 1, 1980, through March 31, 1981. On September 19, 1980, the Council published interim final price standards for the third program year, requesting compliance through the end of calendar year 1980. We also announced that the second-year pay standard was extrapolated through the end of the year. During this period, the Administration is undertaking an in-depth analysis of the continued effectiveness of the voluntary program and considering possible modification of or alternatives to it. As a result of this review, as well as continuing consultations with representatives of business, labor, and the public, it is possible that the Council may modify the present voluntary program in the first quarter of 1981.

Agenda

The Council is currently reviewing the following sections of its standards and procedures:

(a) Part 705—The Pay and Price Standards.

(b) Part 706—Procedural Rules.

(c) Part 707—Data Requests.

These standards and procedures were promulgated pursuant to the Council on Wage and Price Stability Act, as amended, 12 U.S.C. 1904, note, Executive Order 12092 (43 *FR* 51375), and Executive Order 12161 (44 *FR* 56663).

Dated: October 9, 1980.

R. Robert Russell,

Director.

[FR Doc. 80-32100 Filed 10-14-80; 8:45 am]

BILLING CODE 3175-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 760

Flood Insurance

AGENCY: National Credit Union Administration.

ACTION: Proposed rule.

SUMMARY: Pursuant to E.O. 12044, NCUA has reviewed its existing flood insurance regulations in order to update, clarify, and simplify them. As a result of this review, NCUA proposes to adopt a plain English version of its present flood insurance regulations.

DATES: Comments must be received on or before December 15, 1980.

ADDRESS: Send comments to: Robert S. Monheit, Regulatory Development Coordinator/Senior Attorney, Office of General Counsel, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: John L. Culhane, Jr., Attorney Advisor, Office of General Counsel, or Ben R. Henson, Director, Division of Enforcement, Office of Consumer Affairs, at the above address.

TELEPHONE NUMBERS: (202) 357–1030 (Mr. Culhane), (202) 357–1080 (Mr. Henson).

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973, as amended, requires NCUA to issue flood insurance regulations and largely dictates the contents of those regulations. Pursuant to E.O. 12044, NCUA has conducted a review of its existing flood insurance regulations, which were issued in accordance with that Act, in order to update, clarify and simplify them.

NCUA now proposes to take the following actions. NCUA proposes to update the regulations by amending them to reflect the transfer of authority for flood insurance matters from the Secretary of the Department of Housing and Urban Development to the Director of the Federal Emergency Management Agency. Reorganization Plan No. 3 of 1978, 43 Fed. Reg. 41943 (1978), 5 U.S.C.A. App. II. NCUA proposes to clarify for federally insured credit unions how they can get the information they need to comply with these regulations (1) by incorporating in the regulations its Interpretative Ruling and Policy Statement on the use of the Map Information Facility, 45 Fed. Reg. 58101 (1980), and (2) by adding an appendix which will help federally insured credit unions determine the maximum amount of insurance available. And NCUA proposes to simplify these regulations by adding an index, placing the provisions in a more logical order, by rewriting them in plain English, and by adding sections explaining problem areas.

NCUA requests comments on the proposed plain English regulations. Specifically, we would like to know whether the new format will make the regulations easier to use. We would also like to know whether federally insured credit unions feel that the requirements in the proposed regulations are basically the same as those in the present regulations, or whether federally insured credit unions believe we have inadvertently left anything out of the proposed regulations that should be added or added anything that should be deleted.

Rosemary Brady,

Secretary, National Credit Union Administration Board.

October 7, 1980.

Authority: 12 U.S.C. 1757, 1789; 42 U.S.C. 4012a, 4106.

Accordingly, NCUA proposes to delete existing Part 760 and replace it with the following:

PART 760—FLOOD INSURANCE

Sec.

760.0 When should this regulation be consulted?
760.1 What information is needed to comply with this regulation?
760.2 How can this information be obtained?
(a) How to find out if the property is or will be located both in a special flood hazard area and in a community participating in the National Flood Insurance Program.
(b) How to find out if a community participating in the National Flood Insurance Program is participating in the Emergency Program or in the Regular Program.
760.3 How does the requirement for purchasing flood insurance work?
(a) When does the borrower have to buy flood insurance?
(b) How much flood insurance does the borrower have to buy?
(c) Are there any other requirements?
(d) Any exceptions?
(e) What if the borrower doesn't buy flood insurance that meets these requirements?
760.4 What notices have to be given?
(a) Notice of special flood hazard area.
(b) Notice about Federal flood disaster assistance.
(c) Acknowledgement.
760.5 What records have to be kept?
Appendix A: Maximum amount of flood insurance available.
Appendix B: Sample notices.

Authority: 12 U.S.C. 1757, 1789; 42 U.S.C. 4012a, 4106.

§ 760.0 When should this regulation be consulted?

It should be consulted when a federally insured credit union is going to make, increase, extend or renew a loan secured by improved real property or a mobile home.

§ 760.1 What information is needed to comply with this regulation?

To comply with this regulation a federally insured credit union has to determine three things. First it has to find out if the improved real property or mobile home that will secure the loan is or will be located in an area that the Director of the Federal Emergency Management Agency (FEMA) has determined has special flood hazards. Second, it has to find out if the property is or will be located in a community participating in the National Flood Insurance Program or if it is or will be located in a nonparticipating community. Third, if the property is or will be located in a community participating in the National Flood Insurance Program, it has to find out if the community is participating in the Emergency Program or in the Regular Program.

§ 760.2 How can this information be obtained?

(a) How to find out if the property is or will be located both in a special flood hazard area and in a community participating in the National Flood Insurance Program.

There are two ways to find out if property is or will be located both in a special flood hazard area and in a community participating in the National Flood Insurance Program. One way is to look at the current Flood Insurance Rate Map or the current Flood Hazard Boundary Map for the area. (These maps are currently available from the Federal Emergency Management Agency. However, once the Map Information Facility (MIF) is operating in every state, FEMA will phase out the distribution of maps to federally insured credit unions.) If the MIF is operating in the state where the improved real property or mobile home is or will be located, the other way is to call the toll free telephone number for the MIF and give the address of the property. The employees of the MIF will then say if the property is in a special flood hazard area or not. They will also say if the property is in a community participating in the National Flood Insurance Program or in a nonparticipating community. The advice given over the telephone will be confirmed in writing by a Certificate of Determination. It will be mailed within three days of the telephone call. (If the Map Information Facility is operating in the state where the improved real property or mobile home is or will be located, NCUA recommends using it rather than the maps.)

(b) How to find out if a community participating in the National Flood Insurance Program is participating in the Emergency Program or in the Regular Program.

There are two ways to find out if a community participating in the National Flood Insurance Program is participating in the Emergency Program or in the Regular Program. One way is to call the toll free telephone number for Program Information. If the Map Information Facility is operating in the state where the improved real property or mobile home is or will be located, the other way is to call the toll free telephone number for the MIF. The employees in Program Information or in the Map Information Facility will say if the community is participating in the Emergency Program or in the Regular Program.

§ 760.3 How does the flood insurance requirement work?

(a) When does the borrower have to buy flood insurance?

The borrower has to buy flood insurance if the improved real property or the mobile home is or will be located both in a special flood hazard area and in a community participating in the National Flood Insurance Program. The borrower can buy flood insurance from any property insurance agent or broker licensed to do business in the state where the property is located.

(b) How much flood insurance does the borrower have to buy?

The amount of insurance has to be at least equal to the outstanding balance of the loan or to the maximum amount available under the Flood Disaster Protection Act for the particular improved real property or mobile home, whichever is less. (The maximum amount of flood insurance available will vary depending on whether the community is participating in the Emergency Program or in the Regular Program. To determine the maximum amount of flood insurance for the particular improved real property or mobile home, see Appendix A.)

(c) Are there any other requirements?

The insurance has to cover the building or the mobile home *and* any personal property securing the loan. (It does not have to cover the land.) It has to remain in effect until the loan is repaid.

(d) Any exceptions?

Flood insurance isn't required on State-owned property covered under a policy of self-insurance that the Director of the Federal Emergency Management Agency decides is satisfactory. FEMA periodically publishes lists of states that come within this exception.

(e) What if the borrower doesn't buy flood insurance that meets these requirements?

If the borrower doesn't buy flood insurance that meets these requirements, a federally insured credit union can't make, increase, extend or renew a loan secured by the improved real property or mobile home.

§ 760.4 What notices have to be given?

(a) *Notice of special flood hazard area.* If it determines that the improved real property or mobile home is or will be located in a special flood hazard area, then before a mortgage or any other security agreement is signed, a

federally insured credit union has to give the borrower a written notice of that fact. This notice doesn't have to be given if the seller or lessor of the property states in writing that he or she has already given the notice to the borrower and the borrower acknowledges this.

(b) *Notice about Federal flood disaster assistance.* A federally insured credit union has to give the borrower a written notice that says whether Federal disaster relief assistance will be available if the property is damaged by flooding in a federally declared disaster. Federal disaster assistance will be available if the property is located in a community participating in the National Flood Insurance Program.

(c) *Acknowledgement.* Before the loan note is signed, a federally insured credit union has to get the borrower to acknowledge in writing that he or she received these notices. It has to keep the written acknowledgement until the loan is repaid.

§ 760.5 What records have to be kept?

In each instance, a federally insured credit union has to keep records that show how it determined whether flood insurance would be required and how it determined whether to give the Federal Disaster Assistance Notice for participating communities or the one for nonparticipating communities. If a Flood Interest Rate Map or Flood Hazard Boundary Map was used, the address of the property and the number of the Map are all that are necessary. If the Map Information Facility was used, the address of the property and a copy of the Certificate of Determination are all that are usually necessary. A written summary of the telephone conversation with the employees of the Map Information Facility is also necessary if the loan is made, increased, extended, or renewed before a copy of the Certificate of Determination is received.

Appendix A: Maximum Amount of Flood Insurance Available

Emergency Program

	Alaska, Hawaii, Virgin Islands	All other States and territories
Residential Single Family	50,000	35,000
Other Residential	150,000	100,000
Contents, All Residential	10,000	10,000
Small Business	100,000	100,000
Contents, Small Business	100,000	100,000
Other Nonresidential	100,000	100,000
Contents, Other Nonresidential	100,000	100,000

Regular Program

	Alaska, Hawaii, Virgin Islands	All other States and territories
Residential Single Family	100,000	70,000
Other Residential	250,000	200,000
Contents, All Residential	20,000	20,000
Small Business	200,000	200,000
Contents, Small Business	200,000	200,000
Other Nonresidential	200,000	200,000
Contents, Other Nonresidential	200,000	200,000

Note.—These figures represent the maximum amount available for any particular piece of improved real property or any particular mobile home, regardless of the number of loans secured by that improved real property or mobile home. For example, suppose the particular piece of improved real property is the borrower's home (residential single family). It is located in Alaska in a community participating in the Regular Program. There is a first mortgage on the property and a flood insurance policy of $80,000. Before a federally insured credit union could make a loan secured by a second mortgage on that property, the borrower would have to buy insurance in an amount equal to the lesser of the loan balance or $20,000 (the maximum insurance available: $100,000 minus $80,000).

Appendix B: Sample Notices

A federally insured credit union will comply with the notice requirements if it uses these forms:

(1) Notice to Borrower of Special Flood Hazard Area.

Notice is hereby given to ———— that the improved real estate or mobile home described in the attached instrument is or will be located in an area designated by the Director of the Federal Emergency Management Agency as a special flood hazard area. This area is delienated on ————'s Flood Insurance Rate Map (FIRM) or, if the FIRM is unavailable, on the Flood Hazard Boundary Map (FHBM). This area has a 1% chance of being flooded within any given year. This risk of exceeding the 1% chance increases with time periods longer than one year. For example, during the life of a 30 year mortgage, a structure located in a special flood hazard area has a 26% change of being flooded.

(2) Notice to Borrower About Federal Flood Disaster Assistance.

[Lender Check (a) or (b)]

(a) *Notice in participating communities.* The improved real estate or mobile home securing your loan is or will be located in a community that is now participating in the National Flood Insurance Program. In the event that such property is damaged by flooding in a federally-declared disaster, Federal disaster relief assistance may be available. However, such assistance will not be available if your community is not participating in the National Flood Insurance Program at the time such assistance would be approved (unless such approval is granted within one year from the date your community was identified by the Director of the Federal Emergency Management Agency as being flood prone). This assistance, usually in the form of a loan with a favorable interest rate, may be available for damages incurred in excess of the amount of your flood insurance.

(b) *Notice in nonparticipating community.* The improved real estate or mobile home securing your loan is or will be located in a community that is not now participating in the National Flood Insurance Program. This means that you are not eligible for Federal flood insurance. In the event that your property is damaged by flooding in a federally-declared disaster, Federal disaster relief assistance will not be available (unless approval for such assistance is granted within one year from the date your community was identified by the Director of the Federal Emergency Management Agency as being flood prone). In other words, Federal flood disaster relief assistance will be available only if, at the time such assistance would be approved, your community is participating in the National Flood Insurance Program, or approval for such assistance is granted within one year from the date your community was identified as being flood prone.

(3) Acknowledgement of the Borrower.

I, ———— a member of the ———— Credit Union, hereby acknowledge that on the date indicated below I have received a Notice To Borrower of Special Flood Hazards, indicating that the property securing my loan is in an area identified as having special flood hazards, and a Notice to Borrower About Federal Flood Disaster Assistance, indicating whether such assistance will or will not be available for such property.

Dated:————————

[Signature and address of borrower.]

[FR Doc. 80-31955 Filed 10-14-80; 8:45 am]

BILLING CODE 7535-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 118

Handicapped Assistance Loans; Proposed Rulemaking

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: Pub. L. 93-386, signed August 23, 1974, amended the Small Business Act to allow the Agency to charge the rate of interest provided in the note when SBA purchases its guaranty. While the primary business loan regulations were amended, this special program regulation was not amended. This rule is proposed to overcome this oversight.

DATE: Comments must be received on or before November 14, 1980.

ADDRESSES: 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: Questions about this proposed rule can be directed to: Richard L. Wray, Financial Analyst, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, (202) 653–6470.

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 § 118.31(d) to read as follows:

§ 118.31 Terms and conditions.

* * * * *

(d) The interest rate on SBA's share of a guarantee loan after purchase by SBA shall be the same as in § 120.3(b)(2) in Part 120 of this Chapter.

Dated: October 6, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-32084 Filed 10-14-80; 8:45 am]

BILLING CODE 8025-01-M

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13 CFR Part 119

Economic Opportunity Loans; Proposed Rulemaking

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: Pub. L. 93–386, signed August 23, 1974, amended the Small Business Act to allow the Agency to charge the rate of interest provided in the note when SBA purchases its guaranty. While the primary business loan regulations were amended, this special program regulation was not amended. This rule is proposed to overcome this oversight.

DATES: Comments must be received on or before November 14, 1980.

ADDRESSES: 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 about this proposed rule can be directed to: Richard L. Wray, Financial Analyst, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, (202) 653–6470.

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 § 119.31(c)(3) to read as follows:

§ 119.31 Terms and conditions.

* * * * *

(c) * * *

(3) The interest rate on SBA's share of a guarantee loan after purchase by SBA shall be the same as shown in Section 120.3(b)(2) in Part 120 of this Chapter.

Dated: October 6, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-32083 Filed 10-14-80; 8:45 am]

BILLING CODE 8025-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 802 3001]

Darworth Co.; Consent Agreement With Analysis To Aid Public Comment

Correction

In FR Doc. 80–30754 appearing on page 65255 in the issue of Thursday, October 2, 1980, make the following corrections:

(1) In the first column of page 65257, in both the third and eighth lines from the top of the page, "Danworth" should have read "Darworth".

(2) In the third column of page 65257, in the fourth line from the top of the page, ". . .wood preservatives are. . ." should have read ". . .wood preservative products are. . .".

BILLING CODE: 1505-01-M

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16 CFR Part 239

Guides Against Deceptive Advertising of Guarantees

AGENCY: Federal Trade Commission.

ACTION: Extension of the period within which to submit written comments.

SUMMARY: On August 5, 1980 the Commission published a notice in the **Federal Register** inviting comment on the possible rescission of the Guides Against Deceptive Advertising of Guarantees (16 CFR Part 239), and alternative approaches the Commission might take to facilitate non-deceptive warranty advertising (see 45 FR 51838). The Commission has received a request to extend the comment period for two months (until December 1, 1980). The Commission has determined that a 30-day extension of the period to file comments, to November 6, 1980, is warranted.

DATE: Comments are now due on or before November 6, 1980.

ADDRESS: Comments should be sent to: Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. (Clearly marked "Guides Against Deceptive Advertising of Guarantees").

FOR FURTHER INFORMATION CONTACT: Allen W. Hile, Attorney (202) 523–3828, Division of Product Reliability, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-32051 Filed 10-14-80; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 601

[LR-74-80]

Secretarial Authority To Add Items to the List of Items Eligible for the Residential Energy Credit; Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to Secretarial authority to add items to the list of items eligible for the residential energy credit. Changes to the applicable tax law were made by the Energy Tax Act of 1978 and the Crude Oil Windfall Profit Tax Act of 1980. These regulations provide the manufacturer with guidance on the procedure and criteria applicable for addition to the list of energy-conserving components or renewable energy sources.

DATES: Written comments and requests for a public hearing must be delivered or mailed by December 15, 1980. The amendments are proposed to be effective on the date on which the regulations proposed by this notice of proposed rulemaking are published in the **Federal Register** as a Treasury decision.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Walter H. Woo of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3297).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax

Regulations (26 CFR Part 1) under section 44C(c) (6) and (9) of the Internal Revenue Code of 1954 and to the Statement of Procedural Rules (26 CFR Part 601). These amendments are proposed to conform the regulations to section 101 of the Energy Tax Act of 1978 (92 Stat. 3175) and section 201(b) of the Crude Oil Windfall Profit Tax Act of 1980 (94 Stat. 256). These amendments are to be issued under the authority contained in sections 44C and 7805 of the Internal Revenue Code of 1954 (92 Stat. 3175, 26 U.S.C. 44C; 68A Stat. 917, 26 U.S.C. 7805).

Explanation of Provisions

The Energy Tax Act of 1978 authorizes the Secretary of the Treasury to prescribe regulations setting forth the criteria which an item must meet to be added to the list of items eligible for the residential energy credit. The Secretary is also directed to establish a procedure under which a manufacturer may request the Secretary to consider the addition of an item to the qualifying list.

Proposed § 1.44C–6(a) outlines the procedure to be followed by a manufacturer (or a group of manufacturers) of an item seeking approval for addition of an item to the list of approved energy-conserving components or renewable energy sources. The manufacturer is to send its application to the Commissioner of Internal Revenue, Attention: Assistant Commissioner (Technical), T:C:E, Washington, D.C. 20224. If it is determined that the requisite information on has been furnished with the application, the Office of the Assistant Commissioner (Technical) will forward the application to an ad hoc advisory board to be established by the Commissioner and the Assistant Secretary (Tax Policy) for consideration. If the board determines that the item that is the subject of the application meets the applicable criteria, the board will report its finding to the Commissioner. If approved by the Commissioner, the application will then be forwarded to the Assistant Secretary who will make a recommendation to the Secretary as to whether the item should be included as an energy-conserving component or as a renewable energy source.

Proposed § 1.44C–6(b) sets forth in detail the information that is to be furnished with the manufacturer's application. Information to be furnished includes such items as the following: Technical specifications of the item; estimate of additional units that would be sold industry-wide as a result of the addition of the item; capacity of industry to increase production to meet increase in demand; test data and experience data to substantiate for each recommended use the energy savings in Btu's that are claimed will be achieved by a unit during a period of one year; data to show that the item will result in a significant reduction of oil or natural gas consumption.

Proposed paragraph (c) of § 1.44C–6 sets forth the criteria that must be met for an item to be considered for addition to the approved list of energy-conserving components or renewable energy sources. Proposed paragraph (c)(1) provides that for an item to be considered for addition to the approved list of energy conserving components the item must increase the energy efficiency of a dwelling and lists the criteria applicable that must be met to establish energy efficiency. One criterion requires that use of the item result, directly or indirectly, in a significant reduction in the consumption of oil or natural gas. In addition, the increase in energy efficiency resulting from use of the item must be established by test data. The item must not present a safety, fire, environmental, or health hazard when properly installed.

To be added to the approved list of renewable energy sources the energy source must be an inexhaustible energy supply. Under this rule, wood and agricultural products would not be considered for addition to the list since they are not inexhaustible.

If an application for addition of an item to the approved list of energy-conserving components or renewable energy sources is approved, the credit will apply to expenditures which are made on or after the date a Treasury decision amending the regulations to effect the addition is published in the **Federal Register.**

It should be noted that applications for addition will not be considered until October 15, 1980. Accordingly, any application received prior to that date will be returned to the applicant.

Comments and Requests for a Public Hearing

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

Drafting Information

The principal author of these proposed regulations is Walter H. Woo of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters or substance and style.

Proposed Amendments to the Regulations

The proposed amendments to the Income Tax Regulations (26 CFR Part 1) and the Statement of Procedural Rules (26 CFR Part 601) are as follows:

Income Tax Regulations— 26 CFR Part 1

Paragraph 1. Section 1.44C–6 is revised to read as follows:

§ 1.44C–6 Procedure and criteria for additions to the approved list of energy-conserving components or renewable energy sources.

(a) *Procedures for additions to the list of energy-conserving components or renewable energy sources*—(1) *In general.* A manufacturer of an item (or a group of manufacturers) desiring to apply for addition to the approved list of energy conserving components or renewable energy sources pursuant to paragraph (d)(4)(viii) or (e)(2) of § 1.44C–2 shall submit an application to the Commissioner of Internal Revenue, Attention: Assistant Commissioner (Technical), T:C:E, Washington, D.C. 20224. The application shall provide the information required under paragraph (b) of this section. It will be the responsibility of the Office of Assistant Commissioner (Technical) upon receipt of the application to determine whether all the information required under paragraph (b) of this section has been furnished with the application. If an application lacks essential information, the applicant will be advised of the additional information required. If the information (or an explanation of the reason why the information cannot be made available) is not forthcoming within 30 days of the date of that advice, the application will be closed. Any resubmission of information beyond the 30-day period will be treated as a new application.

(2) *Ad hoc advisory board.* The Commissioner of Internal Revenue and the Assistant Secretary (Tax Policy) shall establish an ad hoc advisory board to consider applications forwarded by the Office of the Assistant Commissioner (Technical). If the board is already considering an application with respect to a similar item, it may

consolidate applications. The ad hoc advisory board will make a finding as to whether each item that is the subject of an application meets the applicable criteria provided in paragraph (c) and the standards for Secretarial determination provided in paragraph (d) of this section. In making this finding, the ad hoc advisory board shall consult with the Secretary of Energy and the Secretary of Housing and Urban Development (or their delegates) and any other appropriate Federal officers to obtain their views concerning the item in question. In addition, the board may request from the manufacturer clarification of information submitted with the application. Upon being advised by the board, orally or in writing, that an adverse decision is contemplated, a manufacturer may request a conference. The conference must be held within 21 calendar days from the date of that advice. Procedures for requesting an extension of the 21-day period and notifying the manufacturer of the board's decision on that request are the same as those applicable to conferences on ruling requests by taxpayers (see section 9.05 of Rev. Proc. 80–20). If the board decides adversely, or if a conference is held and does not result in a change of position by the board, the application will be closed. However, if a finding is made that the item meets the applicable criteria and the standards for Secretarial determination, the ad hoc advisory board shall report its finding and forward the application to the Commissioner for further consideration. The application will be closed if the Commissioner determines that the applicable criteria or the standards for Secretarial determination have not been met. If approved by the Commissioner, the application will be forwarded to the Assistant Secretary (Tax Policy) for further consideration.

(3) *Decision of the Secretary.* The Assistant Secretary (Tax Policy) will make a recommendation to the Secretary as to whether the item should be included as an energy-conserving component or as a renewable energy source. If the Secretary determines that the item meets the applicable criteria provided in paragraph (c) and the standards for Secretarial determination provided in paragraph (d) of this section, the Secretary will issue a regulation to include the item as an energy-conserving component or as a renewable energy source.

(4) *Action on application.* (i) A final decision to grant or deny any application filed under paragraph (a)(1) shall be made within 1 year after the application and all information required to be filed with such request under paragraph (b) have been received by the Office of the Assistant Commissioner (Technical). The applicant manufacturer shall be notified in writing of the final decision. Applications received prior to October 15, 1980 will not be considered filed for purposes of the preceding sentence but must be resubmitted on or after such date to be considered.

(ii) A report of any application which has been denied during the preceding month and the reasons for the denial shall be published each month.

(b) *Contents of application.* The application by the manufacturer shall include the following information:

(1) A description of the item, including appropriate design drawings and technical specifications. This description should include features relating to safe installation and use of the item.

(2) An explanation of the purpose, function, and each recommended use of the item.

(3) An estimate (and explanation of the estimation methods employed and the assumptions made) of the total number of units that would be sold for each recommended use during the first 4 years following the addition of the item to the approved list and of the total number that would be sold for each recommended use during that period in the absence of addition. This estimate should reflect total industry sales of the item. Past industry sales information for each recommended use for the previous two years should also be provided.

(4) Whether sufficient capacity is available to increase production to meet any increase in demand for the item, or for associated fuels and materials, caused by such addition. This determination shall be based on industry-wide data and not just the manufacturing capability of the applicant. If the applicant has the exclusive right to manufacture the item, this information should also be provided in the application.

(5) An estimate (including estimation methods and assumptions) in Btu's of oil and natural gas used directly or indirectly per unit by the applicant in the manufacture of the item and other items necessary for its use. The type of energy source (*e.g.*, oil, gas, coal, electricity) and the extent of its use in the manufacturing process of the item and the location of the applicant's manufacturing sites and of the sites of major manufacturers of the item should be provided. The applicant must also provide a list of the components of the item and their composition and weight.

(6) Test data and experience data to substantiate for each recommended use the energy savings in Btu's that are claimed will be achieved by one unit during a period of one year. The data shall be obtained by controlled tests in which, if possible, the addition of the item is the only variable. If the item may be sold in various configurations, data should be provided with respect to energy savings from each configuration with significantly different energy use characteristics. Test methods are to conform to recognized industry or government standards. This determination shall take into account the seasonal use of the item and the regional variations in climate.

(7) The impact of increased demand on the price of the item and the energy source used by the item.

(8) The energy source which will be replaced or conserved by the item.

(9) Data to show that use of the item will result in a significant reduction of oil or natural gas consumption directly or indirectly, including assumptions underlying this estimate. If the item will result in reduction of oil or gas consumption by replacing an item which uses such an energy source, the application should indicate the item replaced and the extent to which this reduction will occur.

(10) Geographical information to show the areas of the country where the item is expected to be used, including an estimate of the total number of additional units to be placed in service during the first 4 years following the addition of the item in the area as a result of the addition of the item to the list of qualifying items.

(11) The retail cost of the item (including all installation costs necessary for safe and effective use).

(12) Whether the item is designed for residential use.

(13) Test data to establish that the item meets the applicable criteria set forth in paragraph (c).

(14) The estimated useful life of the item and associated equipment necessary for its use.

(15) The amount of waste and emissions resulting from use of the item.

(16) Test data to show that the item does not present any safety or fire hazard. With respect to applications for addition to the approved list of renewable energy sources, the term "item" as used in this paragraph refers to the property which uses the energy source and not the energy source itself. There shall accompany the request a declaration in the following form: "Under penalties of perjury, I declare that I have examined this application, including accompanying documents,

and, to the best of my knowledge and belief, the facts presented in support of the application are true, correct and complete." The statement must be signed by the person or persons making the application. The declaration shall not be made by the taxpayer's representative.

(c) *Criteria for additions*—(1) *Additions to the approved list of energy-conserving components.* For an item to be considered for addition to the approved list of energy-conserving components, the manufacturer must show that the item increases the energy efficiency of a dwelling. For an item to be considered as increasing the energy efficiency of a dwelling, all of the following criteria must be met:

(i) The use of the item must improve the energy efficiency of the dwelling structure, structural components of the dwelling, hot water heating, or heating or cooling systems.

(ii) The use of the item must result, directly or indirectly, in a significant reduction in the consumption of oil or natural gas.

(iii) The increase in energy efficiency must be established by test data and in accordance with accepted testing standards.

(iv) The item must not present a safety, fire, environmental, or health hazard when properly installed.

(2) *Additions to the approved list of renewable engergy sources.* For an energy source to be considered for addition to the approved list of renewable energy sources, the manufacturer must show that the following criteria are met:

(i) As in the case of solar, wind, and geothermal energy, the energy source must be an inexhaustible energy supply. Accordingly, wood and agricultural products and by-products are not considered renewable energy sources. Similarly, no exhaustible or depletable energy source (such as sources that are depletable under 611) will be considered.

(ii) The energy source must be capable of being used for heating or cooling a residential dwelling or providing hot water or electricity for use in such a dwelling.

(iii) A practical working device, machine, or mechanism, etc., must exist and be commercially available to use such renewable energy source.

(iv) The use of the renewable energy source must not present a significant safety, fire, environmental, or health hazard.

(d) *Standards for Secretarial determination*— (1) *In general.* The Secretary will not make any addition to the approved list of energy-conserving components or renewable energy sources unless the Secretary determines that—

(i) There will be a reduction in the total consumption of oil or natural gas as a result of the addition, and that reduction is sufficient to justify any resulting decrease in Federal revenues,

(ii) The addition will not result in an increased use of any item which is known to be, or reasonably suspected to be, environmentally hazardous or a threat to public health or safety, and

(iii) Available Federal subsidies do not make the addition unnecessary or inappropriate (in the light of the most advantageous allocation of economic resources).

(2) *Factors taken into account.* In making any determination under paragraph (d) (1) (i), the Secretary will—

(i) Make an estimate of the amount by which the addition will reduce oil and natural gas consumption, and

(ii) Determine whether the addition compares favorably, on the basis of the reduction in oil and natural gas consumption per dollar of cost to the Federal Government (including revenue loss), with other Federal programs in existence or being proposed.

(3) *Factors taken into account in making estimates.* In making any estimate under subparagraph (2) (i), the Secretary will take into account (among other factors)—

(i) The extent to which the use of any item will be increased as a result of the addition,

(ii) Whether sufficient capacity is available to increase production to meet any increase in demand for the item or associated fuels and materials caused by the addition,

(iii) The amount of oil and natural gas used directly or indirectly in the manufacture of the item and other items necessary for its use,

(iv) The estimated useful life of the item, and

(v) The extent additional use of the item leads, directly or indirectly, to the reduced use of oil or natural gas. Indirect uses of oil or natural gas include use of electricity derived from oil or natural gas.

(e) *Effective date of addition to approved lists.* In the case of additions to the approved list of energy-conserving components or renewable energy sources, the credit allowable by § 1.44C–1 shall apply with respect to expenditures which are made on or after the date a Treasury decision amending the regulations pursuant to the application is published in the **Federal Register.** However, the Secretary may prescribe by regulations that expenditures for additions made on or after the date referred to in the preceding sentence and before the close of the taxable year in which such date occurs shall be taken into account in the following taxable year. Additions to the list will be subject to the performance and quality standards (if any) provided under § 1.44C–4 which are in effect at the time of the addition. Furthermore, any addition made to the approved list will be subject to reevaluation by the Secretary for the purpose of determining whether the item still meets the requisite criteria and standards for addition to the list. If it is determined by the Secretary that an item no longer meets the requisite criteria, the Secretary will amend the regulations to delete the item from the approved list. Removal of an item from the list will be prospective from the date a Treasury decision amending the regulations is published in the **Federal Register.**

Statement of Procedural Rules—26 CFR Part 601

Par. 2. Paragraph (c) of § 601.601 is amended by adding a new sentence at the end thereof to read as follows:

§ 601.601 Rules and regulations.

* * * * *

(c) *Petition to change rules.* * * * However, in the case of petitions to amend the regulations pursuant to section 44C (c) (4) (A) (viii) or (5) (A) (i), follow the procedure outlined in paragraph (a) of § 1.44C–6.

* * * * *

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 80–32069 Filed 10–9–80; 3:30 pm]

BILLING CODE 4830–01–M

Fiscal Service

Bureau of the Public Debt

31 CFR Ch II

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Bureau of the Public Debt, Department of the Treasury.

ACTION: Semiannual agenda.

SUMMARY: This semiannual agenda is published pursuant to Executive Order 12044, "Improving Government Regulations," and the Department of the Treasury directive implementing that Executive Order. The Bureau of the Public Debt has under development a revision of regulations governing U.S. Treasury Certificates of Indebtedness, Notes and Bonds—State and Local Government Series, Department of the Treasury Circular, Public Debt Series 3–

72, Second Revision, 31 CFR Part 344 [Legal authority: 31 U.S.C. 752, 753, 754]. Notice of the proposed regulations was published in the **Federal Register** on Friday, August 29, 1980 (45 FR 57747). The revision of the regulations was undertaken to implement proposals to require advance notice of the intention to subscribe for the securities as well as to redeem them and to adopt the previously announced prohibition of the reinvestment of securities redeemed before maturity. A regulatory analysis will not be prepared.

In the semiannual agenda of regulations published in the **Federal Register** on Wednesday, April 16, 1980 (45 FR 25827), the Bureau stated that it was reviewing regulations governing United States Savings Bonds Series A–G, J and K, Department of the Treasury Circular No. 530, 11th Revision, as amended, 31 CFR Part 315 and regulations governing United States Savings Bonds Series EE and HH, Department of Treasury Circular, Public Debt Series No. 3–80, 31 CFR Part 353. Final regulations under 31 CFR Part 315 were published in the **Federal Register** on Friday, September 26, 1980 (45 CFR 64090). Final regulations under 31 CFR Part 353 were published in the **Federal Register** on Wednesday, December 26, 1979 (44 CFR 76440).

FOR FURTHER INFORMATION CONTACT: Gerald Rock, Assistant Chief Counsel, Bureau of the Public Debt, Room 309, Washington Building, Washington, D.C. 20226, (202) 376–0243.

Dated: October 9, 1980.

By Direction of the Secretary of the Treasury.

H. J. Hintgen,

Commissioner of the Public Debt.

[FR Doc. 80-32071 Filed 10-14-80; 8:45 am]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

38 CFR Part 3

Disaffirmation of Election of Improved Pension by Certain Medicaid Recipients

AGENCY: Veterans Administration.

ACTION: Proposed regulation amendments.

SUMMARY: The Veterans Administration is proposing to amend its regulations to implement a new law, the Adoption Assistance and Child Welfare Act of 1980. This law provides that certain persons in receipt of Veterans Administration pension for December 1978 may disaffirm an election of improved pension and be restored to the rolls of the pension program that they received benefits under in December 1978.

DATES: Comments must be received on or before November 14, 1980. It is proposed to make this amendment effective January 1, 1979, the date specified in the new law designated as Pub. L. No. 96–272.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Comments will be available for inspection at the above address during normal business hours until November 24, 1980.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle (202–389–3005).

SUPPLEMENTARY INFORMATION: For a better understanding of the explanation which follows the reader should familiarize himself/herself with the definitions in paragraph (a) of the proposed section 3.714 of title 38, Code of Federal Regulations which is set forth below.

We propose to amend 38 CFR 3.711 and 3.712 and add § 3.714 to implement section 310 of the Adoption Assistance and Child Welfare Act of 1980, Pub. L. No. 96–272. The primary purpose of section 310 of this law is to restore medicaid eligibility to pensioners who lost medicaid eligibility because they were required to elect improved pension.

In some States only a person in receipt of public assistance is eligible for medicaid. On January 1, 1979, a new pension program came into being under the Veterans' and Survivors' Pension Improvement Act of 1978, Pub. L. No. 95–588. Called the improved pension program it provided higher payments to many pensioners who were receiving pension under the programs in effect prior to January 1, 1979. (The pension programs in effect prior to January 1, 1979 are called section 306 pension, old-law pension and service pension.) Under the rules governing eligibility to receive public assistance many pensioners were required to elect to receive the greater benefits provided by improved pension.

In some cases these greater benefits terminated a pensioner's entitlement to public assistance and, consequently the pensioner's eligibility to receive medicaid.

To remedy this situation the Adoption Assistance and Child Welfare Act of 1980, Pub. L. No. 96–272, § 310 provides that when medicaid eligibility is based on public assistance entitlement a pensioner may not be required to elect improved pension. Furthermore, a pensioner who was forced to elect improved pension may disaffirm that election and be restored to the section 306, old-law or service pension rolls. No overpayment will be created for the period in which improved pension was payable.

In addition the law provides that public assistance shall be deemed to have remained payable for months after December 1978 up to the time of the improved pension election. This restores medicaid eligibility for the retroactive period.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until November 24, 1980. Any person visiting the Veterans Administration Central Office in Washington, DC for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: October 8, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

Therefore the Veterans Administration proposes to amend 38 CFR Part 3 as set forth below:

1. Section 3.711 is revised to read as follows:

§ 3.711 Improved pension elections.

Except as otherwise provided by this section and § 3.712, a person entitled to receive section 306 or old-law pension on December 31, 1978, may elect to receive improved pension under the provisions of 38 U.S.C. 521, 541, or 542 as in effect on January 1, 1979. Except as provided by § 3.714, an election of improved pension is final when the payee (or the payee's fiduciary) negotiates one check for this benefit and there is no right to reelecton. Any veteran eligible to make an election under this section who is married to a veteran who is also eligible to make such an election may not receive improved pension unless the veteran's spouse also elects to receive improved

pension. (Section 306(a)(1) of Pub. L. 95–588, 92 Stat. 2497)

2. In § 3.712, paragraphs (a)(1) and (b)(1) are revised to read as follows:

§ 3.712 Improved pension elections—Spanish-American War pensioners.

(a) *Veterans*—(1) *General.* A veteran of the Spanish-American War who meets the service requirements of 38 U.S.C. 512(a) may elect to receive improved pension under 38 U.S.C. 521. A Spanish-American War veteran who elects to receive improved pension is not entitled to the additional rate authorized by 38 U.S.C. 521(g), however. Except as provided by § 3.714, an election of improved pension is final when the payee (or the payee's fiduciary) negotiates one check for this benefit and there is no right of reelection.

* * * * *

(b) *Suriving spouses*—(1) *General.* A surviving spouse of a Spanish-American War veteran eligible for pension under 38 U.S.C. 536 may elect to receive improved pension under 38 U.S.C. 541. Except as provided by § 3.714, an election of improved pension is final when the payee (or the payee's fiduciary) negotiates one check for this benefit and there is no right of reelection.

* * * * *

3. Section 3.714 is added to read as follows:

§ 3.714 Improved pension elections—public assistance beneficiaries.

(a) *Definitions.* The following definitions are applicable to this section.

(1) *Pensioner.* This means a person who was entitled to section 306 or old-law pension, or a dependent of such a person for the purposes of chapter 15 of title 38, United States Code as in effect on December 31, 1978.

(2) *Public assistance.* This means payments under the following titles of the Social Security Act:

(i) Title I (Grants to States for Old Age Assistance and Medical Assistance to the Aged).

(ii) Title X (Grants to States for Aid to the Blind).

(iii) Title XIV (Grants to States for Aid to the Permanently and Totally Disabled).

(iv) Part A of title IV (Aid to Families with Dependent Children).

(v) Title XVI (Supplemental Security Income for the Aged, Blind and Disabled).

(3) *Medicaid.* This means a State plan for medical assistance under title XIX of the Social Security Act.

(4) *Informed election.* The term "informed election" means an election of improved pension (or a reaffirmation of a previous election of improved pension) after the Veterans Administration has complied with the requirements of paragraph (e) of this section.

(b) *General.* In some States only a person in receipt of public assistance is eligible for medicaid. When this is the case the following applies effective January 1, 1979:

(1) A pensioner may not be required to elect improved pension to receive, or to continue to receive, public assistance; or

(2) A pensioner may not be denied (or suffer a reduction in the amount of) public assistance by reason of failure or refusal to elect improved pension.

(c) *Public assistance deemed to continue.* Public assistance (or a supplementary payment under Pub. L. No. 93–233, § 13(c)) payable to a pensioner may have been terminated because the pensioner's income increased as a result of electing improved pension. In this instance public assistance (or a supplementary payment under Pub. L. No. 93–233, § 13(c)) shall be deemed to have remained payable to a pensioner for each month after December 1978 when the following conditions are met:

(1) The pensioner was in receipt of pension for the month of December 1978; and

(2) The pensioner was in receipt of public assistance (or a supplementary payment under Pub. L. No. 93–233, § 13(c)) prior to June 17, 1980 and for the month of December 1978, and

(3) The pensioner's public assistance payments (or a supplementary payment under Pub. L. No. 93–233, § 13(c)) were discontinued because of an increase in income resulting from an election if improved pension.

(d) *End of the deemed period of entitlement to public assistance.* The deemed period of entitlement to public assistance (or a supplementary payment under Pub. L. No. 93–233, § 13(c)) ends the first calendar month that begins more than 10 days after a pensioner makes an informed election of improved pension. (If the pensioner is unable to make an informed election the informed election may be made by a member of the pensioner's family.) A pensioner who fails to disaffirm a previously made election of improved pension within the time limits set forth in paragraph (e) of this section shall be deemed to have reaffirmed the previous election. This will also end the deemed period of entitlement to public assistance.

(e) *Notice of right to make informed election or disaffirm election previously made.* The Veterans Administration shall send a written notice to each pensioner to whom paragraph (b) of this section applies and who is eligible to elect or who has elected improved pension. The notice shall be in clear and understandable language. It shall include the following:

(1) A description of the consequences to the pensioner (and the pensioner's family if applicable) of losing medicaid eligibility because of an increase in income resulting from electing improved pension; and

(2) A description of the provisions of paragraph (b) of this section; and

(3) In the case of a pensioner who has previously elected improved pension a form for the purpose of enabling the pensioner to disaffirm the previous election of improved pension; and

(4) The following provisions of Pub. L. No. 96–272, § 310(b)(2)(B):

(i) That a pensioner has 90 days from the date the notice is mailed to the pensioner to disaffirm a previous election by completing the disaffirmation form and mailing it to the Veterans Administration.

(ii) That a pensioner who disaffirms a previous election shall receive, beginning the calendar month after the calendar month in which the Veterans Administration receives the disaffirmation, the amount of pension payable if improved pension had not been elected.

(iii) That a pensioner who disaffirms a previous election may again elect improved pension but without a right to disaffirm the subsequent election.

(iv) That a pensioner who disaffirms an election of improved pension shall not be indebted to the United States for the period in which the pensioner received improved pension. Pub. L. No. 96–272, § 310; 94 Stat. 500.

(f) *Notification to the Department of Health and Human Services.* The Veterans Administration shall promptly furnish the Department of Health and Human Services the following information:

(1) The name and identifying information of each pensioner who disaffirms his or her election of improved pension.

(2) The name and identifying information of each pensioner who fails to disaffirm and election of improved pension within the 90-day period described in paragraph (e)(4)(i) of this section.

(3) The name and identifying information of each pensioner who after disaffirming his or her election of improved pension, subsequently reelected improved pension.

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

[FR Doc. 80-32035 Filed 10-14-80; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-2-FRL 1633-7]

Revision to the New York State Implementation Plan; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: General notice of extension of comment period.

SUMMARY: This notice extends the period for comments on a notice of proposed rulemaking published on August 15, 1980 at 45 FR 54372 concerning a revision to the New York State Implementation Plan. This revision addressed attainment of the primary air quality standards for particulate matter in the Niagara Frontier Air Quality Control Region. The comment period is extended from October 14, 1980 to November 14, 1980. Therefore, any comments received on or before November 14, 1980 will be considered in the final rulemaking.

DATE: Comments are now due on or before November 14, 1980.

ADDRESSES: All comments should be addressed to: Charles S. Warren, Regional Administrator, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264-2517.

(Sections 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601))

Dated: October 7, 1980.

Charles S. Warren,

Regional Administrator, Environmental Protection Agency.

[FR Doc. 80-32072 Filed 10-14-80; 8:45 am]

BILLING CODE 6560-26-M

40 CFR Part 52

[A-4-FRL 1634-1]

Approval and Promulgation of Implementation Plans; Florida: Variance for Particulates, SO_2, Visible Emissions and Excess Emissions for Florida Power & Light Generating Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On February 29, 1980, EPA approved, with certain exceptions, a State Implementation Plan (SIP) revision submitted by the Florida Department of Environmental Regulation (DER). 45 Fed. Reg. 13455. The SIP revision relaxed certain SIP standards for particulates, sulfur dioxide, visible emissions and excess emissions for specified plants of the Florida Power & Light Company (FP&L). The final rule incorrectly stated that the two-year period of relief granted by the variance was from July 25, 1979, until July 25, 1981. The correct period for the variance is from October 18, 1979, until October 18, 1981, and EPA today proposes to correct its final rule, accordingly. In addition, on or about June 23, 1980, DER requested that the two-year limitation for this variance and the Final Supplemental Order containing the two-year limit be withdrawn. EPA views this as a SIP revision request and proposes to disapprove it because it fails to meet public hearing requirements, fails to comply with State law, and results in different State and Federal requirements.

DATES: To be considered, comments must be received on or before December 15, 1980.

ADDRESSES: Written comments should be addressed to Archie Lee of EPA's Air Programs Branch in Region IV (see address below). Copies of the materials submitted by Florida may be examined during normal business hours at the following locations:

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

Library, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Archie Lee, Air Programs Branch, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365, 404/881-3286, FTS 257-3286.

SUPPLEMENTARY INFORMATION: On August 28, 1979, DER issued an Order granting FP&L a variance from certain SIP standards for particulates, sulfur dioxide, visible emissions and excess emissions at seventeen specified units. In that Order, DER retained jurisdiction in the matter to resolve certain additional issues, including the appropriate period of time for the variance. A Final Supplemental Order was issued October 18, 1979, and submitted to EPA on February 11, 1980. One of the terms contained in the Final Supplemental Order (¶ 31C) is that the variance would expire two years from the date the Final Supplemental Order was issued—October 18, 1979. EPA published its Final Rule aproving the variance, with certain exceptions, on February 29, 1980, at 45 Fed. Reg. 13455. In the Final Rule, however, EPA mistakenly stated that the two-year period of relief commenced on July 25, 1979, and terminated on July 25, 1981. EPA hereby proposes to correct that error. The variance approved at 45 Fed. Reg. 13455 will be in effect from October 18, 1979, until October 18, 1981.

On or about June 23, 1980, DER requested that the two-year time limitation for the variance and the entire Final Supplemental Order be withdrawn as part of the SIP revision approved at 45 Fed. Reg. 13455. The effect of the withdrawal would be that the variance granted FP&L would be potentially unlimited in duration. EPA views this request for withdrawal as a new SIP revision since it alters the previously approved revision by deleting the two-year time limitation and the compliance schedule which were contained in the Final Supplemental Order. EPA proposes to disapprove the revision request for three reasons.

First, the public hearing requirements of Clean Air Act § 110(a)(3)(A), 42 U.S.C. § 7410(a)(3)(A), and 40 C.F.R. § 51.4 (1979) which are applicable to SIP revisions have not been met. Section 110(a)(3)(A) of the Clean Air Act, 42 U.S.C. § 7410(a)(3)(A), requires that the State adopt a revision only after reasonable notice and public hearings. Consequently, pursuant to 40 C.F.R. § 51.4 (1979), the State must make such a proposed revision available for public inspection, give public notice of a hearing, and hold a hearing on the proposed revision. Since the State did not comply with the public hearing requirements in this instance, EPA proposes disapproval of the new SIP revision.

Second, this most recent SIP revision would make the plan requirement for FP&L illegal under Florida law. It would, therefore, not meet the requirements of 40 C.F.R. § 51.11 (1979).

In the Order issued on August 28, 1979, DER ruled that FP&L was entitled to a variance under Fla. Stat. Ann. §§ 403.201(1)(b) and (1)(c). (¶¶ 43(b), 43(c)). Fla. Stat. Ann. § 403.201(1)(b) provides that a variance may be granted where compliance with a particular requirement from which the variance is sought will require measures which, because of their extent or cost, must be spread out over a considerable period of time. A variance granted for this reason, however, must contain a timetable for taking the required measures. The August Order, however, contained no timetable for compliance and stated that more detailed studies were necessary to determine the extent of the appropriate measures, costs, or time required to implement such measures (¶ 43(b)). The Final Supplemental Order issued on October 18, 1979, did contain a timetable for the installation of new burners at nine of FP&L's units (Exhibit "D"). Therefore, if the October Final Supplemental Order were withdrawn, the Florida SIP revision would contain no compliance schedule and no relief could be granted pursuant to Fla. Stat. Ann. § 403.201(1)(b).

In addition, under Fla. Stat. Ann. § 403.201(1)(c) a variance may be granted to relieve or prevent hardship. Such relief, however, is limited to a period of two years. The DER Order issued August 28, 1979, which stated that relief was proper under this statutory provision contained no time limitation (¶ 43(c)). The Final Supplemental Order issued in October, however, did limit the variance to a two-year period (¶ 31C). If the October Final Supplemental Order were withdrawn, the Florida SIP revision would lack the required two-year time limitation.

Approval of the withdrawal of the Final Supplemental Order would thus delete from the Florida Plan for FP&L two elements that are essential under State law. The revision would then be legally deficient under State law and, hence, unenforceable by EPA. Since EPA's regulations require each plan to show that the State has legal authority necessary to carry out the plan (40 C.F.R. § 51.11(a) (1979)), EPA proposes to disapprove the State's revision request.

Third, EPA is proposing disapproval because the withdrawal of the Final Supplemental Order would result in an inconsistency between the State and Federal plans. Although the Florida DER is requesting withdrawal of the Order from the Federal plan, it has informed EPA that it does not intend to delete it from the State plan. If EPA were to approve the withdrawal of the Final Supplemental Order, the enforceable requirements for FP&L would differ under each plan.

EPA believes § 110 of the Clean Air Act, 42 U.S.C. § 7410, contemplates that sources subject to regulation under both Federal and State plans would generally be subject to the same requirements in each plan. Deletion of the Final Supplemental Order would leave EPA unable to enforce the two-year limitation or compliance schedule which are present in the State's plan. Since §§ 110 and 113 of the Clean Air Act, 42 U.S.C. §§ 7410 and 7413, generally intend that provisions of an applicable plan be enforceable by both EPA and the State, inconsistent requirements would contravene this congressional intent.

If EPA takes final action as proposed today, the two-year time limitation for the variance approved at 45 Fed. Reg. 13455 will remain in effect but with the two-year period beginning on October 18, 1979, and ending on October 18, 1981. If affirmative action is taken by the State at the end of the two-year period to continue or modify the variance, such action would have to be made part of a further SIP action submitted to EPA. If no action is taken by the State at the end of the variance period, the former SIP from which the variance was granted would be effective for both State and Federal enforcement purposes.

The public is invited to participate in this rulemaking action by submitting written comments. After reviewing pertinent comments and all other information available to him, the Administrator will take final action on the Florida SIP revision. Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044. Section 110(a) of the Clean Air Act, 42 U.S.C. 7410(a).

Dated: September 29, 1980.

Rebecca W. Hanmer,

Regional Administrator.

It is proposed to revise Part 52 of Chapter I, Title 40, Code of Federal Regulations, as follows:

Subpart K—Florida

In § 52.520, paragraph (c)(19) is revised to read as follows:

§ 52.520 Identification of plan.

* * * * *

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

* * * * *

(19) August 31, 1979, submittal of variance granted to FP&L for increased emissions of particulates, sulfur dioxide and visible emissions. This variance is in effect from October 18, 1979, to October 18, 1981. The TSP variance for Turkey Point and Port Everglades are disapproved while remaining portions are approved.

[FR Doc. 80-32067 Filed 10-14-80; 8:45 am]

BILLING CODE 6560-26-M

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40 CFR Part 55

[A3-FRL-1634-3]

State and Federal Administrative Enforcement of Implementation Plan Requirements After Statutory Deadlines; Proposed Delayed Compliance Order for Virginia Electric & Power Co.'s Chesterfield Generating Station

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency proposes to issue an administrative order to Virginia Electric and Power Company's Chesterfield Generating Station requiring its Unit 4 in Chesterfield County, Virginia to achieve compliance with air pollution requirements under the Virginia State Implementation Plan by June 1, 1982.

DATE: Written comments and requests for a public hearing (and reasons therefor) must be received no later than November 14, 1980.

ADDRESS: All comments and requests for a public hearing should be submitted to: U.S. Environmental Protection Agency, Region III, Curtis Building, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106. Attn: Director, Air, Toxics & Hazardous Materials Division.

FOR FURTHER INFORMATION CONTACT: Mr. Mark E. Garrison, Regional Energy Coordinator, Environmental Protection Agency, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106 (215-597-9944).

SUPPLEMENTARY INFORMATION: EPA has developed an administrative order it proposes to issue under Section 113(d)(5) of the Clean Air Act ("the Act") 42 U.S.C. 7413(d)(5), to the Virginia Electric and Power Company (the "Company") requiring its Unit 4 at the Chesterfield Power Station in Chesterfield County, Virginia to achieve compliance with Virginia State Air Pollution Control Board, Section IV,

Rules 2 and 3 of the Virginia State Implementation Plan by June 1, 1982. The order requires the Company to install control equipment on Unit 4 according to the compliance schedule set forth in the order, contains interim emission reduction requirements, specifies emission limitations, fuel quality characteristics, and requires monitoring and reporting of air quality and air pollutant emissions data. If the order is issued, the Company's compliance with its terms will preclude any further enforcement action against the Company by EPA under Section 113 of the Act and any citizens' suits under Section 304 of the Act for violations of the Virginia State Implementation Plan provisions for Unit 4 covered by the order. The purpose of this notice is to invite public comments on whether or not EPA should issue this order under Section 113(d)(5) and, if significant public interest exists, to offer an opportunity for public hearing to discuss this issue.

The actual terms of the order, as set forth below, may be modified prior to final EPA issuance. Background information applicable to the Company's Chesterfield Generating Station may be viewed during normal business hours at the address provided above.

All interested persons are invited to submit written comments on the proposed order. Comments, submitted in person or by mail within 30 days of this publication, will be considered in determining whether EPA should issue the order. Any person may request a public hearing on the subject order by submitting a request in writing and reasons therefor to the above Regional Office by November 14, 1980. If there is significant public interest in such a hearing, it will be conducted by the Region III office following 30 days prior notice of the time and place of the hearing.

The Clean Air Act Amendments ("the Amendments") of 1977 have changed the authority of the Administrator to issue extensions of compliance dates to sources which receive orders from the Department of Energy prohibiting the use of oil or gas as a primary energy source under Section 2(a) of the Energy Supply and Environmental Coordination Act (ESECA). Such extensions were issued under Section 119 of the Clean Air Act ("the Act") as in effect prior to the amendments, and regulations implementing Section 119 were codified under 40 CFR Part 55. Section 112 of the Amendments repealed Section 119 and added a new Section 113(d) which provides for the issuance of extensions to all sources generally and to prohibited sources specifically [113(d)(5)]. Regulations promulgated in 40 CFR Part 55 under the authority of Section 119 are being revised to reflect this statutory change, and any extensions granted under the new authority of 113(d)(5) will be promulgated in Part 55.

The Clean Air Act Amendments of 1977 have changed the ESECA program in four major respects. These changes are:

(1) Sources able to comply with the applicable State Implementation Plan by December 31, 1985 may be eligible for an extension as opposed to the previous date of January 1, 1979;

(2) Extensions are to be provided for via Section 113(d)(5), Delayed Compliance Orders, rather than Section 119, Compliance Date Extensions;

(3) The regional limitation of old Section 119(c)(2)(D) has been made a rebuttable presumption by the new Section 113(d)(5)(D); and

(4) Written consent of the Governor of the appropriate State must be obtained on any date EPA proposes to certify to the Department of Energy as the earliest date a prohibited source can convert to coal in compliance with applicable air pollution requirements.

Therefore, if the subject order is issued by EPA, 40 CFR Part 55 would be amended based upon the actual term of Order No. R–III–CC–006 appearing below:

Before the U.S. Environmental Protection Agency—Region III

Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106

Order No. R–III–CC–006.

In the Matter Of: Virginia Electric & Power Company, Chesterfield Power Station.

This ORDER is issued pursuant to Section 113(d)(5) of the Clean Air Act ("the Act"), as amended, 42 U.S.C. § 7413(d)(5). This ORDER contains a schedule for compliance, interim requirements, monitoring and reporting requirements, and other requirements of this Section of the Act. Public notice has been provided pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), and a copy of this ORDER has been provided to the Governor of the Commonwealth of Virginia to seek his concurrence.

Findings

On June 30, 1975, Virginia Electric & Power Company (the "Company") received notice of a proposed Prohibition Order from the Federal Energy Administration ("FEA") pursuant to Section 2 of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. § 792 (1976), as implemented by 10 C.F.R. Parts 303 and 305 (1979). Said ORDER prohibited, upon receipt of a Notice of effectiveness, any further burning of natural gas or petroleum products as the primary energy source for the Company's Chesterfield Unit 4 ("Unit 4") at the Chesterfield Power Station ("Station") in Chesterfield, Virginia.

Unit 4 was burning petroleum products as its primary energy source at the time the FEA Prohibition Order was issued. The burning of coal as the primary energy source for Unit 4 would result in the Station not being in compliance with applicable air pollution requirements of the Virginia State Implementation Plan ("SIP"). The Company, therefore, formally requested from the United States Environmental Protection Agency (EPA) an order under Section 113(d)(5) of the Act to allow the burning of coal as the primary energy source at Unit 4.

The Company also requested that EPA issue a delayed compliance order pursuant to Section 113(d)(5) of the Act for the Company's Chesterfield Unit 6 ("Unit 6"). EPA has decided to consider the merits of issuing a Section 113(d)(5) order for Unit 6 independent from this ORDER, which only includes Unit 4. EPA's evaluation of whether or not to issue a Section 113(d)(5) order for Unit 6 is continuing, and the issuance of this ORDER does not constitute a grant or denial of the Company's request for a Section 113(d)(5) order for Unit 6.

The Company demonstrated that emissions resulting from the conversion of Unit 4 to coal would not cause or contribute to any violation of the national primary ambient air quality standard for particulate matter in the State Capital Intrastate Air Quality Control Region (AQCR).

EPA has determined that Section 113(d)(5)(D) of the Act does not apply. An air quality moitor located in the City of Richmond at 411 Commerce Street, designated L–158–J by the Virginia State Air Pollution Control Board (SAPCB), and located approximately ten miles from the Chesterfield Power Station, has recorded values in excess of the annual national primary ambient air quality standard for particulates. Following an inspection and evaluation of the monitoring site, however, EPA has determined that the monitor is not sited in accordance with the monitoring regulations set forth in Appendix E of EPA's Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions (44 Fed. Reg. 27558 (1979)). As a result of this determination, EPA has rejected the data from this monitor for the purposes of considering whether the regional limitation exists. No other monitors in the State Capital Intrastate AQCR have recorded values exceeding the national primary ambient air quality standards for particulates during the past eight calendar quarters.

The Administrator of EPA ("Administrator") has also determined that the emission limitations, requirements regarding the pollution characteristics of the coal, and other enforceable measures contained in this ORDER, satisfy the requirements of Section 113(d)(5)(B) of the Act. Furthermore, pursuant to Section 113(d)(5)(B) of the Act, the Administrator has determined that compliance with the requirements of this ORDER will assure that, throughout the period before the date for final compliance established in the ORDER, the burning of coal by Unit 4 will not result in emissions which will cause or contribute to

concentrations of any air pollutant in excess of any national primary ambient air quality standard for such pollutant.

Pursuant to Section 113(d)(6) of the Act, the Administrator has determined that the Compliance schedule set forth below is as expeditious as practicable.

Finally, pursuant to Section 113(d)(7) of the Act, the Administrator has determined the the ORDER provides that Unit 4 shall use the best practicable system or systems of continuous emission reduction, taking into account the requirements with which the Unit must ultimately comply, during the period this ORDER is in effect. Unit 4 shall also comply with such interim requirements as the Administrator has determined are reasonable and practicable, including such measures as are: (1) necessary to ensure avoidance of imminent and substantial endangerment to the health of persons; and (2) ensure that Unit 4 complies with the requirements of the Virginia State Implementation Plan (the "Virginia SIP") insofar as it is able to do so. Therefore, based upon a thorough review of the information obtained from all sources, including public comment, the Administrator has decided to issue the following ORDER.

Order

It is hereby ORDERED that:

SIP Limitation

I. During the period this ORDER is in effect, Unit 4 shall not be subject to § IV, Rule 2 (effective March 17, 1972) and Rule 3 (effective March 17, 1972, as amended, August 11, 1972) of the Federally-approved Virginia Regulations for the Control and Abatement of Air Pollution (hereinafter referred to as "Rules 2 and 3"), but must comply with the interim limitations and compliance schedule set forth in this ORDER.

Chesterfield Units 1, 2, 3, 5 and 6 shall remain subject to Rules 2 and 3. During the period this ORDER is in effect, the total heat input for Chesterfield Units 1, 2, 3, 5 and 6 shall be 13,291 million BTUs per hour, and this heat input rate will be used for determining the maximum allowable amount of particulate matter that may be emitted from these units pursuant to Rule Number 3. At this heat imput rate, Rule 3 allows a maximum emission rate of 1,329 pounds of particulate matter per hour.

Compliance Schedule

II. The Company's Unit 4 shall comply with the requirements of Rules 2 and 3 as expeditiously as practicable, but in no event later than the dates specified in the following schedule:

A. Not later than March 1, 1981: Initiate on-site construction or installation of continuous particulate emission control systems.

B. Not later than March 1, 1982: Complete on-site construction or installation of continuous particulate emission control systems.

C. Not later than June 1, 1982: Perform particulate emission tests and submit the test report. The test report results must demonstrate compliance with Rules 2 and 3 and said results must be obtained in conformance with the procedures set forth in Appendix A to 40 C.F.R. Part 60.

D. In the event the Company is unable to comply with any of the schedule increments established in subparagraphs (A) through (C) above, and such failure is caused by or due to circumstances beyond the control of the Company, the time for compliance with such schedule increment and all subsequent schedule increments shall be extended for a period equal to the delay resulting from such circumstances. Any delay that is caused by such circumstances shall not be deemed a violation of this ORDER. Increased costs or expenses associated with the implementation of actions called for by this ORDER shall not, by themselves, be considered circumstances beyond the control of the Company for the purposes of this Paragraph. The burden of proving that any delays caused by circumstances beyond the control of Company shall rest with the Company.

III. With respect to the interim milestones contained in the compliance schedule set out in subparagraphs (A) through (C) of Paragraph II hereinabove, the Company shall submit written notice to the Director, Air, Toxics and Hazardous Materials Division, EPA Region III, no later than ten (10) calendar days after each milestone has been satisfied, but no later than ten (10) calendar days after the final date set for achieving each such milestone, if it has not been achieved. Furthermore, the Company shall submit a construction progress report to said Director no later than four (4) months after the effective date of this ORDER, and every four (4) months thereafter.

Interim Requirements

IV. During the period this ORDER is in effect, Unit 4 at the Station shall comply with the following interim requirements:

A. Unit 4 shall burn coal with an ash content not to exceed 9.2 pounds of ash per million BTU's (*e.g.*, coal having an ash content of eleven percent (11%) and a heating value of twelve thousand (12,000) BTU's per pound, or the equivalent).

B. Unit 4 shall not at any time emit in excess of two thousand fifty-eight (2,058) pounds of particulate matter per hour.

C. The Company shall continue to take measures to improve the performance of the particulate emission control equipment on Unit 4 where it is reasonable and practicable to do so. Such measures may include, but are not limited to, adjustments and modifications to the existing control equipment or the training of operators to optimize particulate emission control equipment performance.

Any modifications to this ORDER shall be made by the Administrator pursuant to Section 113(d)(5) of the Act and promulgated pursuant to the procedures for informal rulemaking.

V. The Company is not relieved by the terms of this ORDER from compliance with any requirement imposed by EPA and/or the courts pursuant to Section 303 of the Act.

Emission Monitoring and Reporting Requirements

VI. The Company shall comply with the following emission monitoring and reporting requirements at the Chesterfield Power Station on or before the dates specified below:

A. Emission and Ambient Air Quality Monitoring

1. No later than thirty (30) calendar days after the effective date of this ORDER, the Company shall submit to the Director, Air, Toxics and Hazardous Materials Division, EPA Region III, a proposal for an air quality monitoring network to be set up by the Company in the vicinity of the Chesterfield Power Station. Said network shall include monitors capable of measuring 24-hour average particulate concentrations and may include the monitors currently owned and operated by the Company.

2. No later than ninety (90) calendar days after receiving EPA approval of the network proposed under subparagraph A.1. of this paragraph, the Company shall complete installation of and begin operation of the EPA-approved network, including any modifications made in the network by the Director, Air, Toxics and Hazardous Materials Division, EPA Region III.

3. No later than ninety (90) calendar days after the effective date of this ORDER, the Company shall submit to the Director, Air, Toxics and Hazardous Materials Division, EPA Region III, the methods, procedures and devices the Company intends to use to obtain the information required by subparagraph B of this paragraph.

4. No later than thirty (30) calendar days after receiving EPA approval of the monitoring and information gathering system proposed under subparagraph A.3. of this paragraph, the Company shall implement such system as approved by EPA, including any modifications to the proposed system made by the Director, Air, Toxics and Hazardous Materials Division, EPA Region III. Said Director may allow additional time to install monitoring equipment.

5. No later than sixty (60) calendar days after commencing the burning of coal as the primary energy source in the Company's Boiler Number 4, the Company shall perform particulate emissions tests on Unit 4. Such tests shall be performed in accordance with Appendix A of 40 C.F.R. Part 60 (1979). The Company shall provide written notification to the EPA Region III Regional Energy Coordinator a minimum of fifteen (15) days prior to the scheduled date for conducting such tests. The Company shall submit to the Regional Energy Coordinator a complete written report containing all information pertinent to the performance and results of the particulate emissions tests on Unit 4 no later than thirty (30) calendar days after completing such tests.

6. No later than thirty (30) calendar days after the effective date of this ORDER, the Company shall install and operate continuous opacity monitors required under subparagraph VI. B.1.c of this ORDER.

7. No later than ninety (90) calendar days after the effective date of this ORDER, the Company shall conduct a Performance Specification Test (PST) for the continuous opacity monitors required in subparagraph VI.A.6. of this ORDER in accordance with Performance Specification 1, Appendix B of 40 C.F.R. Part 60 (1979). The Company shall submit written notice to the Regional Energy Coordinator, EPA Region III, at least thirty (30) days prior to conducting the PST.

8. No later than forth-five (45) calendar days after the completion of the PST required under subparagraph VI.A.7. of this ORDER, the Company shall submit a written containing all information pertinent to the PST to the Regional Energy Coordinator, EPA Region III.

B. Recordkeeping and Noncompliance Reporting

1. The Company shall maintain monthly records both of air quality monitoring data of air pollutant emissions. The Company shall submit copies of these records to the Regional Energy Coordinator, EPA Region III, no later than fifteen (15) calendar days after the end of each calendar month. Said air pollutant emission records shall detail particulate emissions from Unit 4 as determined by the application of EPA emission factors and shall at minimum include:

a. A description of the types and amounts of fuel consumed each day of the preceding month;

b. An analysis of the fuel received each week including sulfur content, ash content and high heating value; and

c. For unit 4, a record of the opacity acquired by means of a continuous opacity monitoring device in the stack. Such continuous opacity monitoring device shall be installed, calibrated, and maintained in accordance with Performance Specification 1, Appendix B of 40 C.F.R Part 60.

2. No later than thirty (30) days after the effective date of this ORDER, the Company shall submit for EPA approval procedures by which the Company will obtain the record data about the operating parameters of the electrostatic precipitators on each coal-fired unit at the Chesterfield Power Station. Said procedures shall be implemented within thirty (30) days after they are approved by EPA. The Company shall also maintain records of discharge electrodes which are shorted or cut out. The records and data collected pursuant to this subparagraph shall be kept on file at the Chesterfield Power Station for not less than twelve (12) months after they are collected and shall be available for inspection by EPA during that time.

3. If, for any reason, the Company does not comply or will be unable to comply with any requirement of this ORDER, the Company shall submit written notice to the Director, Air, Toxics and Hazardous Materials Division, EPA Region III, no later than five (5) calendar days of becoming aware of such noncompliance. Such notice shall include:

a. A description of the noncompliance and its cause;

b. The period during which noncompliance has occurred and/or is expected to occur; and

c. The steps taken to reduce, eliminate and prevent recurrence of the noncompliance.

4. If the air quality monitoring data collected by the Company pursuant to subparagraph VI.A. of this ORDER indicate that the national primary amibient air quality standards for particulates are being exceeded, the Company shall notify the Director, Air, Toxics and Hazardous Materials Division, EPA Region III, of such occurrence by telephone or other means, no later than seventy-two (72) hours after the Company becomes aware of such noncompliance. This notification shall be followed by a letter no later than seven (7) days after such notification.

5. Notification of noncompliance pursuant to subparagraphs VI.B.3. and VI.B.4 of this ORDER shall not excuse such noncompliance or prevent EPA from initiating appropriate enforcement action pursuant to paragraph XII of this ORDER.

C. Control Equipment Performance

1. No later than sixty (60) calendar days after the effective date of this ORDER, and every six months thereafter, the Company shall submit to the Director, Air, Toxics and Hazardous Materials Division, EPA Region III, a report that describes the Company's efforts during the reporting period to improve the performance of the particulate emission control equipment on Unit 4, as required in subparagraph IV.C. of this ORDER.

VII. The period of effectiveness of this ORDER shall not include any interval after EPA finds and notifies the Company that (1) a national primary ambient air quality standard for particulates is being exceeded in the State Capital AQCR of Virginia and (2) the Company has failed to submit evidence, or, if such evidence has been submitted, it is inadequate in the judgment of EPA to show, that the requirements of Sections 113(d)(5)(D)(i) through (iii) of the Act have been satisfied. During such intervals, if any, full compliance with the standards and limitations of the SIP (excluding this ORDER) shall be required of the Company, and violations by the Company of the SIP shall be subject to enforcement action under any and all authorities of Section 113 of the Act.

VIII. Nothing herein shall affect the responsibility of the Company to comply with any other applicable State, local or other Federal Regulations.

IX. The Company shall submit a copy of all correspondence and reports required under this ORDER to the Director, Enforcement Division, EPA Region III.

X. The Company is hereby notified that its failure to achieve final compliance at its Chesterfield Power Station with the applicable particulate emission regulations of the Virginia SIP by June 1, 1982, or such other date as may be specified in a second ORDER pursuant to Subsection 113(d) of the Act, if issued, may result in a requirement to pay a noncompliance penalty under Section 120 of the Act, 42 U.S.C. § 7240. Such requirement may be imposed at an earlier date, as provided by Section 113(d) and Section 120 of the Act, in the event that either this ORDER is terminated as provided in Paragraph XI below, or in the event that any requirement of this ORDER is violated as provided in Paragraph XII, below. In any event, the Company will be formally notified, pursuant to Section 120(b)(3) of the Act and any regulations promulgated thereunder, of its noncompliance.

XI. This ORDER shall be terminated in accordance with Section 113(d)(8) of the Act if the Administrator or his delegatee determines, on the record, after notice and hearing, that the inability of the Company to comply with Rules 2 and 3, as approved by EPA, no longer exists with respect to its Chesterfield Power Station. In addition, if the Company is able to demonstrate compliance with Rules 2 and 3 prior to June 1, 1982, then this ORDER may be terminated at that earlier date by mutual agreement of the Administrator and the Company.

XII. Violation of any requirement of this ORDER shall result in one or more of the following actions:

A. Enforcement of such requirement pursuant to Section 113(a), (b), or (c) of the Act, 42 U.S.C. § 7413(a), (b) or (c);

B. Revocation of this Order, after notice and opportunity for a public hearing;

C. Notification of noncompliance and commencement of action pursuant to Section 120 of the Act.

XIII. This ORDER is effective upon publication in the **Federal Register** and after having received concurrence from the Governor of the Commonwealth of Virginia.

Date: _____

Administrator or Delegatee, U.S. Environmental Protection Agency

Waiver of Rights to Challenge ORDER

Virginia Electric and Power Company (the "Company"), by the duly authorized undersigned, hereby consents to the findings made and to the terms of this ORDER and waives any and all rights under provision of law to challenge this ORDER; however, the Company expressly reserves the right to assert any other defense or to seek such other relief as may be available to it in any enforcement action or other action taken pursuant to this ORDER or otherwise.

Date: _____

[Authority: 42 U.S.C. 7413(d)]

Date: August 29, 1980.

Jack J. Schramm,

Regional Administrator.

[FR Doc. 80-32068 Filed 10-14-80; 8:45 am]

BILLING CODE 6560-26-M

40 CFR Part 261

[SWH-FRL 1633-L]

Identification and Listing of Hazardous Waste; Rulemaking Petition and Request for Comments

AGENCY: Environmental Protection Agency.

ACTION: Notice of rulemaking Petition and request for comments.

SUMMARY: The National Solid Wastes Management Association ("NSWMA") has petitioned the Environmental Protection Agency ("EPA") to amend 40 CFR 261.5 to require that generators and transporters of small quantities of hazardous waste comply with the manifest, packaging, labeling and recordkeeping requirements of 40 C.F.R. Part 262 and 263. This notice describes the petition and invites interested persons to comment on it.

DATE: EPA will accept comments on NSWMA's rulemaking petition until December 1, 1980.

ADDRESS: Comments should be sent to Docket Clerk [Docket No. 3001], Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert Holloway, Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 755-9200.

SUPPLEMENTARY INFORMATION: Pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended ("RCRA"), EPA recently promulgated regulations establishing a comprehensive regulatory program for the management and control of hazardous wastes. 45 FR 33066 (May 19, 1980). The regulations, among other things, identify the characteristics of hazardous waste, list particular wastes as hazardous, and establish standards for generators and transporters of hazardous waste and owners and operators of hazardous waste management facilities. Exempted from full regulation are hazardous wastes produced by small quantity generators, provided that generators of these wastes ensure delivery of the wastes to facilities that are either permitted under Subtitle C of RCRA (including facilities in interim status) or that are permitted, licensed or registered by a state to handle municipal or industrial solid waste. *See* 40 CFR 261.5, 45 FR 33120.

Persons handling hazardous wastes produced by small quantity generators are exempt from most of the RCRA requirements imposed on other generators and transporters of hazardous waste. These include notification to the Agency, compliance with the manifest system and compliance with packaging, labeling, placarding, recordkeeping and reporting requirements. *See* 40 CFR Part 262 and 263. The basis for this exclusion is EPA's determination that it lacks the administrative resources to implement and enforce the hazardous waste program if an estimated 695,000 generators of small quanitities of hazardous waste were subject to full regulation. The basis and rationale for the exclusion are set forth in the preamble to the May regulations and in a background document supporting the regulation. *See* 45 FR 33066, 33102-33105.

On September 12, 1980, NSWMA submitted a rulemaking petition to EPA, requesting revision to the reduced requirements for wastes produced by small quantity generators. The petition asks that EPA require generators and transporters of these wastes to comply with the packaging, labeling, manifest and recordkeeping provisions set forth in 40 CFR Parts 262 and 263 of the regulations. It is the position of NSWMA that such requirements are necessary to protect, among others, transporters, landfill operators, and the public from the potential dangers attendant with handling hazardous wastes which are not properly identified or packaged. NSWMA contends that the imposition of these requirements would entail no significant drain on limited Agency resources. A copy of NSWMA's petition may be obtained from the Docket Clerk at the address listed above.

EPA believes that NSWMA petition warrants serious consideration. Accordingly, the Agency seeks public comment on the petition or other alternate approaches to the regulation of generators of small quantities of hazardous waste which would increase the protection of human health and the environment and which would allow EPA to effectively implement and enforce the federal program.

Dated: October 9, 1980.

James N. Smith,

Assistant Administrator for Water and Waste Management.

[FR Doc. 80-32088 Filed 10-14-80; 8:45 am]

BILLING CODE 6560-30-M

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40 CFR Part 770

[OPTS 47001B; TSH-FRL 1634-7]

Exemptions From Test Rules; Proposed Statement of Policy and Procedures; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a proposed rule on the policy and procedures for exemptions from test rules that appeared in the **Federal Register** of July 18, 1980 (45 FR 48512). The action is necessary to correct substantive errors.

DATE: Written comments must be submitted on or before October 31, 1980.

ADDRESSES: Written views and comments should bear the document control number [OPTS-47001/47001A] (80T-125), and should be submitted to: Document Control Officer, Management Support Division (TS-793), Room E-447, Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office, (TS-799), Environmental Protection Agency, (202/554-1404), or Toll free (800-424-9065).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 18, 1980, (FR Doc. 80-21564) appearing at page 58512, the following corrections are made:

1. On page 48513, column one, second full paragraph, "arrangements under Section 4(b)(3)(A)," is corrected to read "arrangements under Section 4(b)(3)(A) as is followed for exemptions."

2. On page 48515, column one, third full paragraph, "the Section 4(a) statutory criteria" is corrected to read "meet the Section 4(a) statutory criteria."

3. On page 48515, column two, second full paragraph, "EPA in proposing such a test rule" is corrected to read "EPA in proposing such a test rule; therefore, equivalence data would not be required to be submitted for this approach."

4. On page 48516, column one, first paragraph, "procedures of chemical 3" is corrected to read "producers of chemical 3."

5. On page 58516, column two, third full paragraph, "of chemicals 1,3,5, and 7, this would be" is corrected to read "of chemicals 1,3,5, and 7, this would not produce financial inequities since 1,3,5, and 7 would be".

6. On page 48518, column one, last sentence, "EPA is proposing not to make a decision to exempt an applicant if a valid Study Plan . . ." is corrected to read "EPA is proposing that it will not make a decision to exempt an applicant unless a valid Study Plan or test data on a chemical have been received . . .".

7. On page 48520, column one, last full paragraph, "are *bona fide* manufacturers of processors" is corrected to read "are *bona fide* manufacturers or processors."

8. On page 48523, column one, § 770.405(b) should read as follows:

§ 770.405 Filing of applications.

* * * * *

(b) *What may be claimed.* A person may apply for an exemption from one or more specific testing requirements to which the person is subject as set forth in Part 773 of this chapter.

Dated: October 7, 1980.

Joseph J. Merenda,

Director, Assessment Division.

[FR Doc. 80-32065 Filed 10-14-80; 8:45 am]

BILLING CODE 6560-31-M

40 CFR Part 773

[OPTS 47002A; TSH-FRL 1634-5]

Chloromethane and Chlorinated Benzenes; Proposed Test Rule; Amendment to Proposed Health Effects Standards; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a proposed rule to test chloromethane and the chlorinated benzenes and to amend the proposed health effects standards. The proposed rule appeared in the Federal Register of July 18, 1980 (45 FR 48524). The action is necessary to include exporters as subject to the testing requirements in the proposed rule. While it is stated in the preamble that exporters are subject to the proposed testing requirements, the exporter coverage was inadvertently omitted from the proposed rule. The action is also necessary to correct other substantive errors.

DATE: Written comments must be submitted on or before October 31, 1980.

ADDRESSES: Written views and comments should bear the document control number [OPTS-47002/47002A] (80T-126), and should be submitted to: Document Control Officer, Management Support Division (TS-793), Room E-447, Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office, (TS-799), Environmental Protection Agency (202/554-1404), or Toll free (800-424-9065).

SUPPLEMENTARY INFORMATION: In the Federal Register of July 18, 1980, (FR Doc. 80-21565) appearing at page 48524, the following corrections are made:

1. On page 48528, column three, second full paragraph, "that the risk be unreasonable" is corrected to read "that the risk may be unreasonable."

2. On page 48531, column two, second full paragraph, "Other substances may not be produced . . . now in commercial production." is corrected to read "Other substances in the category may not be produced currently but could well serve as substitutes for those other category members now in commercial production."

3. On page 48533, column one, second full paragraph, "At this point, manufacturers" is corrected to read "At this point, if the data can be extrapolated to the untested members, manufacturers".

4. On page 48533, column three, first full paragraph, "of chemicals 1,3,5,7 this would be" is corrected to read "of chemicals 1,3,5,7, this would not produce financial inequities since 1,3,5, and 7 would be".

5. On page 48535, column one, second full paragraph, "described above will assure the Agency" is corrected to read "described below will assure the Agency".

6. On page 48536, Table 1, the subchronic/chronic effects column, "13" is corrected to read "3".

7. On page 48541, the table is corrected to be entitled "Table 2" and in the Subchronic/chronic column, the final "X" is corrected to read "—".

8. On page 48543, column two, last paragraph, "That 1,2,4-trichlorobenzene has been adequately tested for subchronic effects and pentachlorobenzene for tetragenicity" is corrected to read "pentachlorobenezene has been adequately tested for subchronic effects and for tetratogenicity, 1,2,4-trichlorobenzene has been tested for reproductive effects,".

9. On page 48556, column one, the third full paragraph is corrected to add to the end of the paragraph the sentence, "Because equivalence is assumed between the sample and the category in this approach, the submission of equivalence data is not being proposed".

10. On page 48557, column one, the compound column of the table is corrected to read:

Chloromethane
Monochlorobenzene
Dichlorobenzene 1,2
Dichlorobenzene 1,4
Trichlorobenzene 1,2,4
Tetrachlorobenzene 1,2,4,5
Pentachlorobenzene

11. On page 48557, column two, last paragraph, "impact, is that under the first alternative" is corrected to read "impact, is that under the proposed approach".

12. On page 48557, column two, last paragraph, the final sentence is corrected to read "Consequently, the greatest difference appears to be between Alternative 1 and the other options since Alternative 1 formally requires the testing of all 11 chlorobenzenes."

13. On page 48561, column one, under General Issues number 2, "present an unreasonable risk, to what" is corrected to read "present an reasonable risk, to what" and "activities unreasonable risks in the" is corrected to read "activities reasonable risks in the".

14. On page 48563, column three, second full paragraph, "9:00 a.m. to 5:00 p.m." is corrected to read "8:00 a.m. to 4:00 p.m.".

15. On page 48564, column two, under § 773.1(a), "including importers, and/or processors" is corrected to read "including importers, exporters, and/or processors".

16. On page 48564, column three, under § 773.12, "manufacture (including import)" is corrected to read "manufacture (including import and export)".

17. On page 48565, column one, "(viii) 1,2,3,4-trichlorobenzene" is corrected to read "(viii) 1,2,3,4-tetrachlorobenzene".

Dated: October 7, 1980.

Joseph J. Merenda,

Director, Assessment Division.

[FR Doc. 80-32064 Filed 10-14-80; 8:45 am]

BILLING CODE 6560-31-M

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40 CFR Part 773

[OPTS 47003A; TSH-FRL 1634-8]

Acrylamide: Response to the Interagency Testing Committee; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a proposed notice on acrylamide that appeared in the Federal Register of July 18, 1980 (45 FR 48510). This action is necessary to correct the hours that public files on the proposed rulemaking may be available for review by interested person(s).

DATE: Written comments must be submitted on or before October 31, 1980.

ADDRESSES: Written views and comments should bear the document control number [OPTS-47003/47003A] (80T-127), and should be submitted to: Document Control Officer, Management Support Division (TS-793), Room E-447, Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office, (TS-799), Environmental Protection Agency, (202/554-1404), or Toll free (800-424-9065).

SUPPLEMENTARY INFORMATION: In the Federal Register of July 18, 1980, (FR Doc. 80-21563) appearing at page 48510, under VI. Public Record, first column, page 48512, first full paragraph, "9:00 a.m.-5:00 p.m." should read "8:00 a.m.-4:00 p.m."

Dated: October 7, 1980.

Joseph J. Merenda,

Director, Assessment Division.

[FR Doc. 80-32066 Filed 10-14-80; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-5379]

Revision of Proposed Flood Elevation Determinations for the City of Cape Coral, Lee County, Fla., Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Cape Coral, Florida.

As a result of the determination of the Administrative Law Judge, we are submitting new proposed base (100-year) flood elevations for Cape Coral which reflect the findings of the Administrative Law Judge. Public notification is being given in the *Cape Coral Breeze* and the **Federal Register** and supercedes previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in the *Cape Coral Breeze.*

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 815 Nicholas Parkway, Cape Coral, Florida.

Send comments to: Honorable Lyman Moore, Mayor, City of Cape Coral, Post Office Box 900, Cape Coral, Florida 33904.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line (800) 424-8872, Room 5148, 451 Seventh Street, SW., Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: On May 1 and May 8, 1979, the Federal Insurance Administration published a notice of proposed base flood elevations for the City of Cape Coral in the *Cape Coral Breeze.* As a result of the determination of the Administrative Law Judge, we are submitting new proposed base (100-year) flood elevations for Cape Coral which reflect the findings of the Administrative Law Judge. The new proposed base flood elevations are listed below in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)).

These new base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the Naitonal Flood Insurance Program (NFIP).

These elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents. We realize that the ground elevations for some of the locations may actually be above the base flood elevation and therefore not in a Special Flood Hazard Area (SFHA).

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

Source of flooding	Location	*Elevation in feet (NGVD)
Gulf of Mexico	#Intersection of Durden Parkway West and Northwest 34th Avenue.	*9
	Intersection of Pine Island Road and Santa Barbara Boulevard.	*7
	Intersection of Chiquita Boulevard and Miracle Parkway.	*7
	Intersection of Country Club Boulevard and Retunda Parkway.	*7
	Intersection of Pelican Boulevard and Gleason Parkway.	*7
	#Intersection of Tropicana Parkway and Northwest 36th Avenue.	*7
	Intersection of Diplomat Parkway and Chiquita Boulevard.	*7
	Intersection of Pine Island Road and Nicholas Parkway.	*7
	Intersection of Hancock Bridge Paryway and Del Prado Parkway.	*7
	#Intersection of Cape Coral Parkway West and South Chiquita Boulevard.	*8
	#Junction of Sands Boulevard and El Dorado Parkway West.	*8
	#Intersection of Cape Coral Parkway and Coronado Parkway.	*8

#Location not in SFHA.

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

Issued: September 19, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-31957 Filed 10-14-80; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF COMMENCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

Atlantic Tuna Fisheries

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

ACTION: Proposed regulations.

SUMMARY: These proposed regulations would implement two conservation recommendations adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT) at its sixth regular meeting (Madrid, November 14-20, 1979). The two proposals adopted by ICCAT are: (1) that there be no catch or landings of bigeye tuna less than seven pounds (3.2 kilograms) and (2) that an international port inspection scheme be implemented by the member countries.

DATES: Written comments are invited until November 14, 1980. Public hearings will be held at Terminal Island, California on October 22, 1980, and at Gloucester, Massachusetts on October 22, 1980.

ADDRESSES: Send written comments and/or testimony to the National Marine Fisheries Service, 300 South Ferry Street, Room 2011, Terminal Island, California 90731. The public hearings will be held at the National Marine Fisheries Service Conference Room, 300 South Ferry Street, Terminal Island, California, and at the National Marine Fisheries Service Conference Room, 14 Elm Street, Glouchester, Ma 01930.

FOR FURTHER INFORMATION CONTACT: J. Gary Smith, National Marine Fisheries Service, 300 South Ferry Street, Room 2011, Terminal Island, California 90731, Tel. 213-548-2518.

SUPPLEMENTARY INFORMATION: At its sixth regular meeting the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted two conservation measures: (1) that the member countries take the necessary measures to prohibit any taking and landing of bigeye tuna (*Thunnus obesus*) weighing less than seven pounds (3.2 kilograms) until December 31, 1983, and

(2) that an international port inspection scheme be implemented.

Both of these measures are addressed in these proposed regulations. Since the international port inspection scheme was approved by the Commission but not yet adopted by the member countries, these regulations are proposed in anticipation of the scheme being accepted by a simple majority of the contracting parties of the ICCAT.

The proposed regulations would: Amend Subpart C of the current Atlantic tuna regulations to include both yellowfin and bigeye tuna, and add a new Subpart E to provide for international port inspections. The conservation measure proposed for bigeye tuna is the same as that previously implemented for yellowfin tuna. The regulations on the incidental catch of yellowfin tuna and bigeye tuna allow the taking of yellowfin tuna or bigeye tuna separately or in combination.

The International Commission for the Conservation of Atlantic Tunas approved a port inspection scheme at a special meeting held in Madrid, November 15–21, 1978. Subsequently, at its sixth regular meeting the Commission adopted a resolution concerning the implementation of the port inspection scheme. The scheme adopted by the Commission is as follows:

1. Inspection shall be carried out by the appropriate authorities of the contracting parties, who will monitor compliance with the Commission's regulations at their own ports, during tuna transshipment or landing operations or during calls of tuna vessels, without discrimination between their own national vessels and those of other contracting parties. Vessels which enter a port because of "force majeure" are exempt from inspection.

2. Each contracting party shall notify the Commission of the names of the inspectors appointed for this purpose. The Commission shall communicate to the contracting parties the names of all authorized inspectors. Each inspector shall carry identification supplied by competent authorities in accordance with a model approved by the Commission. This document shall be provided to the inspector upon appointment, and shall specify that the inspector has the authority to act according to arrangements approved by the Commission.

3. Prior to an examination, the inspector shall identify himself by presenting the identification described in (2) above. The inspector shall, when he considers it necessary, examine the characteristics of the catches of the foreign and domestic flag tuna vessels pursuant to paragraph (1). Inspections shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the quality of the fish is avoided.

4. The inspector shall draw up a report of his inspection in a form standardized by the Commission. He shall sign the report in the presence of the master of the vessel, who shall be entitled to add or have added to the report any observations which he thinks suitable and which he must sign. The inspector should note in the vessel's log-book that an inspection was made. Copies of the report shall be given to the vessel's master and to the inspector's competent authorities who shall promptly transmit copies to the appropriate authorities of the flag State of the vessel and to the Commission.

5. In making his examination, an inspector may ask the master for any necessary assistance. The master shall enable the inspector to make such examination of catch or gear and any relevant documents as the inspector deems necessary, including fishing log books, to verify the observance of the Commission's regulations in force.

6. Resistance to an inspector or failure to comply with his instructions shall be treated by the flag State of the vessel in a manner similar to resistance to, or failure to comply with the instructions of, any inspector of that State or contracting party.

7. Inspectors shall carry out their duties in accordance with the rules set out in this inspection scheme but they shall remain under the operational control of their authorities and shall be responsible to them.

8. Contracting parties shall consider and act on reports of foreign inspectors, according to the provisions of paragraph (4), on a similar basis as the reports of national inspectors in accordance with their national legislation. The provisions of this paragraph shall not impose any obligation on a contracting party to give the report of a foreign inspector a higher evidentiary value than it would possess in the inspector's own country. Contracting parties shall collaborate, in accordance with their legislation, in order to facilitate judicial or other proceedings arising from reports of inspectors acting under these arrangements.

9. The contracting parties shall notify the Commission of measures taken in those cases in which the report of an inspection conducted in accordance with paragraphs (4)–(6) indicates that a violation occurred.

10. All contracting parties shall instruct the masters of their tuna vessels on ICCAT regulations in force. The master shall also be informed regarding the cooperation to be given to the inspectors in national as well as foreign ports.

11. Contracting parties whose vessels enter, land or transship their catches in ports other than their own, can send inspectors authorized by the Commission to inspect their own vessels, with the respect to the observance of the Commission's regulations, having previously obtained an invitation from the port State in which the inspection shall be executed.

The National Marine Fisheries Service considered various regulatory options from controls on the possession of undersized tuna by any person, to a requirement that all tuna transshipped to a U.S. port from within the Atlantic be inspected by ICCAT inspectors. It was concluded that during the first year of implementation the National Marine Fisheries Service would propose the minimum regulations necessary to meet the requirements, noting however, that more stringent regulations may become necessary. Accordingly, public comment is not restricted to the regulations as proposed but may address any issues believed to be pertinent to the effective implementation of the Commission's port inspection scheme.

Since these proposed regulations clarify and improve the management regime for Atlantic tunas without altering the accepted management philosophy, the Assistant Administrator has determined that these proposed amendments do not constitute a major Federal action within the meaning of the National Environmental Policy Act of 1969, as amended. Therefore, no environmental assessment or environmental impact statement is required. The Assistant Administrator also has determined that this amendment does not constitute a significant action under Executive Order 12044, and therefore does not require the preparation of a regulatory analysis.

Signed at Washington, D.C. this 9th day of October, 1980.

William H. Stevenson,

Deputy Assistant Administrator, National Marine Fisheries Service.

(Atlantic Tunas Convention Act of 1975, P.L. 94–70 16 U.S.C. 971–971h)

50 CFR Part 285, *Atlantic Tuna Fisheries*, is proposed to be amended as follows:

1. Change the title of Subpart C to read as follows:

Subpart C—Yellowfin Tuna (Thunnus albacares) and Bigeye Tuna (Thunnus obesus)

2. Section 285.50 is revised to read as follows:

§ 285.50 Authorized fishing.

Except as provided in 285.52, fishing in the regulatory area for yellowfin tuna or bigeye tina that weigh less than seven pounds round weight by persons or vessels subject to the jurisdiction of the United States is prohibited.

3. Section 285.52 is revised to read as follows:

§ 285.52 Incidental catch.

Persons or vessels subject to the jurisdiction of the United States may take yellowfin tuna or bigeye tuna or both that weigh less than seven pounds round weight incidental to fishing in the regulatory area for yellowfin tuna of bigeye tuna. For purposes of this subsection, incidental take shall not exceed 3 percent by weight per trip of all yellowfin tuna and bigeye tuna weighing seven pounds or more.

4. Subpart D, Section 285.81 is revised to read as follows:

§ 285.81 Species Subject to Regulation.

The species of tuna currently subject to regulation pursuant to recommendations of the Commission within the meaning of Section 6(c) are yellowfin tuna, bigeye tuna, and Atlantic bluefin tuna.

5. A new Subpart E is proposed as follows:

Subpart E—International Port Inspection

Sec.
285.100 Basis and purpose.
285.101 Authorized officers.
285.102 Vessels subject to inspection.
285.103 Reports.

Authority: Atlantic Tunas Convention of 1975, Pub. L. 94–70, 16 U.S.C. 971—971h.

Subpart E—International Port Inspection

§ 285.100 Basis and purpose.

At its sixth regular meeting the International Commission of the Conservation of Atlantic Tunas (ICCAT) adopted a port inspection scheme to assist in the enforcement of the Commission's recommendations. The following regulations have been adopted by the U.S. to implement the port inspection scheme.

§ 285.101 Authorized officers.

For the purposes of this subpart, authorized officers are those persons appointed by the contracting parties and authorized by the Commission to ensure observance of the international port inspection scheme.

§ 285.102 Vessels subject to inspection.

(a) All U.S. flag tuna vessels are subject to inspection by an authorized officer when landing or transshipping tuna or when making port calls at a port within the authority of an ICCAT member country.

(b) All bigeye, Atlantic bluefin and yellowfin unloaded in a U.S. port from refrigerated transport vessels registered by member countries are subject to inspection by authorized officers.

§ 285.103 Reports.

(a) Inspections shall be reported on a standardized Commission form and be signed by the authorized officer and the master of the vessel. The master shall be entitled to add or have added to the report any observation which the master thinks suitable. The authorized officer shall note in the vessel's log that the inspection has been made. Copies of the report shall be sent to the vessel master and to the authorized officer's national authority.

(b) The master shall allow the authroized officer to examine any portion of the catch and/or gear and shall provide any relevant documents as the authorized officer deems necessary to verify compliance.

[FR Doc. 80–32055 Filed 10–14–80; 8:45 am]
BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 45, No. 201
Wednesday, October 15, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Spruce Budworm Management Program, Northern Maine, 1981; Intent To Prepare an Environmental Statement

Pursuant to Section 102(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture will prepare a site specific environmental statement for suppression of the spruce budworm populaton in Northern Maine for the protection of spruce and fir. Activities will take place in late spring and the summer of 1981.

The various elements of the general spruce budworm management program have been addressed in a Programmatic Environmental Impact Statement. A Scoping Session was held in connection with that statement. The scope of the 1981 project will be determined by consultation with land managers and State and Federal agencies.

Alternatives for suppression of budworm populations include silvicultural, biological and chemical methods, as outlined in the Programmatic Statement. Allen J. Schacht, Director of the Northeastern Area, is the responsible Federal official, and Peter W. Orr is the Team Leader for the environmental analysis and Site Specific Environmental Impact Statement. A. Temple Bowen of the Department of Conservation (Augusta) will represent the State of Maine.

The environmental analysis will require about one month. The Draft Environmental Statement is scheduled for completion by December 1, 1980. This will be followed by a review period. The Final Environmental Impact Statement is scheduled for filing January 30, 1981.

Questions about the Notice of Intent or on the project should be sent to Allen J. Schacht, Director, Northeastern Area, State and Private Forestry, Forest Service, U.S. Department of Agriculture, 370 Reed Road, Broomall, PA 19008.

W. M. Doty,

Acting Area Director.

October 2, 1980.

[FR Doc. 80-32053 Filed 10-14-80; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

City of St. Joseph Critical Area Treatment RC & D Measure, Michigan; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Arthur H. Cratty, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517–337–6702.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the City of St. Joseph Critical Area Treatment RC&D Measure, Berrien County, Michigan.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Arthur H. Cratty, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the installation of practices for critical area treatment. The planned works of improvement include critical area planting, rock riprap, and grade stabilization structures. City of St. Joseph Critical Area Treatment RC&D Measure, Michigan Notice of Finding of No Significant Impact. Total construction cost is estimated to be $250,000; $187,500 RC&D funds and $62,500 local funds.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Arthur H. Cratty. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until November 14, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: October 1, 1980.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 80-32062 Filed 10-14-80; 8:45 am]

BILLING CODE 3410-16-M

Russell County Airport Critical Area Treatment RC & D Measure, Kentucky; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Glen E. Murray, State Conservationist, Soil Conservation Service, 333 Waller Avenue, Lexington, Kentucky 40504, telephone 606–233–2748.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Russell County Airport Critical Area Treatment RC & D Measure, Russell County, Kentucky.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Glen E. Murray, State

Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area stablization. The planned works of improvement include a grade riprap stabilization structure, seedbed preparation, fertilization, and seeding and mulching as Russell County Airport Critical Area Treatment RC & D Measure, Kentucky Notice of Finding of No Significant Impact needed for establishment of permanent vegetation of a severely eroded area.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Glen E. Murray. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until November 14, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: October 1, 1980.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 80-32063 Filed 10-14-80; 8:45 am]

BILLING CODE 3410-16-M

Jefferson County Farm Fish and Wildlife Development and Water Quality Management RC & D Measure, Iowa

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Brune, State Conservationist Soil Conservation Service, 693 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309, telephone 515-284-4260.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Jefferson County Farm Fish and Wildlife Development and Water Quality Management RC&D Measure, Jefferson County, Iowa.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. William J. Brune, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for fish and wildlife development and water quality management. The planned works of improvement include a pond, grass, tree and shrub planting, and best management practices.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. William J. Brune. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until November 14, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: October 1, 1980.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 80-32108 Filed 10-14-80; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Dockets 33363, 34922, and 34923]

Former Large Irregular Air Service Investigation and Applications of Conquest International Airline, Inc. d.b.a Conquest Airline; Reassignment of Proceeding

This proceeding, insofar as it involves the application of Conquest International Airlines, Inc. d.b.a. Conquest Airline, Dockets 34922 and 34923, has been assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., October 8, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80-32094 Filed 10-14-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 38767; Order 80-9-176]

New York Air Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 21, 1980, at 9:30 a.m. (local time), in Room 1003, Hearing Room A, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned Administrative Law Judge.

Order 80-9-176, adopted September 30, 1980, defined the issues for this proceeding, and decided that requests for additional evidence should be filed no later than October 14, 1980. Matters to be discussed at the prehearing conference will include evidence requested, future procedural dates, and such other matters as will contribute to the orderly and prompt conduct of this proceeding.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 80-32096 Filed 10-14-80; 8:45 am]

BILLING CODE 6320-01-M

[Order 80-10-43; Docket 38699]

Pittsburgh-Syracuse; Subpart Q Proceeding; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause (80-10-43).

SUMMARY: The Board is instituting the *Pittsburgh-Syracuse Subpart Q Proceeding* and is proposing to grant unrestricted authority to Eastern in the Pittsburgh-Syracuse market under expedited procedures of Subpart Q of its Procedural Regulations. The tentative findings and conclusions will become final if no objections are filed.

The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than November 10, 1980, a statement of objections, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket

38699, which we have entitled the *Pittsburgh-Syracuse Subpart Q Proceeding*. They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served upon Eastern Air Lines; Pennsylvania Department of Transportation, Bureau of Aviation; New York State Department of Transportation, Airport Development Section; Mayors of Pittsburgh and Syracuse; Airport Director, Greater Pittsburgh International Airport; and Department of Aviation, Syracuse Hancock International Airport.

FOR FURTHER INFORMATION CONTACT: Mary Catherine Terry, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5384.

SUPPLEMENTARY INFORMATION: The complete text of Order 80–10–43 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 80–10–43, to that address.

By the Bureau of Domestic Aviation.

October 8, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–32092 Filed 10–14–80; 8:45 am]

BILLING CODE 6320–01–M

[Dockets 30514, 30542–30545, 30641]

Pomair, N.V. et al.; Reassignment of Proceedings

In the matter of Pomair, N.V. *et al.*, (Respondent), Docket 30514; Trans World Airlines, Inc., (Respondent), Docket 30542; British Airways Board, (Respondent), Docket 30543; Air Panama International, (Respondent), Docket 30544; Compagnie Nationale de Transportes Aeriens Royal Air Maroc, (Respondent), Docket 30545; and Aerovias Nacionales de Columbia, S.A., (Respondent), Docket 30641.

These proceedings have been reassigned to Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to Judge Rodriguez.

Dated at Washington, D.C., October 8, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80–32095 Filed 10–14–80; 8:45 am]

BILLING CODE 6320–01–M

[Docket 33299]

David Syftestad Vick Versus Western Air Lines, Inc. Enforcement Proceeding; Reassignment of Proceeding

This proceeding has been reassigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to Judge Kane.

Dated at Washington, D.C., October 8, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80–32093 Filed 10–14–80; 8:45 am]

BILLING CODE 6320–01–M

[Docket 38596]

Yukon Air Service, Inc., d.b.a. Air North Fitness Investigation; Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-titled proceeding is assigned to be held on October 27, 1980, at 10:00 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., October 7, 1980.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 80–32097 Filed 10–14–80; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

National Bureau of Standards

Proposed Changes Pertaining to the Interface Standards Exclusion List

In a notice published in the **Federal Register** on March 19, 1979 (44 FR 16466), the National Bureau of Standards announced the exclusion criteria and procedures for maintaining an exclusion list pertaining to Federal Information Processing Standards Publication 60, I/O Channel Interface; Federal Information Processing Standards Publication 61, Channel Level Power Control Interface; and Federal Information Processing Standards Publication 62, Operational Specifications for Magnetic Tape Subsystems. The exclusion list also pertains to Federal Information Processing Standards Publication 63, Operational Specifications for Rotating Mass Storage Subsystems, approval for which by the Secretary of Commerce was announced in the **Federal Register** on August 27, 1979 (44 FR 50078). The March 19, 1979, notice stated that once the exclusion list was established, interested parties would be invited to submit to the Director, Institute for Computer Sciences and Technology (ICST), comments or recommendations regarding that list, and that notice of any proposed changes in the exclusion list would be published in the **Federal Register.** Comments specifically identifying candidate systems which should be added to or removed from the exclusion list are especially encouraged.

By notice published in the **Federal Register** on July 29, 1980 (45 FR 50377), NBS announced the latest changes to the exclusion list.

As a result of a review and analysis of comments and recommendations received recently, NBS is proposing the following additions to the exclusion list:

Manufacturer and Model

Burroughs: B90 Series.
Burroughs: CP9000 Series.
Burroughs: B1900 Series.
CADO Systems Corp.: C.A.T.
CADO Systems Corp.: 20/20.
Computer Talk: 427 Distributed Processing Terminal.
E&L Instruments: MMD–2.
E&L Instruments: MD–X.
NCR: 2100A*.
NCR: 21005*.
NCR: 2114A/B*.
NCR: 2115A*.
NCR: 2116A/B/C*.
Pertec: MITS/Altair 800B*.
Prime: 150.
Prime: 250.
Qantel: 200 Series.
Qantel: 300 Series.
Wang: PCS III.
Wang: SVP.
Wang: LVP.
Wang: VA–B.
Wang: VS–F.
Wang: VS–F.
Wang: VS–50.
Wang: OIS.

Additional changes to the exclusion list were proposed by NBS in a notice published in the **Federal Register** on August 11, 1980 (45 FR 53193).

Interested parties will be allowed until December 1, 1980 to submit written comments regarding the changes proposed in this notice. Such written comments should be submitted to the Director, ICST, Attention: Interface Standards Exclusion List, National Bureau of Standards, Washington, D.C. 20234. Following review of comments received in response to this notice, NBS will make a determination on the proposed changes and will announce that determination in a subsequent notice published in the **Federal Register.**

NBS is maintaining a mailing list of vendors, Federal agencies, and other

*No longer manufactured.

interested parties to whom copies of the current exclusion list are sent on a regular basis. Parties on the mailing list will also be sent copies of the porposed changes and the announcement of the determination on the proposed changes. Those who wish to be included on the mailing list should send a written request to the address noted above for submission of comments in response to this notice.

The exclusion list will be used in conjunction with the applicability provisions of the Federal I/O channel level interface standards. This list and the exclusion criteria are not a part of the standards themselves, but are provided for in the standards.

Dated: October 9, 1980.

R. G. Kammer,

Acting Director.

[FR Doc. 80-32060 Filed 10-14-80; 8:45 am]

BILLING CODE 3510-13-M

National Technical Information Service

Government-Owned Inventions, Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the Pat-Appl number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to the addresses cited for the agency-sponsors.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

U.S. Department of Agriculture Program Agreements and Pat. Branch Admin. Ser. Div. Federal Building Science and Education Admin.

Pat Appl 6-124,011: Protection of Insect Pheromones from Degradation by Ultraviolet radiation. Filed 25 Feb 80.

Pat Appl 6-124,012: Protection of Insect Pheromones from Degradation by Ultraviolet Radiation. Filed 25 Feb 80.

Pat Appl 6-128,440: Process for the Preparation of Tris(aminomethyl) phosphine Oxide and Its Ternary Salts. Filed 10 Mar 80.

Pat Appl 6-132,594: Method of Imparting Smolder Resistance to Cotton-Containing Textiles. Filed 21 Mar 80.

Pat Appl 6-134,014: Compositions and Processes for Producing Flame Retardant Textile Materials Based on Methylolaminotrihalopropyl triazines and Antimony Oxides. Filed 26 Mar 80.

Patent 4,194,032: Transfer Techniques for Producing Flame Retardant Cotton Fabrics. Filed 5 Mar 75, patented 18 Mar 80, Not available NTIS.

Patent 4,196,302: Quaternary Phosphonium Salts Bearing Carbamate Groups. Filed 6 Mar 79, patented 1 Apr 80, Not available NTIS.

Patent 4,199,460: Fatty Acid-Derived Lubricants and Additives. Filed 26 Sep 78, patented 22 Apr 80, Not available NTIS.

Patent 4,201,709: Process for Producing a Low Gossypol Protein Product from Glanded Cottonseed. Filed 26 May 78, patented 6 May 80, Not available NTIS.

[FR Doc. 80-32056 Filed 10-14-80; 8:45 am]

BILLING CODE 3510-04-M

U.S.Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the Pat-Appl number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to the addresses cited for the agency-sponsors.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

U.S. Department of the Air Force AF/JACP

Pat Appl 6-132,451: Light-Scattering Disc Collector. Filed 21 Mar 80.

Pat Appl 6-136,210: Field Test Unit for Windscreen Optical Evaluation. Filed 1 Apr 80.

Pat Appl 6-140,529: Symmetrical 1:1 Photographic Objective Lens. Filed 15 Apr 80.

Pat Appl 6-140,530: Cable Protection from Rodents. Filed 15 Apr 80.

Pat Appl 6-140,640: A Solvent Mixture for Dissolving and Removing Epoxy Resinous Compounds. Filed 15 Apr 80.

Pat Appl 6-141,500: Analysis of Lubricating Oils for Iron Content. Filed 18 Apr 80.

Pat Appl 6-141,501: Fast Operating Switchable Operational Amplifier Driven Circuits. Filed 18 Apr 80.

Patent 4,201,611: Carbon/Carbon Composite for Re-entry Vehicle Applications. Filed 17 Apr 78, patented 6 May 80, Not available NTIS.

Patent 4,201,876: Fluorine Containing Polyethers. Filed 8 Dec 76, patented 6 May 80, Not available NTIS.

Patent 4,203,642: Adjustable Connector. Filed 25 May 79, patented 20 May 80, Not available NTIS.

Patent 4,203,654: Line-of-Sight Stabilization Reflector Assembly. Filed 21 Nov 78, patented 20 May 80, Not available NTIS.

Patent 4,205,124: Low Gamma Photographic Developer. Filed 12 Jun 79, patented 27 May 80, Not available NTIS.

U.S. Department of Agriculture, Program Agreements and Pat. Branch, Admin. Ser. Div., Federal Building, Science and Education Admin.

Patent 4,208,861: Mechanical Shaker Assembly for Continuous Harvesting of Fruit. Filed 26 Sep 78, patented 24 Jun 80, Not available NTIS.

U.S. Department of Energy, Assist. Gen. Couns. for Patents

Pat Appl 6-001,033: Improved Structural Silicon Nitride Materials Containing Rare Earth Oxides. Filed 4 Jan 79.

Pat Appl 6-002,140: High-Temperature, High-Pressure Bonding of Nested Tubular Metallic Components. Filed 9 Jan 79.

Pat Appl 6-008,622: Method of Manufacturing a Niobium-Aluminum-Germanium Superconductive Material. Filed 1 Feb 79.

Pat Appl 6-018,198: Improvements in Geothermal Electric Power and Silica Production. Filed 6 Mar 79.

Pat Appl 6-021,293: Generating End Plug Potentials in Tandam Mirror Plasma Confinement by Heating Thermal Particles So as to Escape Low Density End Stoppering Plasmas. Filed 16 Mar 79.

Pat Appl 6-022,894: Production of Field-Reversed Mirror Plasma with a Coaxial Plasma Gun. Filed 22 Mar 79.

Pat Appl 6–022,897: Pre-Treatment for Molybdenum or Molybdenum-Rich Alloy Articles To Be Plated. Filed 22 Mar 79.
Pat Appl 6–030,974: Decomposition of Silane on Tungsten or Other Materials. Filed 18 Apr 79.
Pat Appl 6–037,247: Method of Forming Single Crystals of Beta Silicon Carbide. Filed 9 May 79.
Pat Appl 6–040,810: Chemical Vapor Deposition of Sialon. Filed 21 May 79.
Pat Appl 6–047,444: Fe-Based Long Range Ordered Alloys. Filed 11 Jun 79.
Pat Appl 6–047,445: Coated Woven Materials and Method of Preparation. Filed 11 Jun 79.
Pat Appl 6–047,597: Silicon-Nitride and Metal Composite. Filed 11 Jun 79.
Pat Appl 6–048,332: Method of Winning Aluminum Metal from Aluminous Ore. Filed 14 Jun 79.
Pat Appl 6–052,180: Delta Ferrite-Containing Austenitic Stainless Steel Resistant to the Formation of Undesirable Phases Upon Aging. Filed 26 Jun 79.
Pat Appl 6–052,278: Thermal Decomposition of Silane to Form Hydrogenated Amorphous Si. Filed 26 Jun 79.
Patent 4,166,760: Plasma Confinement Apparatus Using Solenoidal and Mirror Coils. Filed 4 Oct 77, patented 4 Sep 79, Not available NTIS.
Patent 4,169,036: System for Loading Slab-Gel Holders for Electrophoresis Separation. Filed 24 Mar 78, patented 25 Sep 79, Not available NTIS.
Patent 4,172,742: Alloys for a Liquid Metal Fast Breeder Reactor. Filed 6 Jan 78, patented 30 Oct 79, Not available NTIS.
Patent 4,175,954: Self-Disintegrating Raney Metal Alloys. Filed 24 Jul 78, patented 27 Nov 79, Not available NTIS.
Patent 4,179,349: Portable Probe to Measure Sensitization of Stainless Steel. Filed 26 Sep 78, patented 18 Dec 79, Not available NTIS.
Patent 4,180,428: Method for Making Hot-Pressed Fiber-Reinforced Carbide-Graphite Composite. Filed 23 Jun 78, patented 25 Dec 79, Not available NTIS.

U.S. Dept. of Health, and Human Services, National Institutes of Health Chief, Patent Branch

Patent 4,202,890: 4–Carboxy-Phthalato(1.2–Diaminocyclohexane)-Platinum(II) and Alkali Metal Salts Thereof with Cyclophosphamide and Hydroxyurea in Alleviating–1210 Murine Leukemia. Filed 22 Dec. 78, patented 13 May 80, Not available NTIS.

U.S. Department of the Navy, Assistant Chief for Patents, Office of Naval Research, Code 302

Pat Appl 6–137,045: Laser Beam Linear Adjustable Integrating Mirror. Filed 3 Apr 80.
Pat Appl 6–141,076: Temperature Stabilization Circuit for Charge Coupled Photodiode Array. Filed 17 Apr 80.
Pat Appl 6–142, 794: Localized Anodic Thinning. Filed 22 Apr 80.
Pat Appl 6–143,562: Semiconductor Composition. Filed 25 Apr 80.
Pat Appl 6–143,694: Graded Gap Semiconductor Detector. Filed 25 Apr 80.
Pat Appl 6–143,695: Growth Technique for Preparing Graded Gap Semiconductors and Devices. Filed 25 Apr 80.
Pat Appl 6–150,874: Semiconductor Laser Alignment Device. Filed 19 May 80.
Patent 4,192,012: Crosstie Memory Bit Stretcher Detector. Filed 8 Nov 78, patented 4 Mar 80. Not available NTIS.
Patent 4,192,819: Method for Producing Hydrazines by Reacting Chloramine with Ammonia or Amines. Filed 18 Aug 78, patented 11 Mar 80. Not available NTIS.
Patent 4,194,021: Microwave InP/SiO_2 Insulated Gate Field Effect Transistor. Filed 21 May 79, patented 18 Mar 80. Not available NTIS.
Patent 4,194,171: Zinc Oxide on Silicon Device for Parallel in. Serial Out. Discrete Fourier Transform. Filed 7 Jul 78, patented 18 Mar 80. Not available NTIS.
Patent 4,195,221: Scanning Focused Local Oscillator Optical Heterodyne Imaging System. Filed 3 Jul 78, patented 25 Mar 80. Not available NTIS.
Patent 4,195,311: Coherence Length Gated Optical Imaging System. Filed 28 Aug 78, patented 25 Mar 80. Not available NTIS.
Patent 4,202,042: Digital to Analog Interface for Simultaneous Analog Outputs. Filed 5 Jul 77, patented 6 May 80. Not available NTIS.

Nat. Aeronautics and Space Admin., Assist. Gen. Couns. for Pat. Matters, NASA Code GP–2

Pat Appl 6–135,058: Electrically Conductive Palladium Containing Polyimide Films. Filed 28 Mar 80.
Pat Appl 6–145,107: Heat Sealable, Flame and Abrasion Resistant Coated Fabric. Filed 30 Apr 80.
Pat Appl 6–145,206: Cavity-Backed, Micro-Strip Dipole Antenna Array. Filed 30 Apr 80.
Pat Appl 6–145,209: Fully Plasma-Sprayed Compliant Backed Ceramic Turbine Seal. Filed 30 Apr 80.
Pat Appl 6–150,040: Coherently Pulsed Laser Source. Filed 15 May 80.
Patent 4,200,721: Heat Rasistant Polymers of Oxidized Styrylphosphine. Filed 19 May 78, patented 29 Apr 80. Not available NTIS.
Patent 4,201, 468: Method and Apparatus for Doppler Frequency Modulation of Radiation. Filed 3 Nov 78, patented 6 May 80. Not available NTIS.
Patent 4,201,622: Method of Mitigating Titanium Impurities Effects in p-Type Silicon Material for Solar Cells. Filed 31 Jan 79, patented 6 May 80. Not available NTIS.

[FR Doc. 80–32057 Filed 10–14–80; 8:45 am]
BILLING CODE 3510–04–M

Office of the Secretary

Sea Grant Review Panel; Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), and the Office of Management and Budget Circular A–63 of March 1974, the Secretary of Commerce has determined that the renewal of the Sea Grant Review Panel is in the public interest in connection with the performance of duties imposed on the Department by law.

The Panel was first chartered in December 1976. It was rechartered in 1978 for a two-year period. Its purpose is to advise the Secretary of Commerce on broad policy with respect to the establishment and operation of a national network of Sea Grant Colleges and Programs.

The Panel's advice has been useful to the Office of Sea Grant on: (1) institutional programs and major individual project proposals and (2) plans and policies governing execution of the National Sea Grant College Program. The statutory Sea Grant Review Panel will continue to review and advise the Secretary with respect to: (1) contracts and grants; (2) National Sea Grant projects; (3) Sea Grant Colleges and Regional Consortia; (4) Sea Grant Fellowships; and (5) such other matters as the Secretary refers to it for review and advice.

The Panel will also continue with a balanced representation of 15 members. The Chairperson will be elected from the membership. The Panel will operate in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Panel's revised Charter will be filed with appropriate Committees of the Congress, and the Library of Congress.

Inquiries or comments may be addressed to Arthur G. Alexiou, Committee Control Officer, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Rockville, Maryland 20852, telephone: (301) 443–8894, or the Department's Committee Management Analyst, Mrs. Yvonne Barnes, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–4217.

Dated: October 7, 1980.

Elsa A. Porter,

Assistant Secretary for Administration.

[FR Doc. 80–32034 Filed 10–14–80; 8:45 am]
BILLING CODE 3510–17–M

COUNCIL ON WAGE AND PRICE STABILITY

Price Advisory Committee; Notice of Location Change 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 October 6, 1980, the Council announced in Vol. 45 of the Federal Register, No. 195, at page 66188 (FR Doc. 80–31043), that the meeting of its Price Advisory Committee had been rescheduled from October 8, 1980, to October 29, 1980, at 10:00 a.m. in Room 2008 of the New Executive Office Building. The location of the meeting has been changed from Room 2008 to Room 2010 of the New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503. All other details remain unchanged.

Additional Information. For additional information, please telephone the Office of Public Affairs at (202) 456–6756.

Dated: October 9, 1980.

Sally Katzen,

Advisory Committee Management Officer.

[FR Doc. 80–32103 Filed 10–14–80; 8:45 am]

BILLING CODE 3175–01–M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

October 6, 1980.

The USAF Scientific Advisory Board Armament Division Advisory Group meeting published in the Federal Register, Volume 45, No. 183, Thursday, September 18, 1980 has been cancelled.

For further information contact the Scientific Advisory Board Secretariat at (202) 697–4648.

Carol M. Rose;

Air Force Federal Register Liaison Officer.

[FR Doc. 80–32058 Filed 10–14–80; 8:45 am]

BILLING CODE 3910–01–M

Performance Review Boards; List of Members; Addition

AGENCY: Department of the Air Force, DOD.

ACTION: Addition of name to notice on "Performance Review Boards List of Members."

SUMMARY: In FR Doc. 80–22455, appearing on pages 49970–49972, of the July 28, 1980 Federal Register, add the following name: Under *Secretariat:* Brigadier General Robert D. Caudry, Director, SAF Personnel Council.

FOR FURTHER INFORMATION CONTACT: Mrs. Carol M. Rose, telephone: (202) 697–1861.

Carol M. Rose,

Air Force Federal Register, Liaison Officer.

[FR Doc. 80–32059 Filed 10–14–80; 8:45 am]

BILLING CODE 3910–01–M

Office of the Secretary

Per Diem, Travel and Transportation Allowance Committee; Changes in Per Diem Rates

AGENCY: Per Diem, Travel and Transportation Allowance Committee, DOD.

ACTION: Publication of changes in per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 96. This bulletin lists changes in per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico and possessions of the United States. Bulletin Number 96 is being published in the Federal Register to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: October 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Frederick W. Weiser, 325–9330.

SUPPLEMENTARY INFORMATION: This document gives notice of changes in per diem rates prescribed by the Per Diem, Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. Distribution of Civilian Per Diem Bulletins by mail was discontinued effective 1 June 1979. Per Diem Bulletins published periodically in the Federal Register now constitute the only notification of changes in per diem rates to agencies and establishments outside the Department of Defense.

The text of the Bulletin follows:

Civilian Personnel Per Diem Bulletin Number 96

To the Heads of Executive Departments and Establishments

Subject: Table of Maximum Per Diem Rates in Lieu of Subsistence for United States Government Civilian Officers and Employees for Official Travel in Alaska, Hawaii, the Commonwealth of Puerto Rico and Possessions of the United States.

1. This bulletin is issued in accordance with Memorandum for heads of Executive Departments and Establishments from the Deputy Secretary of Defense dated 17 August 1966, Subject: Executive Order 11294, August 4, 1966, "Delegating Certain Authority of the President to Establish Maximum Per Diem Rates for Government Civilian Personnel in Travel Status" in which this Committee is directed to exercise the authority of the President (5 U.S.C. 5702(a)(2)) delegated to the Secretary of Defense for Alaska, Hawaii, the Commonwealth of Perto Rico, the Canal Zone, and possessions of the United States. When appropriate and in accordance with regulations issued by competent authority, lesser rates may be prescribed.

2. The maximum per diem rates shown in the following table are continued from the preceding Bulletin Number 95 except in the cases identified by an asterisk which rates are effective on the date of this Bulletin. The date of this Bulletin shall be the date the last signature is affixed hereto.

3. Each Department or Establishment subject to these rates shall take appropriate action to disseminate the contents of this Bulletin to the appropriate headquarters and field agencies affected thereby.

4. The maximum per diem rates referred to in this Bulletin are:

Locality	Maximum rate
Alaska:	
Adak[1]	$9.65
Anaktuvuk Pass	140.00
Anchorage	72.00
Barrow	111.00
Bethel	93.00
College	67.00
Cordova	84.00
Deadhorse	94.00
Dillingham	83.00
Dutch Harbor	82.00
Eielson AFB	67.00
Elmendorf AFB	72.00
Fairbanks	67.00
Ft. Richardson	72.00
Ft. Wainwright	67.00
Juneau	83.00
Kodiak	84.00
Kotzebue	91.00
Murphy Dome	67.00
Noatak	91.00
Nome	90.00
Noorvik	91.00
Prudhoe Bay	94.00
Shemya AFB [1]	11.00
Shungnak	91.00
Spruce Cape	84.00
Tanana	90.00
Valdez	70.00
Wainwright	79.00
All other localities	71.00
American Samoa	65.00
Guam M.I.	60.00
Hawaii:	
Oahu	70.00
All other localities	60.00
Johnston Atoll [2]	15.50
Midway Islands [1]	9.65
Puerto Rico:	
Bayamon:	
12–16—5–15	102.00
5–16—12–15	75.00
Carolina:	
12–16—5–15	102.00
5–16—12–15	75.00
Fajardo:	
12–16—5–15	102.00
5–16—12–15	75.00
Fort Buchanan (Incl. GSA Service Center, Guaynabo):	
12–16—5–15	102.00
5–16—12–15	75.00
Ponce (Incl. Ft. Allen NCS)	68.00
Roosevelt Roads:	
12–16—5–15	102.00
5–16—12–15	75.00
Sabana Seca:	
12–16—5–15	102.00
5–16—12–15	75.00
San Juan (Incl. San Juan Coast Guard Units):	
12–16—5–15	102.00
5–16—12–15	75.00
All other localities	63.00
Virgin Islands of U.S.:	
12–1—4–30	89.00
5–1—11–30	65.00
Wake Island [2]	17.00
Other localities	15.00

[1] Commercial facilities are not available. This per diem rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler.

[2] Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meal and incidental expenses.

M. S. Healy,
OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.
October 9, 1980.

[FR Doc. 80-32091 Filed 10-14-80; 8:45 am]
BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Energy Financial Assistance Solicitations Availability

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: The Department of Energy has been appropriated a total of $5 billion to provide financial assistance for sythentic fuels projects under Public Laws 96-126 and 96-304. Two solicitations are now available for proposals against this funding for projects requiring Government financial assistance in the form of purchase commitments, price guarantees, or loan guarantees to construct and operate commerical-scale plants.

DATES: Proposals are due by no later than November 14, 1980. A preproposal conference will be held at 9:00 a.m. on October 21, 1980.

ADDRESSES: The preproposal conference will be held at the Forrestal Building Auditorium, 1000 Independence Avenue, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Resource Applications, Room 3500, Mail Station 3344, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461. Attention: Alternative Fuels Task Force Office, 800-424-5526.

SUPPLEMENTARY INFORMATION: Two solicitations are available, one pursuant to the Defense Production Act of 1950, as amended, and the second under the Authority of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended. The Department plans to seek proposals for financial assistance under these solicitations for projects which are essentially ready to begin the construction of commercial synthetic fuels production facilities.

Specified liquid fuels for Department of Defense needs which can be derived from coal (including lignite and peat), oil shale, tar sands and certain heavy oil reserves, may be proposed under the Defense Production Act solicitation. Proposals are sought under the Federal Nonuclear Energy Research and Development Act for financial assistance for the production of alternative fuels (gases, liquids, and chemical feedstocks) derived from the following domestic resources: coal (including lignite and peat), oil shale, tar sands, unconventional natural gas, and other minerals.

Please note that fuels from biomass, including alcohol fuels and municipal and solid wastes are *not* eligible under either of these solicitations. The Department has received separate funding for these technologies and is implementing its financial assistance through separate mechanisms. (See 45 FR 67022, October 8, 1980.)

Proposals are due by no later than November 14, 1980.

A preproposal conference will be held at 9:00 a.m. on October 21, 1980, at the Forrestal Building Auditorium, 1000 Independence Avenue, SW., Washington, D.C.

Persons wishing to be put on the mailing list for the final solicitations should so indicate by calling 202-633-8365 or by writing to Alernative Fuels Task Force Office, U.S. Department of Energy, Resource Applications, Mail Station 3344, Room 3500, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461. Issued at Washington, D.C., on October 10, 1980.

Ruth M. Davis,
Assistant Secretary, Resource Applications.

[FR Doc. 80-32288 Filed 10-14-80; 11:22 am]
BILLING CODE 6450-01-M

Economic Regulatory Administration

Fuel Oil Marketing Advisory Committee; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Fuel Oil Marketing Advisory Committee.

Date, Time, and Place: Thursday, November 6, 1980—9:00 a.m. to 5:00 p.m.; Friday, November 7, 1980—9:00 a.m. to closing, Sheraton-Boston, 39 Prudential Center, Boston, Massachusetts.

Contact: Georgia Hildreth, Director, Advisory Committee Management, Department of Energy, Room 8G087, 1000 Independence Avenue, S.W., Washington, D.C. 20585; telephone: 202-252-5187.

Purpose of Committee: The Committee was established to provide the Secretary of Energy with expert and technical advice concerning the marketing of fuel oil as it relates to the development and implementation of policies and programs by the Department of Energy.

Tentative Agenda: *Thursday, November 6, 1980:*
- Distallate Supply Status.
- Contract Renewal.
- Low-Income Energy Assistance: Status of FOMAC Proposal. Status of Legislation.
- Decontrol Planning.

Friday, November 7, 1980:
- Natural Gas Policy Subcommittee Report.
- Residential Energy Conservation Programs.
- Viability of the Independent Fuel Oil Marketer.
- New Business.
- Public Comment (10 Minute Rule).

Public Participation: The meeting is open to the public. The Chairperson of the Committee is impowered 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 Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, Room 5B180, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Executive Summary: Available approximately 30 days following the meeting from the Advisory Committee Management Office.

Issued at Washington, D.C. on October 8, 1980.

Georgia Hildreth,
Director, Advisory Committee Management.

[FR Doc. 80-31974 Filed 10-14-80; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RM79-29 and Docket Nos. ER80-592, et al.] [1]

Allegheny Power System, et al.; Order Accepting Rates for Filing, Suspending Rates, and Initiating Hearing

Issued: October 3, 1980.

The Commission on May 7, 1980, issued Order No. 84, in Docket No. RM 79-29, requiring electric utilities to place revenue limits on percentage adders in rates schedules used for transmission or third party resales of electric power.

In response to Order No. 84, 83 rate filings were received as of September 1, 1980, proposing to change various percentage adders currently included in interchange rate schedules affecting transmission or the purchase and resale of energy.

[1] See Attachment A for complete list of dockets.

More specifically, Order No. 84 provided for submittal of cost information to support the limits that are established for percentage adders used by a transmitting utility except in the instance where the utility limits such adder revenues 1 mill per kilowatt hour or less, in which case no cost support was required.

Of the 83 filings, 33 limit the effect of the proposed percentage adders to 1 mill/Kwh and are therefore in compliance with the Commission's Order No. 84. Therefore, the Commission will instruct the Director of the Office of Electric Power Regulation to accept those filings in accordance with the authority delegated by section 375. 308(w) of the Commission's regulations, and to grant waiver of the notice requirements so that the revised rates will become effective as of September 1, 1980.

In addition to the above-mentioned 33 rate filings, an additional 50 submittals have been docketed containing revised adders, which fall generally into four separate categories:

(1) Percentage adders capped at a limit in excess of 1 mill/Kwh;

(2) Fixed adders of 1 mill/Kwh;

(3) Fixed adders of more than 1 mill/Kwh;

(4) Fixed adders of more than 1 mill per Kwh plus 1 mill/Kwh for difficult-to-quantify costs.

Each of these categories will be discussed separately.

In addition to the 33 dockets which the Commission will accept for filing are Kansas Gas & Electric Company (KG&E) Docket Nos. ER80–588, ER80–629, and ER80–632), in which KG&E's municipal customers (Docket No. ER80–588) and Public Service Company of Oklahoma (Docket Nos. ER80–629 and ER80–632) have protested and petitioned to intervene. The petitioners in those dockets contend that the contracts affected by the submittals are of a fixed rate nature and cannot be unilaterally changed. The fixed rate arguments are based upon the Mobile-Sierra doctrine limiting unilateral rate increase filings. The Commission's Order No. 84 does not propose to depart from the Mobile-Sierra doctrine. The underlying basis of Order No. 84 is the generic finding that the unrestricted operation of percentage adders applied to transmission or purchase and resale rates will result in excess revenues, and that the limitation on percentage adders through Order No. 84 will result in lower and more cost-related rates. The Commission has thus made a general finding that non-conforming adders will produce unjust and unreasonable results and has ordered utilities to file rates in compliance with Order No. 84. Therefore, the Commission will accept those compliance submittals for filing but, in instances where intervenors have raised questions regarding violations of the Mobile-Sierra doctrine and have alleged that the submittals may produce an increase in rates we shall suspend those rates subject to refund and set the matter for hearing. Upon a finding that the proposed rate change results in a rate increase to the customer, the Commission, at that time, will consider appropriate motions to reject the filings on Mobile-Sierra criteria. In the interim, the Commission will grant the petitions to intervene in the respective dockets.

In addition, Arkansas Power & Light Company (AP&L) (Docket Nos. ER80–609 and ER80–611) has filed percentage adders limited to 1 mill/Kwh which will be accepted for filing. However, the other party to the agreement in these dockets, Southwestern Electric Power Company, has filed a proposed adder of more than Electric Power Company, has filed a proposed adder of more than 1 mill/Kwh plus 1 mill/Kwh for difficult-to-quantify costs which is unsupported and therefore will be suspended as ordered below, pending resolution of its justness and reasonableness after hearing.

Rate Filings Which Include Limitations of More Than 1 Mill/Kwh on Percentage Adders

Empire District electric Company (EDE) (Docket No. ER80–622), Commonwealth Edison Company, (CE) (Docket No. ER80–658), Interstate Power Company (interstate) (Docket No. ER80–659), and Illinois Power Company (IP) (Docket Nos. ER80–674 and ER80–675) have tendered filings which limit percentage adders at a level exceeding 1 mill/Kwh. EDE has filed acceptable cost support for its proposed percentage adder in excess of 1 mill/Kwh and its submittal will therefore be accepted for filing to become effective as of September 1, 1980. In addition, however, PSCO has filed a protest and petition to intervene in Docket No. ER80–622 on the basis of fixed rate arguments discussed above. PSCO will be granted intervenor status in the docket.

The proposed limitations on percentage adders in excess of 1 mill/Kwh as proposed by CE, Interstate, and IP are found to be without sufficient cost support and will therefore be accepted for filing, suspended as ordered below, and set for hearing.

Rate Filings Having No Percentage Adder but Including A Fixed Adder of 1 Mill/Kwh

Nineteen companies in 20 dockets as identified in Attachment B have filed rate schedules in which one or more of the parties to the docket have proposed to replace some or all of the percentage adders to transmission or third party resale rates currently on file with a fixed 1 mill/Kwh adder. Cost support for the fixed 1 mill/Kwh was not filed by any of these parties. Although Order No. 84 does not provide for the replacement of percentage adders with fixed adders, it is noted that a fixed 1 mill/Kwh adder would only produce more revenues than a percentage adder copped at 1 mill/Kwh if the cost of purchased energy is less than 10 mills. Inasmuch as there is no indication that the cost of purchased energy in the dockets identified in Attachment B is less than 10 mills, the Commission will accept these submittals for filing effective as of September 1, 1980.

The twentieth of the dockets in this category involves a filing in Docket No. ER80–673 by Ohio Power Company and Ohio Edison Company. Certain Ohio municipals have filed a petition to intervene in this docket pointing out that the present adders are under investigation in Docket No. ER78–490. It is therefore appropriate that Docket No. ER80–673 be suspended as ordered below and consolidated with Docket No. ER78–490 for further proceedings and final resolution.

In addition, in response to the public notice of Southwestern Public Service Company's (SWEPCO) filing in Docket No. ER80–634, PSCO filed a protest and petition to intervene raising the fixed rate issues previously discussed. Inasmuch as the proposed filing results in a rate decrease, SWEPCO's adders will be accepted for filing without suspension and PSCO will be granted intervenor status in the above docket. Further, SWEPCO's submittals in Docket No. ER80–634, Docket Nos. ER80–596, ER80–612, ER80–635, ER80–636, and ER80–688 will be accepted for filing effective September 1, 1980. It is noted that all other dockets in this category contain some rates which include different adders to the purchase price of energy for certain services (primarily emergency and nondisplacement energy). These adders are unsupported and will be accepted for filing, suspended as hereinafter ordered, and set for hearing.

Limitations on Percentage Adders Which Include Fixed Adders of More Than 1 Mill/Kwh

Four companies, Iowa Power & Light Company (Docket No. ER80–594), CE (Docket No. ER80–595), PSCO (Docket Nos. ER80–608, ER80–610, and ER80–671) and Oklahoma Gas & Electric Company (Docket No. ER80–716) have tendered for filing rate schedules which include fixed adders that exceed 1 mill/Kwh to replace current rates. The tendered rates have not been shown to be just and reasonable and will therefore be suspended and set for hearing as ordered below.

Rate Schedules Including Fixed Adders of More Than 1 Mill/Kwh Plus 1 Mill/Kwh for Difficult-to-Quantify Costs

Twenty-three companies in 33 dockets (*See* Attachment C) have submitted rates to recover: (1) the cost of the purchase, (2) a fixed adder, and (3) 1 mill/Kwh for unquantifiable costs. These filings are inadequately supported and will therefore be suspended as hereinafter ordered, and set for hearing.

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. Such circumstances are presented here. The Commission notes that, in large part, the rates submitted pursuant to Order No. 84 will produce rate decreases rather than increases. In view of this fact and the nature of the interchange services at issue, the Commission has concluded that a nominal suspension is appropriate. Accordingly, we shall exercise our discretion with respect to those rates which are suspended by this order, to suspend the rates for only one day permitting the rates to take effect subject to refund thereafter on September 2, 1980.

The Commission orders:

(A) The submittals in Docket Nos. ER80–596, ER80–612, ER80–622, ER80–629, ER80–632, ER80–634, ER80–635, ER80–636, and ER80–688 shall be accepted for filing, effective September 1, 1980, by letter order issued by the Director, Office of Electric Power Regulation pursuant to section 375.208(w) of the Commission's regulations.

(B) The Director, Office of Electric Power Regulation (pursuant to section 375.308(w) of the Commission's regulations) shall accept for filing portions of certain dockets as follows:

Allegheny Power System's and Ohio Power Company's filing of a fixed 1 mill/kWh adder for certain interchange services in Docket No. ER80–592; Arkansas Power & Light Company's filing of fixed 1 mill/kWh adders in Docket Nos. ER80–609 and ER80–611; Northern States Power Company's filing of fixed 1 mill/kWh adders in Docket Nos. ER80–604 and ER80–615; Ohio Edison Company's and Dayton Power & Light Company's filing of fixed 1 mill/kWh adders for certain interchange services in Docket No. ER80–620; Indiana & Michigan Electric Company's and Illinois Power Company's filing of fixed 1 mill/kWh adders for certain interchange services in Docket No. ER80–627; Columbus & Southern Ohio Electric Company's filing of fixed 1 mill/kWh adders for certain interchange services in Docket Nos. ER80–657 and ER80–662; Wisconsin Electric Power Company's filing of fixed 1 mill/kWh adders for certain interchange services in Docket Nos. ER80–604, ER80–663, ER80–664, ER80–665, ER80–676 and ER80–677; Wisconsin Public Service Corporation's filing of fixed 1 mill/kWh adders for certain interchange services in Docket No. ER80–663; Wisconsin Power & Light Company's filing of fixed 1 mill/kWh adders for certain interchange services in Docket No. ER80–664; Madison Gas & Electric Company's filing of fixed 1 mill/kWh adders for certain interchange services in Docket No. ER80–665; Ohio Power Company and Indiana & Michigan Electric Company's filing of fixed 1 mill/kWh adders for certain interchange services in Docket No. ER80–672; Cliffs Electric Service Company's filing of fixed 1 mill/kWh adders for certain interchange services in Docket No. ER80–676; and Upper Peninsula Power Company's filing of fixed 1 mill/kWh adders for certain interchange services in Docket ER80–677. The remaining portions of the above dockets not having been determined to be just and reasonable are hereby suspended for one day until September 2, 1980, at which time they shall become effective subject to refund pending evidentiary hearing.

(C) The rates submitted in the following dockets be suspended for one day to become effective September 2, 1980, subject to refund, and set for hearing: Docket Nos. ER80–594, ER80–595, ER80–598, ER80–599, ER80–603, ER80–606, ER80–607, ER80–608, ER80–610, ER80–613, ER80–617, ER80–628, ER80–638, ER80–658, ER80–659, ER80–660, ER80–661, ER80–666, ER80–671, ER80–673, ER80–674, ER80–675, ER80–711, ER80–716, ER80–718, and ER80–588.

(D) With the exception of Docket No. ER80–673, all of the dockets identified in paragraph (C) above are hereby consolidated for purposes of hearing and decision.

(E) Docket No. ER80–673 is hereby consolidated with the proceedings previously instituted in ER78–490 for purposes of hearing and decision.

(F) 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 Practive 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 the dockets identified in paragraph (D) above.

(G) The Kansas cities of Augusta, Burlington, Chanute, Coffeyville, Girard, Mulvane Neodesha, Wellington, and Winfield, and Public Service Company of Oklahoma are 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 intervenors shall be limited to matters set forth in their petition 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.

(H) A presiding administration law judge, to be designated by the Chief Administrative Law Judge, shall convene a prehearing conference in tis proceeding to be held within 30 days of the issuance of this order, in a hearing room of the Federal Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consoliated or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(I) The Secretary shall promptly publish this order in the **Federal Register.**

[2] E.g., Boston Edison Co., Docket No. 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).

By the Commission.

Lois D. Cashell,

Acting Secretary.

Attachment A

Parties	Docket No.
Kansas Gas & Electric Co	ER80-588
Monongahela Power Co., West Penn Power Co., Appalachian Power Co., Ohio Power Co.	ER80-592
Iowa Power & Light Co	ER80-594
Illinois Power Co., Commonwealth Edison Co	ER80-595
Alabama Power Co., Gulf Power Co., Georgia Power Co., Mississippi Power Co	ER80-596
Interstate Power, Iowa Power & Light, Iowa Elec. Light & Power, Iowa Pub. Ser., Iowa-Illinois G&E, Iowa Southern Utils., Lake Superior (MAPP)	ER80-597
Iowa-Illinois Gas & Electric Co	ER80-598
Illinois Power Co., Iowa-Illinois G&E Co	ER80-599
Kansas City Power & Light Co	ER80-602
Central Illinois Public Service Co., Illinois Power Co., Union Electric Co. Kentucky Utilities Co	ER80-603
Central Illinois Light Co., Central Illinois Public Service Co., Illinois Power Co	ER80-606
Southwestern Electric Power Co., Central Louisiana Electric Inc	ER80-607
Southwestern Electric Power Co., Public Service Company of Oklahoma	ER80-608
Southwestern Electric Power Co., Arkansas Power & Light Co	ER80-609
Southwestern Electric Power Co., Public Service Company of Oklahoma	ER80-610
Southwestern Electric Power Co., Arkansas Power & Light Co	ER80-611
S. Carolina Electric & Gas Co	ER80-612
Duke Power Co	ER80-613
Central Telephone & Utils. Corp	ER80-614
Wisconsin Public Service Corp., Northern States Power Co	ER80-615
Cleveland Elec. Illum., Ohio Edison, Toledo Edison, Duquesne Light, Penn. Power (CAPCO)	ER80-619
Ohio Edison Co., Dayton Power & Light Co	ER80-620
Empire District Electric Co	ER80-622
Empire District Electric Co	ER80-623
Empire District Electric Co	ER80-624
Empire District Electric Co	ER80-625
Empire District Electric Co	ER80-626
Indiana & Michigan El., Illinois Power Co	ER80-627
Ohio Power Co., Duquesne Power Co	ER80-628
Kansas Gas & Elec. Co	ER80-629
Kansas Gas & Elec. Co	ER80-630
Kansas Gas & Elec. Co	ER80-631
Kansas Gas & Elec. Co	ER80-632
Kansas Gas & Elec. Co	ER80-633
Southwestern Public Service Co	ER80-634
Northern States Power Co. (Minn.)	ER80-635
NSPCO (Minn.)	ER80-636
NSPCO (Minn.)	ER80-637
Iowa-Ill. Gas & Elec. Co., Union Power Co	ER80-638
Ohio Power Co	ER80-639
Ohio Power, Central Louisiana Elec. Co	ER80-640
Ohio Power	ER80-641
Ohio Power	ER80-642
Ohio Power	ER80-643
Ohio Power	ER80-644
Indiana & Michigan Elec. Co	ER80-645
Ind. & Mich. Elec	ER80-646
Ind. & Mich. Elec	ER80-647
Ind. & Mich. Elec	ER80-748
Ind. & Mich. Elec	ER80-649
Ind. & Mich. Elec	ER80-650
Ind. & Mich. Elec	ER80-651
Appalachian Power Co	ER80-652
Appal. Power	ER80-653
Appal. Power	ER80-654
Appal. Power	ER80-655
Kentucky Power Co	ER80-656
Columbus & Southern Ohio Elec. Co	ER80-657
Commonwealth Edison Co	ER80-658
Interstate Power Co	ER80-659
Southwestern Electric Power Co., Central Louisiana Elec. Co	ER80-660
Central Illinois Pub. Ser., Union Elec., Illinois Power	ER80-661
Col. & S. Ohio Elec. Co	ER80-662
Wisconsin Electric Power, Wisconsin Public Service Corp	ER80-663
Wisc. Elec. Power, Wisconsin Power & Light	ER80-664
Wisc. Elec. Power, Madison Gas & Elec	ER80-665
Wisc. Elec. Power, NSPCO (Minn.)	ER80-604
Cincinnati Gas & Elec Co	ER80-605

Attachment A—Continued

Parties	Docket No.
Wisc. Power & Light, Madison Gas & Elec. Co	ER80-666
Public Service Company of Oklahoma	ER80-671
Ohio Power, Indiana & Michigan Elec. Co	ER80-672
Ohio Power, Ohio Edison Co	ER80-673
Illinois Power	ER80-674
Wisc. Elec. Power, Cliffs Elec. Ser	ER80-676
Wisc. Elec. Power, Upper Peninsula Power	ER80-677
Kansas Power & Light	ER80-680
Kansas Power & Light	ER80-681
Iowa Public Service	ER80-668
Upper Peninsula Power	ER80-711
Indianapolis Power & Light	ER80-712
Oklahoma Gas & Elec	ER80-716
Commonwealth Edison, Iowa-Illinois G&E	ER80-718
Illinois Power	ER80-675

Attachment B

Company	Docket No.	Comments
Allegheny Power System	ER80-592	1
Appalachian Power Company.	ER80-592	1
Cliffs Electric Service Company.	ER80-676	1
Columbus & Southern Ohio.	ER80-657, 662	1
Dayton Power & Light Company.	ER80-620	1
Illinois Power Company	ER80-627	1
Indiana & Michigan Electric Company.	ER80-627, 672	1
Iowa Public Service Company.	ER80-688	2
Madison Gas & Electric Company.	ER80-655	1
Northern States Power Company.	ER80-604, 615, 635, and 636.	2
Ohio Edison Company	ER80-620, 673	1
Ohio Power Company	ER80-592, 672, 673	1
South Carolina Gas & Electric Company.	ER80-612	2
Southern Company Services Inc.	ER80-596	2
Southwestern Public Service Company.	ER80-634	2
Upper Peninsula Power Company.	ER80-677	1
Wisconsin Electric Power Company.	ER80-663, 664, 677, 665, 604, and 676.	1
Wisconsin Power & Light Company.	ER80-664	1
Wisconsin Public Service Company.	ER80-663	1

[1] Filing also contains adders different from the fixed 1 mill/kWh which are unsupportable. See attachments C and D.
[2] Adders fixed at 1 mill/kWh.

Attachment C

Company	Docket No.
Allegheny Power System	ER80-592
Appalachian Power Company	ER80-592
Central Illinois Light Company	ER80-606
Central Illinois Public Service Company	ER80-603
	606
	661
Central Louisiana Electric Company	ER80-607
	660
Cliffs Electric Service Company	ER80-676
Columbus & Southern Ohio Electric Company	ER80-657
	662
Commonwealth Edison Company	ER80-718
Dayton Power & Light Company	ER80-620
Duke Power Company	ER80-613
Duquesne Light Company	ER80-628
Illinois Power Company	ER80-595
	599
	603
	606
	627
	661
Indiana & Michigan Electric Company	ER80-627
	672

Attachment C—Continued

Company	Docket No.
Iowa-Illinois Gas & Electric Company	ER80-598
	599
	638
	718
Madison Gas & Electric Company	ER80-665
	666
Ohio Edison Company	ER80-620
	673
Ohio Power Company	ER80-592
	698
	672
	673
Southwestern Electric Power Company	ER80-607
	608
	609
	610
	611
	660
Union Electric Company	ER80-603
	638
	661
Upper Peninsula Power Company	ER80-677
	711
Wisconsin Electric Power Company	ER80-604
	663
	664
	665
	676
	677
Wisconsin Power & Light Company	ER80-664
	666
Wisconsin Public Service Company	ER80-615
	617
	663

[FR Doc. 80-31975 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC81-8-000]

Alabama-Tennessee Natural Gas Co.; Tariff Filing

October 7, 1980.

Take notice that on October 1, 1980, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), P.O. Box 918, Florence, Alabama 35630, has filed in Docket No. TC81-8-000, Third Revised Sheet No. 36-E-2, to become effective November 1, 1980, which revises its FPC Gas Tariff, Third Revised Volume No. 1 pursuant to Section 401 of the Natural Gas Policy Act of 1978 (NGPA) and Part 281 of the Regulations.

Section 281.204 of the Regulations requires interstate pipelines to file no later than October 1, 1980, Tariff sheets containing an updated index of the high-priority and essential agricultural use entitlements of each of their customers. Alabama-Tennessee states that Third Revised Sheet No. 36-E-2 contains the updated Index of End Use Volumes, 1980-1981, required under Section 281.204 of the Regulations and that copies of the filing have been mailed to its customers and interested State Commissions.

Any person desiring to be heard or to make any protest with reference to said filing should on or before October 23, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or

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 the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32015 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL 78-26]

Anza Electric Cooperative, Inc.; Order Granting Motion To Withdraw Application and Terminating Docket

October 6, 1980.

On July 28, 1980, Anza Electric Cooperative, Inc. (Anza) filed a motion to withdraw a May 19, 1978 application which sought a Commission order directing Southern California Edison Company (Edison) (1) to establish a new delivery point on its existing 33 kV line between San Jacinto and Idyllwild, California from which service could be provided to Anza, and (2) to modify Edison's existing FPC rate schedule No. 19 to allow for combined billing from the two delivery points.

Notice of Anza's original application was issued on June 7, 1978,[1] with comments due on or before June 23, 1978. On June 23, 1978, Edison filed an answer in which Edison stated that it was willing to build the proposed line, but was unwilling to change its billing practices.

Anza's present motion indicates that negotiations with Edison have led Anza to believe that a mutually satisfactory resolution to its outstanding disagreements with Edison may be reached in the near future. Anza further states that, in event that agreement is not reached, any relief that it would then request would be sufficiently different from the relief requested in its prior application that an entirely new application would be required. Accordingly, Anza states that further deferral of Commission consideration of this case is unnecessary. The Commission has received no objections to Anza's motion to withdraw its prior application.

Discussion:

Under § 1.11(d)(2) of our Rules of Practice and Procedure, a pleading such as Anza's which is in the nature of a complaint, may be withdrawn only upon express Commission approval. From the facts presented, we find that good cause exists to permit Anza to withdraw its application. Accordingly, we shall authorize such withdrawal.

The Commission Orders: (A) Anza's motion to withdraw its May 19, 1978 application in this docket is hereby granted.

(B) Docket No. EL78-26 is hereby terminated.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-31976 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[1] 43 Fed. Reg. 25720 (1978).

[Project No. 3403]

Boise-Kuna Irrigation District, et al.; Application for Exemption for Small Conduit Hydroelectric Facility

October 7, 1980.

Take notice that on August 27, 1980, the Boise-Kuna Irrigation District, Nampa and Meridian Irrigation District, New York Irrigation District, Wilder Irrigation District, and Big Bend Irrigation District, collectively known as the Boise Project Board of Control (Applicant) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. Section 823(a)] for exemption of a proposed hydroelectric project from requirement of Part I of the Act. The proposed Mora Canal Drop Power Plant (FERC Project No. 3403) would be located on the Applicant's Mora Canal approximately 38 miles downstream of the Boise River Diversion Dam in Ada County, Idaho. The water is diverted, for irrigation purposes, at the Boise River Diversion Dam into the New York Canal; the Mora Canal branches from the New York Canal 26 miles downstream of the diversion point. The Mora Canal drop structure is located 12 miles below the branch point. Correspondence with the Applicant should be directed to: Mr. Royse VanCuren, Project Manager, Boise Project Board of Control, 214 Broadway, Boise, Idaho 83702.

Purpose of Project.—It is anticipated that project energy would be sold to the Idaho Power Company for use within its electric service area.

Project Description.—The proposed project would consist of: (1) an inlet structure; (2) a 150-foot long penstock consisting of an 8-foot cast-in-place concrete box serving; (3) a powerhouse to be operated under a head of 37 feet and to contain a turbine-generator unit with a rated capacity of 1,900 kW; and (4) a substation adjacent to the powerhouse. The power plant would be remotely controlled and would produce approximately 8.1 million kWh of energy per year.

Agency Comments.—The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before November 13, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32016 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-554]

Cities Service Gas Co.; Application

October 7, 1980.

Take notice that on September 15, 1980, City Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP80-554 an application pursuant to Section 7 of the Natural Gas Act and § 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 field 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 under § 157.7(g) would not exceed $3,000,000 and no single project would exceed $600,000. Applicant also states that the cost of said facilities would be financed from treasury cash. Applicant seeks an increase in the single project cost limit to $600,000 due to the increases of the cost of labor and materials, which increases the cost of a 660 horsepower unit to $600,000, it is asserted.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 24, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31997 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL80-32]

City of Cuba City, Wisconsin; Order Authorizing Withdrawal of Complaint and Terminating Docket

October 6, 1980.

On May 27, 1980, the City of Cuba City, Wisconsin (Cuba City) filed a complaint with this Commission in which it alleged that Wisconsin Power and Light Company (WPL) had violated section 205 of the Federal Power Act by its failure to properly charge Cuba City for electricity in accordance with the terms of WPL's effective rate schedule. On July 28, 1980, Cuba City filed a document requesting to withdraw its complaint.

In its complaint, Cuba City asserted that it is a full requirements wholesale electric customer of WPL, and that by the terms of the effective rate schedule, W-3, Cuba City was entitled to a 5% discount for electricity purchased since December, 1979, at 34.5 kV or above.[1] Cuba City stated that during 1978 and 1979, it undertook certain substation improvements under an agreement with WPL in connection with a transmission line project of WPL to enable Cuba City to receive electricity at 34.5 kV. Cuba City asserted that WPL subsequently conditioned receipt of the 5% discount upon the execution of a new contract with an extended term. According to Cuba City, this condition represented an erroneous interpretation of the parties' existing agreements, and was an abuse of WPL's monopoly position. Therefore, the city requested the Commission to order WPL to apply the 5% discount to future bills and to refund any excess amounts collected since December, 1979, with interest.

Notice of the complaint was issued on June 18, 1980, with comments due on or before July 21, 1980. No responses to this notice were filed.

On July 28, 1980, Cuba City requested to withdraw its complaint. WPL has concurred in the withdrawal. As the basis for its request to withdraw the complaint, Cuba City states that the parties have agreed to a settlement of the dispute. In summary, Cuba City states that the parties have agreed that:

1. WPL will complete the necessary construction to give service to Cuba City at transmission voltage (expected to occur on or about August 5, 1980);

2. The primary discount contained in WPL rate schedule W-3 will be applied to service to Cuba City as soon as service at transmission voltage begins; and

3. Cuba City will not be required to sign a new wholesale power contract with WPL as a result of the settlement agreement.

Discussion:

Section 1.11(d)(2) of our Rules of Practice and Procedure states that a complaint may be withdrawn only upon express Commission approval. From the facts presented, we find that good cause exists to allow withdrawal of Cuba City's complaint. It appears that the settlement arrived at between the parties will satisfy Cuba City's concerns in a manner consistent with the Federal Power Act. WPL supports the withdrawal and there are no other intervenors in this proceeding. Accordingly, we shall authorize the requested withdrawal.

The Commission Orders:

(A) The request of Cuba City to withdraw its complaint is hereby granted.

(B) Docket No. EL80-32 is hereby terminated.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-31981 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[1] The W-3 rate schedule is currently in effect subject to refund in Docket No. ER77-347. WPL filed a new W-3 rate schedule on March 24, 1979, in Docket No. ER80-297, with a substantantially similiar discount provision.

[Docket No. CP80-564]

Colorado Interstate Gas Co.; Application

October 6, 1980.

Take notice that on Sepetember 19,1980, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP80-564 and application pursuant to Section 7(c) of the Natural Gas Act and § 157.7(c) of the Regulations thereunder (18 CFR 157.7(c)), for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1981, and operation of facilities to make miscellaneous rearrangements on its system, 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 augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any material change in the transportation and sales service presently rendered by Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $300,000. Applicant proposes to finance the proposed facilities from current working funds on hand, funds from operations, short-term borrowings, or long-term financing.

Any person desiring to be heard or to make any protest with reference to said application 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) 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 it own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31986 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3395]

Continental Hydro Corp.; Application for Preliminary Permit

October 7, 1980.

Take notice that Continental Hydro Corporation (Applicant) filed on August 27, 1980, an application for a preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3395 to be known as the Hulah Project located on the Caney River in the Town of Hulah, Osage County, Oklahoma. Correspondence with the Applicant should be directed to: Mr. A. Gail Staker, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109.

Project Description.—The proposed project would utilize the existing U.S. Army Corps of Engineers Hulah Dam and Reservoir and would consist of a powerhouse with one or more generating units having a total rated capacity of 1.7 MW, and a transmission line. The project would be capable of generating up to 7,500 kWh annually saving the equivalent of 12,300 barrels of oil or 3,470 tons of coal.

Purpose of Project.—Energy generated at the project would likely be sold to Public Service Company of Oklahoma for distribution to its customers.

Proposed Scope and Cost of Studies under Permit.—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $45,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before December 8, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 10, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c), *as amended* 44 *Fed. Reg.* 61328, (October 25, 1979). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d), *as amended,* 44 *Fed. Reg.* 61328 (October 25, 1979).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's

Rules. Any comments, protest, or petition to intervene must be filed on or before December 8, 1980. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32017 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3336]

Continental Hydro Corp.; Application for Preliminary Permit

October 3, 1980.

Take notice that Continental Hydro Corporation (Applicant) filed on August 19, 1980, an application for a preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3336 to be known as the Stillhouse Hollow Project located on the Lampasas River in Bell County, Texas. Correspondence with the Applicant should be directed to: A. Gail Staker, President, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109.

Project Description.—The proposed project would utilize the existing U.S. Army Corps of Engineers' Stillhouse Hollow Dam and would consist of: (1) a penstock about 700 feet long located along the left (north) bank; (2) a powerhouse containing generating unit(s) having a total rated capacity of 3.06 MW; and (3) appurtenant facilities. Project energy would be transmitted to existing power lines serving the dam or to Texas Power and Light Company's 138-kV transmission lines about two miles from the project.

Purpose of Project.—Project energy would be sold to Texas Power and Light Company. Applicant estimates the annual generation would average about 12.26 GWh.

Proposed Scope and Cost of Studies under Permit.—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before December 5, 1979, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 3, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c), *as amended* 44 *Fed. Reg.* 61328, (October 25, 1979). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d), *as amended,* 44 *Fed. Reg.* 61328 (October 25, 1979).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 5, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-31979 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3373]

Continental Hydro Corp.; Application for Preliminary Permit

October 6, 1980.

Take notice that Continental Hydro Corporation (Applicant) filed on August 25, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for proposed Project No. 3373 to be known as the Lewisville Project located on the Elm Fork of the Trinity River in the Town of Lewisville, Denton County, Texas. Correspondence with the Applicant should be directed to: Mr. A. Gail Staker, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109.

Project Description.—The proposed project would utilize the existing U.S. Army Corps of Engineers Lewisville Dam and Reservoir and would consist of a powerhouse with one or more generating units having a total rated capacity of 4.1 MW, and 1.4-mile long transmission line. The project would be capable of generating up to 11,700,000 kWh annually saving the equivalent of 19,200 barrels of oil or 5,400 tons of coal.

Purpose of Project.—Energy generated at the project would likely be sold to Texas Power and Light Company for distribution to its customers.

Proposed Scope and Cost of Studies Under Permit.—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $52,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and

environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtaind directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before December 4, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 2, 1981. A notice of intent must conform with the requirements of 18 CFR §4.33(b) and (c), *as amended* 44 *Fed. Reg.* 61328, (October 25, 1979). A competing application must conform with the requirements of 18 CFR §4.33(a) and (d), *as amended,* 44 *Fed. Reg.* 61328 (October 25, 1979).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, §1.8 or §1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in §1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 4, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-31977 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3396]

Continental Hydro Corp.; Application for Preliminary Permit

October 3, 1980.

Take notice that Continental Hydro Corporation (Applicant) filed on August 27, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for proposed Project No. 3396 to be known as Pleasant Hill Lake Hydroelectric Project located on the Clear Fork River in Ashland County, Ohio. Correspondence with the Applicant should be directed to: Mr. A. Gail Staker, President, Continental Hydro Corporation, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109.

Project Description.—The proposed project would utilize the Army Corps of Engineers' Pleasant Hill Lake Dam and would consist of: (1) a penstock about 250 feet long; (2) a powerhouse with installed capacity of 700 kW; (3) a tailrace; (4) a transmission line of undetermined voltage connecting to Ohio Edison Company's 138-kV line within 10 miles of the project site; and (6) other appurtenances. Applicant estimates the annual generation would average about 2.9 million kWh.

Purpose of Project.—Project energy would be sold to Ohio Edison Company.

Proposed Scope and Cost of Studies Under Permit.—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform hydraulic, construction, economic, environmental, historic, and recreational studies, and if the proposed project is determined feasible, prepare an application for FERC license. Applicant estimates cost of studies under the permit would not exceed $18,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before December 4, 1980, either the competing application itself or a notice of intent to file a competing application.

Submission of a timely notice of intent allows an interested person to file the competing application no later than February 2, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33 (b) and (c), (*as amended* 44 *Fed. Reg.* 61328, October 25, 1979). A competing application must conform with the requirements of 18 C.F.R., § 4.33 (a) and (d), (*as amended,* 44 *Fed. Reg.* 61328, October 25, 1979).

Comments, Protests, or Petitions To Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R., § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 4, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-31978 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3374]

Continental Hydro Corp.; Application for Preliminary Permit

October 7, 1980.

Take notice that Continental Hydro Corporation (Applicant) filed on August 25, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for proposed Project No. 3374 to be known as the Wills Creek Project located on Wills Creek in Coshocton County, Ohio. Correspondence with the Applicant should be directed to: A. Gail Staker, President, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Wills Creek Dam and would consist of: (1) a 500-foot-long penstock located along the left (west) bank; (2) a powerhouse containing a generating unit having a rated capacity of 1,330-kW; (3) a short tailrace; and (4) appurtenant facilities. Project energy would be transmitted over existing power lines serving the dam or to Ohio Edison Company's 138-kV transmission lines within ten miles of the project. Applicant estimates the annual generation would average about 5,320,000 kWh.

Purpose of Project—Project energy would be sold to Ohio Edison Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other forml request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before *December 8, 1980,* either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than *February 6, 1981.* A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended,* 44 *Fed. Reg.* 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (*as amended,* 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 8, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32018 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3333]

Continental Hydro Corp.; Application for Preliminary Permit

October 7, 1980.

Take notice that Continental Hydro Corporation (Applicant) filed on August 19, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3333 to be known as the Grayson Lake Dam Hydroelectric Project located at the U.S. Army Corps of Engineers' Grayson Dam and Lake, a flood control project, on the Little Sandy River near Grayson, Carter County, Kentucky. Correspondence with the Applicant should be directed to: A. Gail Staker, President, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109.

Project Description—The proposed project would consist of: a penstock from the existing outlet conduits at the base of the dam; (2) a powerhouse to be located on the western bank of the river; (3) transmission lines; and (4) other appurtenances. Applicant estimates the capacity of the project to be 1.02 MW, and the annual energy output to be 4.09 GWh.

Purpose of Project—Energy developed at Project No. 3333 would be sold to the Kentucky Power Company for distribution to its customers.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months. The work to be performed under this preliminary permit would consist of gathering necessary data, completing surveys and environmental studies, obtaining necessary Federal, State and local permits, and preparing necessary documentation for the Commission's licensing requirements. Applicant estimates that the cost of works to be performed under the permit would not exceed $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file

comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before *December 8, 1980,* either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than *February 8, 1981.* A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended,* 44 *Fed. Reg.* 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (*as amended,* 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 8, 1980. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32008 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-204]

CP National Corp. Order Granting Rehearing for Further Consideration and Granting Limited Stay

October 6, 1980.

On September 5, 1980, CP National Corporation filed an application for rehearing and a request for stay of the Commission's order issued August 7, 1980, in this proceeding. In that order, we *inter alia,* summarily disposed of the question of the propriety of collecting through rates proposed for transmission service to the City of St. George, Utah any alleged deficiency created by pre-existing rates for comparable transmission on behalf of the Western Area Power Administration (WAPA). We further directed CP National to file a revised rate schedule for St. George to include a rate of $13.83/kW/year—the rate that CP National stated would be appropriate absent any make-up of the WAPA rate deficiency. CP National's application for rehearing challenges the validity of these determinations.

In order to afford time for further evaluation of the matters raised by CP National, we shall grant rehearing for the limited purpose of further consideration. Under section 1.34(d) of the Commission's regulations, no answers to the application for rehearing will be entertained since this order does not grant rehearing on any substantive issues. Pending the issuance of a subsequent order in this docket, we shall stay the determinations and the refiling requirements imposed by our August 7, 1980 order.

The Commission orders:

(A) Rehearing of the Commission's order of August 7, 1980, is hereby granted for the limited purpose of further consideration.

(B) Pending the issuance of a further order in this docket, the August 7, 1980 order is hereby stayed.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-32007 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-539]

East Tennessee Natural Gas Co; Application

October 7, 1980.

Take notice that on September 9, 1980, East Tennessee Natural Gas Company, P.O. Box 10245, Knoxville, Tennessee 37919, filed in Docket No. CP80-539 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the rendition of a 20-year storage service for eleven of its customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to render a storage service to eleven of its customers for the period August 1, 1980, through April 1, 2000. Applicant states that the customers for whom the proposed storage service would be rendered and their respective total storage volumes are as follows:

Customer	Total storage volume Mcf
Chattanooga Gas Co	200,000
Colonial Natural Gas Co	100,000
City of Fayetteville, Tenn	3,000
City of Lewisburg, Tenn	3,000
City of Loudon, Tenn	2,000
Natural Gas Utility District of Hawkins County, Tenn	5,000
Roanoke Gas Co	100,000
Sevier County Utility District of Sevier County, Tenn	12,000
City of Sweetwater, Tenn	4,000
United Cities Gas Co	50,000
Volunteer Natural Gas Co	21,000
Total	500,000

Applicant states that under the proposed service the customers would make available to Applicant from their allocation of gas from Applicant and/or volumes from sources other than Applicant during each summer period the necessary quantity to utilize their total storage volumes as described above. It is stated that such volumes would be made available to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) for transportation to and storage by Consolidated Gas Supply Corporation (Consolidated). Applicant avers that subsequent redelivery of the stored volumes would be made by Tennessee to Applicant and by Applicant to each customer upon request of such customer. Moreover, all such deliveries would be made only when the operating conditions of Applicant, Tennessee and Consolidated permit, it is stated.

Applicant states that the proposed service is virtually the same service and for the same customers as was previously authorized for a short-term and that Applicant has volumes of gas currently remaining under the earlier storage service agreement. Since such volumes are not needed now but would be needed during the 1980-81 winter, it is asserted, Applicant proposes to carry over such volumes and apply them to the storage service proposed herein.

Applicant maintains that the proposed storage service would allow Applicant's customers to store gas in the summer months for delivery to high priority customers in winter months. It is stated that Applicant can perform the proposed storage service by utilizing the storage service acquired from Consolidated and the offpeak capacity of its own existing facilities without the need for any additional facilities. Moreover, Applicant asserts that the proposed service would have no effect on its

ability to render firm service to any of its other customers.

Applicant states that storage service would be rendered pursuant to its Consolidated Service Contracts (CSS) with its customers and also pursuant to Applicant's proposed Consolidated Service Rate Schedules, CSS–1, CSS–2 and CSS–3.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 24, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–32019 Filed 10–14–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RP80–130]

El Paso Natural Gas Co.; Tariff Filing

October 3, 1980.

Take notice that on September 18, 1980, El Paso Natural Gas Company ("El Paso") tendered for filing, pursuant to Part 154 of the Commission's Regulations Under the Natural Gas Act, Seventh Revised Sheet No. 67–D to El Paso's FERC Gas Tariff, Original Volume No. 1. Said tariff sheet, when accepted for filing and permitted to become effective, will modify § 19.7, *Surcharge Adjustment*, of El Paso's Purchased Gas Cost Adjustment Provision ("PGAC") in order to provide for the phasing out of the separate surcharge determinations applicable to El Paso's east-of-California ("EOC") and California customers which are provided for under El Paso's currently effective PGAC.[1] El Paso states that such tariff filing is essentially identical to its tariff tender filed August 8, 1980, which was rejected by the Commission letter order dated August 29, 1980, at Docket No. RP80–130.

El Paso states that the Commission's letter order dated August 29, 1980, rejected its August 8, 1980, tariff filing at Docket No. RP80–130 based upon the Commission's belief that proposed changes to El Paso's PGAC provision are premature pending a final ruling on the issues addressed in a settlement offer filed by El Paso on August 5, 1980, in Docket No. CP76–87.[2] However, for the reasons fully discussed in the instant filing, El Paso contends that neither the settlement offer pending before the Commission nor any of the unresolved issues surrounding the abandonment of the Rhodes Reservoir Storage Facility has any bearing whatsoever on the computation of surcharges under El Paso's PGAC provision. El Paso states that the issues pending resolution at Docket No. CP76–87 will not impact upon the entries to be made to Account 191 or the calculation of the surcharge designed to recover balances in said account inasmuch as (i) the EOC surcharge adjustment is calculated strictly on volumes of working gas that are injected or withdrawn for EOC high priority protection, which volumes of working gas have been completely withdrawn from Rhodes Reservoir as of May 31, 1980, (ii) the cushion gas issues involve only those low priority EOC customers who provided the injected cushion volumes through curtailments during 1973 and therefore would not affect the entire EOC community who are assessed the PGAC surcharge adjustments and (iii) the production of the Rhodes Reservoir native gas will be priced on a cost-of-service basis and therefore not be considered in the calculation of surcharges under the PGAC provision.

El Paso states that, in light of the proposed abandonment of the Rhodes Reservoir facilities for storage purposes and the utilization of the Rhodes Reservoir native gas as a part of El Paso's general system-wide supply available to both EOC and California customers, it is proposing to modify its currently effective PGAC provision in order to provide for a singular surcharge adjustment which will be uniformly applied under all EOC and California rate schedules. In effect, El Paso is proposing to reinstitute the procedures for making entries to Account 191, similar to those which were utilized prior to the Stipulation and Agreement at Docket Nos. RP72–150, *et al.* commencing on January 1, 1980.

It is stated that under the operation of its PGAC provision, El Paso is permitted to adjust its rates April 1 and October 1 of each year to recover costs attributable to purchased gas costs which are either in effect at the time of the applicable rate change or estimated to be incurred during the six-month period such rates are to be effective. El Paso is also permitted to recover the balance in the EOC and California subaccounts of its Account 191, as of the last day of the month ending three (3) months prior to the applicable adjustment date (*i.e.*, December 31 and June 30 for El Paso's April 1 and October 1 PGAC notice of rate changes, respectively). El Paso further states that its rates which have been placed into effect pursuant to said PGAC provision, including those rates authorized as of April 1, 1980, and currently in effect, have been designed to extinguish the December 31, 1979, balance in each of said subaccounts of Account 191. Since the balance in each of said subaccounts will approach zero by recoveries to be made through the collection of surcharges which are included in El Paso's rates during the period April 1, 1980, through September 30, 1980, El Paso states that January 1, 1980, will be the most administratively feasible time

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[1] El Paso has computed separate surcharges under its PGAC provision since June 1, 1977, in order to insure that costs associated with its Rhodes Reservoir Storage Project be borne only by the EOC customers, inasmuch as the California customers do not benefit from the high priority protection afforded thereby.

[2] The settlement offer filed by El Paso on August 5, 1980, reflected the agreement of all parties active in the proceedings at Docket No. CP76–87 that El Paso should be permitted to immediately begin production of the native gas in the Rhodes Reservoir Storage Facility for use as part of El Paso's system supply, and transfer its net undepreciated and unamortized investment in such facility from a storage function to a production function. The issue of the disposition of the remaining cushion gas in the Rhodes Reservoir Storage Facility was not addressed in such settlement offer.

to reinstitute the booking of accruals and recoveries to a joint Account 191. Additionally, since credit amounts attributable to June, 1980, activity [3] have created a zero balance in the proposed joint account as of June 30, 1980. El Paso's EOC and California customers will benefit equally from a reduced surcharge to be effective during the period October 1, 1980, through March 31, 1981, based upon actual entries made to the joint account during the complete six-month period ending June 30, 1980.[4]

El Paso has requested that the Commission grant such waivers of the Commission's Regulations as may be necessary in order to accept the tendered tariff sheet for filing and permit it to become effective as of January 1, 1980.

El Paso states that copies of the filing were served upon all interstate transmission system customers of El Paso and interested State regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before Oct. 10, 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). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-31980 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[3] Such credits are attributable to amounts determined in accordance with the contingent refund obligation provisions set forth in Sections 5.A.2. and 5.D.2. of Article V, *Contingent Refunds for Revenues in Excess of Settlement Cost of Service*, of El Paso's Extension Agreement approved May 30, 1980, at Docket No. RP79-12 (Extension). Said Extension Agreement was effectuated by El Paso on August 20, 1980, pursuant to Paragraph 22.2 of the Extension Agreement, by notice filed and served that date.

[4] *See* Schedule C of Enclosure No. 1 of El Paso's PGAC Notice of Rate Change filed August 29, 1980, at Docket No. TA81-1-33 for details respecting the zero balance of Account 191 as of June 30, 1980.

[Docket No. CP80-540]

Faustina Pipe Line Co.; Application

October 7, 1980.

Take notice that on September 9, 1980, Faustina Pipe Line Company, P.O. Box 3102, Tulsa, Oklahoma 74101, filed in Docket No. CP80-540 an application pursuant to Section 1(c) of the Natural Gas Act for an exemption from the provisions of the Natural Gas Act and the rules and regulations thereunder, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that on September 8, 1980, its affiliate, Louisiana Resources Company (Louisiana Resources), which is a Louisiana intrastate pipeline, assigned to Applicant the right to serve certain ultimate customers located within Louisiana. Applicant states that it currently has no other gas sales customers and has entered into agreements with certain interstate pipelines for supplies of natural gas to serve the newly assigned consumers.

It is stated that Applicant intends to serve its customers either directly from its own pipeline system or, if necessary and appropriate, directly through authorized transportation agreements entered into by Applicant with other natural gas transporters. Applicant asserts that since all its customers would be ultimately end-users of the gas purchased from Applicant and are located within Louisiana all of the natural gas which Applicant may receive from time to time from out-of-state sources would be consumed within the state in which the operations sought to be exempted are conducted.

Applicant further asserts that the Office of Conservation of the State of Louisiana is exercising jurisdiction over Applicant to regulate rates and charges for the sale of natural gas to consumers within Louisiana.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 24, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31996 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-556]

Great River Gas Co.; Application

October 6, 1980.

Take notice that on September 17, 1980, Great River Gas Company, P.O. Box 967, Keokuk, Iowa 52632, filed in Docket No. CP80-556 an application pursuant to Section 7(f) of the Natural Gas Act for a determination of service area within which Applicant may enlarge or extend its facilities for the purpose of connecting its contiguous distribution company service areas of Iowa and Missouri, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that currently its Iowa and Missouri distribution facilities are not connected and receive sources of pipeline gas from two separate delivery locations. Application proposes to interconnect the contiguous distribution service areas of the two states by constructing 2.27 miles of 6-inch pipeline starting at Applicant's existing 2-inch facilities located near Alexandria, Missouri. Applicant states the proposed interconnecting pipeline would then proceed north to Jackson, Lee County, Iowa, where a city gate station and companion distribution facilities would also be constructed to connect with Applicant's existing Iowa distribution plant. Applicant maintains that the connection would provide more efficient, secure and cost effective gas service to meet increased market demands for its customers served in both states. Applicant estimates the cost of the project to be $494,286 which would be financed through internally generated funds and long-term borrowing if necessary.

Applicant states that its service area includes the southern part of Lee County, Iowa and Marion, Ralls, Lewis, Knox, Clark, and Scotland Counties, Missouri. It is asserted that all of the natural gas purchased by Applicant is received and ultimately consumed within its service area and that Applicant does not envision making any sales for resale. Moreover, Applicant states that it does not own or operate any long distance transmission lines within its service area and that no gas utility other than Applicant makes any sales within the Iowa or Missouri

portion of the requested service area. In addition, Applicant avers that the company operates primarily as a distributor rather than a transporter of natural gas even though its service area extends into adjoining states.

Applicant further states that it is adequately regulated at the local level as the appropriate state regulatory authorities have asserted jurisdiction and are actively engaged in the regulation of Applicant's rates, service and facilities, regarding the respective operations of the company in the two states. Applicant maintains that any extension of service by the company in these states through the service area determinated would be pursuant to and in accordance with the regulations and orders of the respective regulatory commissions in Iowa and Missouri.

Any person desiring to be heard or to make any protest with reference to said application 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 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 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 authorization is required. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31987 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3268]

Griswold Textile Co.; Application for Preliminary Permit

October 7, 1980.

Take notice that Griswold Textile Company (Applicant) filed on July 28, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3268 to be known as the Griswold Textile Hydroelectric Project located on the Pawcatuck River in Washington County near the Town of Westerly, Rhode Island, and in New London County, Connecticut. Correspondence with the Applicant should be directed to: Mr. James Blair, Griswold Textile Company, P.O. Box 354, Westerly, Rhode Island 02891, and Halliwell Associates, Inc., 589 Warren Avenue, East Providence, Rhode Island 02914.

Project Description—The proposed run-of-the-river project would consist of existing project works including: (1) a granite masonry dam, about 100 feet long and 15 feet high (R.I. Dam No. 255), with provisions for flashboards 2 feet high; (2) a reservoir of negligible storage capacity at surface elevation 42 feet m.s.l.; (3) a headrace canal about 2,000 feet long and 55 feet wide, the lower 150-foot length of which has been filled in and is proposed to be re-excavated; (4) a powerhouse containing four inoperative vertical S. Morgan Smith turbines with a total installed capacity of approximately 670 HP; (5) a tailrace channel; and new project works to include (6) generator units with a total installed capacity of 500 kW, to be compatible with existing turbines (alternatively, if it is determined to be economically infeasible to rehabilitate the existing turbines, the existing units will be removed and complete new turbine-generator units will be installed); (7) a headgate structure; (8) electrical switchgear and controls; and (9) other appurtenances. Applicant estimates annual generation would average about 3.4 million kWh.

Purpose of Project—Project energy would be utilized in part by the Applicant's internal manufacturing processes with the balance of the energy being sold to the Narragansett Electric Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would accomplish detailed engineering, environmental, and economic feasibility studies to determine the optimum design for hydroelectric development of the project site. If feasible, Applicant would prepare an FERC license application. Applicant estimates the cost of studies under a preliminary permit would not exceed $18,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 8, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 6, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c), as amended, 44 Fed. Reg. 61328, (October 25, 1979). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d), as amended, 44 Fed. Reg. 61328 (October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979).

Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 8, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32020 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-728]

Iowa Public Service Co.; Filing

October 3, 1980.

The filing company submits the following:

Take notice that Iowa Public Service Company on September 2, 1980 tendered for filing:

(1) Amendment to Transmission Service and Facilities Agreement between Iowa Public Service Company and Cedar Falls Municipal Electric Utility dated July 15, 1980.

(2) Exhibit A dated January 2, 1980 to the Transmission Service and Facilities Agreement updated to reflect two transmission paths.

(3) Exhibit B dated January 2, 1980 to the Transmission Service and Facilities Agreement which updated the annualized fixed charge rate.

(4) Exhibit C dated January 2, 1980 to the Transmission Service and Facilities Agreement which updates the Transmission Facilities Agreement.

(5) Exhibit E, undated, to the Transmission Service and Facilities Agreement which updates the Transmission Service and Facilities Agreement which updates the Transmission Operation and Maintenance calculation.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 16, 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. 80-31981 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-524]

Lone Star Gathering Co.; Application

October 7, 1980.

Take notice that on August 28, 1980, Lone Star Gathering Company (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP80-524 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(c) of the Regulations thereunder (18 CFR 157.7(c)), for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1981, and operation of facilities to make miscellaneous rearrangements on its system, 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 augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any material change in the service presently rendered by Applicant by means of the facilities involved.

Applicant states that the total cost of the proposed facilities would not exceed $100,000. Applicant proposed to finance the proposed facilities from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 24, 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 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 it own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32000 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-522]

Lone Star Gas Co., a Division of Enserch Corp.; Application

October 7, 1980.

Take notice that on August 28, 1980, Lone Star Gas Company, a Division of Enserch Corporation (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP80-522 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 field 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 further states that the total cost of the facilities proposed herein would not exceed $1,300,000 with no single project to exceed $325,000.

Applicant states that said costs would be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 24, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31999 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP75-33]

Mountain Fuel Supply Co.; Petition To Amend

October 7, 1980.

Take notice that on September 12, 1980, Mountain Fuel Supply Company (Petitioner), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP75-33 a petition to amend the order issued in the instant docket on August 20, 1975,[1] as amended, pursuant to section 7(c) of the Natural Gas Act so as to authorize Petitioner to continue to operate its Chalk Creek Storage Field (Chalk Creek), 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 by order of August 20, 1975, as amended, in the instant docket it was authorized to continue operation of its Chalk Creek gas storage facility which had been in use as a system peak shaving facility since 1960 on a season at a time basis.

It is submitted that the Commission has advised Petitioner that it should consider alternatives to Chalk Creek for meeting its future peaking needs. Petitioner further submits that it has analyzed the performance of Chalk Creek during the 1979-80 winter heating season based on Petitioner's current operating procedure. Petitioner asserts that the results and conclusions of that study together with additional new data support its request for permanent use of Chalk Creek as a peaking gas storage reservoir.

Petitioner asserts that the data assembled in its study requested by the Commission demonstrate that total peak day gas supplies of 694,000 Mcf per day would be available to its system during the 1980-81 heating season and that the portion of supply available from pipeline purchases, field purchases, and Petitioner's own production would equal from 509,178-534,178 Mcf per day. It is indicated that the study data project a secondary supply of from 145,000-245,000 Mcf per day which, it is asserted, represents a reasonable estimate of the withdrawal rates from gas storage reservoirs on a peak day but could be greater or lesser depending on the working gas inventory in the storage reservoirs on the subject day. From these peak demand studies, Petitioner estimates that Chalk Creek would supply from a low of zero to a high of 65,000 Mcf per day of secondary supplies.

Petitioner submits that the study data further indicate that its corresponding peak day requirements are 750,619 Mcf per day for 1980-81. Petitioner further submits that it is apparent that without the contribution of Chalk Creek, the already perilously thin margin (28,600 Mcf per day) by which supply exceeds demand for the 1980-81 heating season would be reduced to a level (-36,400 Mcf per day) which represents a shortfall of peak day supplies.

With regard to the cost of alternatives to Chalk Creek, Petitioner asserts that the cost of developing a new gas storage field which would be comparable to Chalk Creek in performance would be $8,600,000, assuming such a reservoir could be found, compared to Chalk Creek's book value of $1,100,000.

It is further asserted that for the period 1980-1982, there is no alternative to Chalk Creek at any price, and from there on the closest comparable alternative would be substantially more expensive.

Specifically, Petitioner submits that the cost per Mcf of peak day deliverability for the first year that both alternatives are available, 1983, indicates that Chalk Creek would cost $12.511 per Mcf per day of peak capability and the equivalent underground peak-storage facility would cost $83.260 per Mcf per day of peak capability. A cost of service comparison on an LNG facility was not prepared because such cost data was not directly comparable and the level of investment required for this alternative would make it cost prohibitive, it is asserted. Petitioner further submits that expansion of the Clay Basin Storage Project, which is operated by Mountain Fuel Resources, Inc. (Mountain Fuel), a wholly-owned subsidiary of Petitioner, not including reinforcement of Petitioner's northern transmission system to provide equivalent peak day gas volumes, would cost $8,600,000. It is further asserted that the cost of service for the Clay Basin Storage Project as an alternative to Chalk Creek has not been prepared because Clay Basin could not truly replace Chalk Creek as a peak shaving source due to the fact that the equivalent peak day gas volumes would enter Mountain Fuel's system too far from its primary service area to meet peak hour demands during critical high load periods. However, Petitioner submits that Clay Basin may prove to be the best alternative available to it for load balancing type storage.

Petitioner states that it has had a successful gas acquisition program but because of extensive competition for gas supplies in the vicinity of its system resulting in most gas purchase contracts having take or pay provisions of 80 percent and higher and because of a general loss of load balancing interruptible sales caused in part by incremental pricing, Petitioner believes that additional new gas purchases are not an economically viable alternative for meeting peak requirements. Petitioner further states that it is reviewing its requirements and options for gas storage and is anticipating that a load balancing or base load storage project may be required in the near future, but, it is asserted, this option would not mitigate the need for the

[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.

peak-shaving service provided by Chalk Creek.

Petitioner states that the only operating problem that Chalk Creek has experienced has been the increase in potentially nonrecoverable cushion gas; however, it is asserted that the rate of such growth could be decreased.

Therefore, Petitioner proposes to continue to use an injection/withdrawal schedule similar to that which was used during the 1979–80 heating season. Additionally, Petitioner asserts that there has been no evidence that any of the potentially non-recoverable cushion gas has migrated to the surface, nor does its location present any known hazard either to the general public or to the continued operation of the facility itself.

Petitioner asserts that the proposed operating plan represents the most reasonable and most efficient use of Chalk Creek. The proposed operating plan has the following four parameters:

(1) The reservoir pressure as measured at the surface would not exceed 1,125 psig;

(2) The maximum reservoir inventory would not exceed the reservoir inventory on the prior October 31 by more than 300,000 Mcf but injection and withdrawals within this limit can be made as required;

(3) Injections would not commence until after November 1 of each heating season; and

(4) Reservoir draw-down would be completed as soon as is deemed prudent each heating season.

Petitioner believes that said operating limits would provide the operating flexibility required to allow Chalk Creek to perform the peak-shaving role that it was designed to perform while providing reasonable and sufficient controls on the reservoir management to assure that Chalk Creek remains a cost effective peak-shaving storage reservoir.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 24, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32002 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-545]

Mountain Fuel Supply Co.; Application

October 7, 1980.

Take notice that on September 10, 1980, Mountain Fuel Supply Company, 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP80-545 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 4.08 miles of 20-inch pipeline and appurtenant facilities and granting permission and approval to abandon 3.13 miles of existing pipeline all in Sweetwater County, Wyoming, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that its Main Line No. 7 which is located in Sweetwater County, Wyoming, had to be shut down in 1978 after it began to buckle during a landslide. Applicant states that after attempts to reinstall the 10-inch line proved unsuccessful. Applicant received temporary permission from the Bureau of Land Management (BLM) to construct 1,500 feet of 6-inch jumper line over the surface of the slide area. Because of the ruggedness and environmental sensitivity of the terrain, two proposals to replace permanently the jumper line have been rejected, it is stated. On May 13, 1980, after more sliding started to buckle the temporary jumper line, Applicant was again forced to shut down Main Line No. 7, Applicant asserts. Applicant further states that the shut down has resulted in an average loss of approximately 8,000 Mcf per day of natural gas supplies to Applicant's system and if not corrected, the losses could have severe impact on Applicant's ability to meet the 1980–81 winter heating season demands of its distribution customers in Utah and Wyoming.

Applicant states that it has learned that MAPCO, Inc. (MAPCO) a liquid hydrocarbon transmission company, has obtained BLM approval for and commenced construction of its 1,172 mile Rocky Mountain liquid hydrocarbon pipeline a portion of which would run near Applicant's Main Line No. 7 through the Red Creek Badlands avoiding the subject slide area. Applicant proposes at BLM's suggestion to construct 4.08 miles of new pipeline and appurtenant facilities along MAPCO's route in order to minimize adverse environmental impact. Moreover Applicant proposes to install 20-inch pipeline instead of the presently installed 10-inch pipeline to avoid disturbance to the area in the future.

Applicant estimates the cost of constructing 4.08 miles of 20-inch pipeline, one liquid receiver and appurtenant facilities to be $1,215,900 which would be financed through funds on hand as supplemented by short term borrowing.

Applicant further proposes to abandon the 3.13 miles of 10-inch pipeline due to its discontinued usefulness as a transmission line.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 24, 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 therin 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32001 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-544]

Natural Gas Pipeline Co. of America and Transcontinental Gas Pipe Line Corp.; Application

October 7, 1980.

Take notice that on September 10, 1980, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP80-544 a joint application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon the transportation by Natural of up to 6,000 Mcf of natural gas per day for Transco and for a certificate of public convenience and necessity authorizing the exchange of up to 3,300 Mcf of gas per day between Natural and Transco, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Natural has agreed to purchase gas from Chevron U.S.A. Inc. from East Cameron Block 38, offshore Louisiana, but has no facilities of its own to connect this supply of gas to its existing system. It is further stated that Sea Robin Pipeline Company (Sea Robin) and Florida Gas Transmission Company (Florida Gas) have agreed to transport the gas Natural purchases in Block 38 from Vermilion Block 22 onshore and deliver it to Transco at the point of connection of the Vermilion Block 22 pipeline which is jointly owned by Sea Robin, Florida Gas and Transco with Transco's Central Louisiana Gathering System in Vermilion Parish, Louisiana. It is asserted that Natural, Michigan Wisconsin Pipe Line Company and Sea Robin would jointly construct and own approximately 6 miles of 6-inch pipeline to connect East Cameron Block 38 production to a sub-sea tap on the Vermilion Block 22 pipeline pursuant to budget authorization.

Natural and Transco stated that they are parties to a transportation agreement dated June 1, 1978, whereby Natural was authorized in Docket No. CP78-504 to transport up to 6,000 Mcf of gas per day for Transco from the JJ&J Field, Zapata County, Texas. Natural and Transco further state that they have entered into a gas exchange agreement dated June 20, 1980, in which Natural has agreed to replace its transportation service for Transco with an exchange where Transco would receive up to 3,300 Mcf per day for Natural's account from East Cameron Block 38 and Natural would receive thermally equivalent volumes for Transco's account from the JJ&J Field at the interconnection of Transco's facilities and Natural's Los Mogotes lateral in Zapata County. The agreement has a primary term of 5 years and from year to year thereafter.

Accordingly, Natural proposes to abandon its transportation service for Transco. In addition, Natural and Transco propose to implement an exchange of up to 3,300 Mcf per day to move Transco's gas from Zapata County, Texas, and Natural's gas from East Cameron Block 38. Should an imbalance of volumes result, Natural and Transco further assert that they would exercise their best efforts to adjust their deliveries in order to balance within 30 days.

Natural and Transco assert that their exchange arrangement is beneficial to Natural in that it provides a means for Natural to connect a remote source of gas supply to the pipeline system of Transco thereby obviating the necessity to construct and operate unnecessary facilities. It is further asserted that the arrangement is beneficial to Transco in that the conversion from a transportation to an exchange would represent a saving to Transco of transportation charges.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 24, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or 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 Commisison on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb

Secretary.

[FR Doc. 80-32010 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC81-10-000]

Eastern Shore Natural Gas Co.; Tariff Filing

October 7, 1980.

Take notice that on October 1, 1980, Eastern Shore Natural Gas Company (Eastern Shore), P.O. Box 615, Dover, Delaware 19901, filed in Docket No. TC81-1-000, First Revised Sheet No. 424 to become effective November 1, 1980, which revises its FERC Gas Tariff, Original Volume No. 1, pursuant to Section 401 of the Natural Gas Policy Act of 1978 (NGPA) and Part 281 of the Regulations.

Section 281.204 of the Regulations requires interstate pipelines to file no later than October 1, 1980, tariff sheets containing an updated index of the high-priority and essential agricultural use entitlements of each of their customers. Eastern Shore states that First revised Sheet No. 424 contains the updated Index of Entitlements required under Section 281.204 of the Regulations and that copies of the filing have been mailed to its customers and interested State Commissions.

Any person desiring to be heard or to make any protest with reference to said filing should on or before October 23, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or 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 the proceeding or to participate as a

party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32009 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3344]

Noah Corp. and Town of Gassaway, W. Va.; Application for Preliminary Permit

October 7, 1980.

Take notice that Noah Corp. and the town of Gassaway, West Virginia (Joint Applicants) filed on August 20, 1980, and revised on September 2, 1980, an Application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3344 to be known as the Sutton Dam Hydroelectric Development located on the Elk River in the Town of Sutton, Braxton County, West Virginia. Correspondence with the Applicant should be directed to: James B. Prince, Ph.D., President, Noah Corp., P.O. Drawer 640, Aiken, South Carolina 29801.

Project Description.—The proposed project would utilize the existing U.S. Army Corps of Engineers' Sutton Dam and would consist of: (1) two short penstocks located along the left (south) bank; (2) a powerhouse containing generating units having a total rated capacity of 7,000-kW; (3) a short tailrace; (4) a switchyard; (5) a 400-foot long 138-kV transmission line; and (6) appurtenant facilities. Project energy would be delivered to an existing 138-kV transmission line.

Purpose of Project.—Project energy would be sold to a public or private utility. Applicant estimates the annual generation would average about 45 GWh.

Proposed Scope and Cost of Studies under Permit.—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the geologic, hydraulic, construction, economic, and environmental aspects of the project, and would prepare an application for an FERC license. Applicant estimates the cost of studies under the permit would be $100,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments.— Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confiend to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before December 8, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 6, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33(b) and (c), *as amended* 44 FR 61328, (October 25, 1979). A competing application must conform with the requirements of 18 C.F.R. § 4.33(a) and (d), *as amended*, 44 FR 61328 (October 25, 1979).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to praticipate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 8, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32011 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC81-7-000]

North Penn Gas Co.; Tariff Sheet Filings

October 7, 1980.

Take notice that on October 1, 1980, North Penn Gas Company (North Penn), 76–80 Mill Street, Port Allegany, Pennsylvania 16743, filed in Docket No. TC81–7–000 revised tariff sheets pursuant to Part 281 of the Commission's Regulations under the Natural Gas Policy Act of 1978 to become effective November 1, 1980.

North Penn has filed as part of its FERC Gas Tariff, First Revised Volume No. 1, the following revised tariff sheets:

First Revised Sheet No. 12K
First Revised Sheet No. 12L
First Revised Sheet No. 12M

The revised tariff sheets set forth above are filed to update North Penn's Index of Entitlements. Also submitted is the Final Report of the North Penn Data Verification Committee.

Any person desiring to be heard or to make any protest with reference to said tariff sheet filings should on or before October 23, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32012 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3281]

Northeast Texas Electric Cooperative, Inc.; Application for Preliminary Permit

October 7, 1980.

Take notice that Northeast Texas Electric Cooperative, Inc. (Applicant) filed on July 31, 1980, an application for preliminary permit [pursuant to the

Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3281 to be known as the Ferrells Bridge Project located on Cypress Creek in Marion County, Texas. The project would be located at an existing dam operated by the U.S. Army Corps of Engineers. Correspondence with the Applicant should be directed to: Mr. J. L. Johns, Northeast Texas Electric Cooperative, Inc., P.O. Box 70, Gilmer, Texas 75644.

Project Description.—The proposed project would utilize the existing U.S. Army Corps of Engineers Ferrells Bridge Dam and Lake O' the Pines Reservoir and would consist of a powerhouse with one or more generating units having a total rated capacity of 5 MW, and a 2.3-mile long transmission line. The project would be capable of generating up to 11,400,000 kWh annually saving the equivalent of 18,700 barrels of oil or 5,300 tons of coal.

Purpose of Project.—Energy generated at the project would be utilized by the Applicant for distribution to its customers.

Proposed Scope and Cost of Studies under Permit.—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $88,700.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before December 8, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than *February 6, 1981.* A notice of intent must conform with the requirements of 18 C.F.R. § 4.33 (b) and (c), *as amended* 44 *Fed. Reg.* 61328, (October 25, 1979). A competing application must conform with the requirements of 18 C.F.R. § 4.33(a) and (d), *as amended,* 44 *Fed. Reg.* 61328 (October 25, 1979).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 8, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32021 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-560]

Northern Border Pipeline Co.; Application

October 6, 1980.

Take notice that on September 18, 1980, Northern Border Pipeline Company, 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP80-560 an application pursuant to Executive Order Nos. 10485 and 12038, and Secretary of Energy Delegation Order No. 0204-55 for a presidential permit authorizing the construction and operation of facilities on the international boundary between Montana and Saskatchewan Province, Canada, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant states that is is constructing a 42-inch pipeline between Port of Morgan, Montana, and Ventura, Iowa, for transportation of gas imported from Canada, and gas to be exported from Alaska across Canada to Port of Morgan.

Applicant proposes to construct at or near the international boundary an interconnection with Foothills Pipe lines (Saskatchewan), Ltd. (Foothills) on the Montana-Saskatchewan border in order to receive the Canadian or Alaskan gas for the account of shippers who purchase such gas. In addition, Applicant proposes to construct a valve assembly, including a launcher for cleaning the line, and a microwave station.

Applicant further states that it is not owned wholly or in part by any foreign government or directly or indirectly subventioned by any foreign government and that it has no contracts with anyone which in any way relate to the control or fixing of rates for the purchase, sale or transportation of natural gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 27, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or 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 Commision 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 Commisison's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31988 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-552]

Northern Natural Gas Co., Divison of InterNorth, Inc.; Application

October 6, 1980.

Take notice that on September 16, 1980, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant),

2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP80-552 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 new delivery facility for Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples), 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 approximately eight miles of 6-inch and 4-inch branchline and an additional delivery point to its utility customer, Peoples, for ultimate delivery of natural gas to Hibbing Taconite Company's plant at Hibbing, Minnesota (Hibbing). It is stated that some of the owners of said plant are also owners of Erie Mining Company (Erie) to which Peoples currently delivers 20,000 Mcf of natural gas.

Applicant states that Erie and Hibbing have entered into a gas sales contract with Peoples dated June 27, 1980, which contract would supersede the existing Erie gas sales contract and would permit the sharing of Erie's present entitlement of 20,000 Mcf between Erie and Hibbing.

The Hibbing Plant has at the present time uses in its operations both residual and distillate fuel oil in the production of taconite pellets, it is said. Applicant submits that allocation of a portion of Erie's volume entitlements as described above would allow the Hibbing Plant to operate at a more energy efficient and economic level than previously possible using fuel oils due to elimination of the need for heat-up of the fuel oils prior to use. It is asserted that proposed service to the Hibbing Plant would be accomplished without detriment to the operations of the Erie Plant and that the sharing of Erie's contract entitlement is made possible in part by substantial conservation measures taken by Erie and Hibbing.

Applicant states that the cost of the facilities proposed herein is estimated to be $1,088,820. Applicant further states that it would be reimbursed by People's for the cost of the facilities necessary to effecturate the new delivery point.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 29, 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 Regulaitons 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 and Practice and Procedure, a hearing will be held without further notice before the Commision or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31989 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-551]

Panhandle Eastern Pipe Line Co.; Application

October 6, 1980.

Take notice that on September 16, 1980, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP80-551 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Kansas-Nebraska Natural Gas Company (K-N), all as more fully set forth in the application which is on file with the Commission and open to the public inspection.

Applicant proposes to implement the terms of an agreement between it and K-N dated June 3, 1980, wherein Applicant has agreed to gather and transport natural gas for K-N from various points of receipt in Ellis County, Oklahoma, to an existing point of delivery at the interconnection of Applicant's and K-N's facilities in Reno County, Kansas.

Applicant asserts that it has also been successful in acquiring natural gas in the subject area and has built gathering facilities as new supplies of natural gas became available to it. Applicant states that it has gathering facilities in close proximity to the specific acreage from which K-N would be acquiring new supplies of natural gas and that it has agreed to construct the necessary additional gathering facilities to connect the gas purchased by K-N to Applicant's existing pipeline system for transportation to the Reno County point of delivery. Applicant submits that it would construct necessary facilities pursuant to budget authorization.

The stated quantity of gas to be transported under the June 3, 1980, agreement would be up to 10,000 Mcf per day. The agreement would remain in effect for a term of twenty years, it is said.

Applicant states that for the transportation service K-N would pay it a gathering charge of 26.83 cents per Mcf and a transportation charge of 6.95 cents per Mcf.

It is further stated that as partial consideration for the gathering and transportation serviced, K-N has granted Applicant an option to purchase 25 percent of the volume of gas acquired by K-N other than gas attributable to any working interest owned by K-N. The purchase price for such gas would be the weighted average price K-N paid for such gas under the terms of the gas purchase contracts pursuant to which K-N purchased such gas, it is said.

Applicant asserts that it has sufficient capacity in its existing system to transport the gas.

Any person desiring to be heard or to make any protest with reference to said application 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) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act

and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31991 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-557]

Panhandle Eastern Pipe Line Co.; Application

October 6, 1980.

Take notice that on September 17, 1980, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP80-557 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of gas with Cities Service Gas Company (Cities Service), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to implement the terms of an exchange aggreement with Cities Service dated June 30, 1980, whereby Applicant and Cities Service would exchange thermally equivalent volumes of natural gas.

Applicant asserts that it purchases gas from its wholly owned subsidiaries, Anadarko Production Company and Pan Eastern Exploration Company, from its Renfrow Prospect in Grant County, Oklahoma. Applicant further asserts that inasmuch as Cities Service has an existing pipeline in the area into which gas from the Renfrow Prospect can be delivered, Cities Service has agreed to accept delivery of Applicant's Renfrow Prospect gas up to a maximum of 8,000 Mcf per day and exchange a thermally equivalent quantity of gas with applicant.

Applicant submits that the point of delivery to Cities would be at a point on Cities Service's system in Grant County. It is further submitted that the points of delivery from Cities Service to Applicant would be at existing points of interconnection on Applicant's system in Kingfisher County, Oklahoma, or in Grant County, Kansas.

It is stated that this is a gas for gas exchange with no monetary compensation and that the exchange agreement would remain in full force for a term of 10 years from its date and from year to year thereafter.

Applicant further states that upon mutual agreement between it and Cities Service additional points of receipt and delivery from either party may be added to exchange the above described gas from time to time. Accordingly, Applicant requests authority to add and delete points of receipt and delivery as may be required from time to time.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 29, 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 Practive and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petiton to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the Certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31990 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-424]

Rocky Mountain Pipeline Co.; Amendment to Application

October 6, 1980.

Take notice that on September 8, 1980, Rocky Mountain Pipeline Company (RMP),[1] 245 Market Street, San Francisco, California 94105, filed in Docket No. CP79-424 an amendment to the application filed by PGT in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to reflect the participation of new sponsors in the construction and operation of the Rocky Mountain Pipeline Project (Project) and the transportation of natural gas in interstate commerce by means of the Project for contract shippers, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is stated that on July 31, 1979, PGT filed an application in the instant docket for authorization to construct, own and operate the Project. It is further stated that the Project, originally proposed by PGT, was to consist of two pipeline laterals and a mainline section. The two laterals, it is said, were to extend from points of interconnection with the facilities of Northwest near Kemmerer, Wyoming, and Bonanza, Utah, respectively, to a point of interconnection near Provo, Utah, and that, from that point the mainline was proposed to be constructed through the states of Utah and Nevada to a point on the Navada-California border near Searchlight, Nevada. There, it is said, the Project would connect with new pipeline facilities to be constructed and operated within the State of California by Pacific Gas and Electric Company (PG&E) as a link to PG&E's existing transmission system. It is additionally stated that four compressor stations were also proposed by PGT as well as metering, communications, and support facilities. It is asserted that the Project was designed to deliver initially 300,000 Mcf of gas per day but could be ultimately expanded to 700,000 Mcf per day and that the Project, as originally

[1] RMP is a general partnership to be formed by the Pacific Gas Transmission Company (PGT), the El Paso Natural Gas Company (El Paso), the Pacific Interstate Transmission Company (Pacific Interstate) and the Northwest Pipeline Corporation (Northwest) or subsidiaries thereof.

proposed by PGT, would be operative in late 1985.

Subsequently, it is stated that on May 9, 1980, and May 20, 1980, PGT advised the Commission that El Paso, Northwest and Pacific Interstate had agreed to participate with PGT in the sponsorship of the Project.

It is proposed herein the RMP would be a general partnership formed by PGT, El Paso, Pacific Interstate and Northwest or subsidiaries thereof to construct, own and operate the Project. PGT would own a 35 percent interest in RMP and would operate the pipeline and associated facilities on behalf of the partnership, it is said. It is further stated that El Paso would own a 30 percent interest, Pacific Interstate would own a 25 percent interest, and Northwest would own a 10 percent interest in the partnership.

With the additional sponsorship of the Project, RMP states that the description of the Project has been modified. The Project which RMP herein seeks authority to construct, own and operate consists of a 36-inch diameter pipeline extending approximately 583 miles from a point of interconnection with the mainline pipeline facilities of Northwest near Sage, Wyoming, approximately 0.6 mile east of the Utah-Wyoming border. From that point, the pipeline would extend approximately 417.4 miles across the State of Utah and 165 miles across the State of Nevada to a point of termination of the Nevada-California border near Searchlight, Nevada, it is said. At the California border, it is proposed that the Project would connect with a new 27-mile pipeline of similar design which be jointly owned by PG&E and Pacific Lighting Service Company (PLS) which would transport gas received at the Nevada-California border to the existing transmission facilities of the PG&E, PLS, and Southern California Gas Company near Needles, California. Gas would be delivered to east of California markets by displacement, it is said.

It is submitted that the Project's pipeline facilities would be designed to operate at a pressure of 1,235 psig and that, initially, the Project would have one compressor station which would be located at milepost 0.2 near Sage, Wyoming. It is further submitted that such station would consist of a total of three 11,000 horsepower gas turbine driven centrifugal compressor units one of such units being utilized as a spare unit so as provide reliable year-end operation. The compressor station would be remotely controlled from a dispatching headquarters located in Salt Lake City, Utah, it is stated.

The proposal also includes a meter station deemed necessary by RMP to measure deliveries made by RMP to the jointly owned pipeline of PG&E and PLS which would be located near the terminus of the Project at the Navada-California border. Northwest would construct the necessary metering facilities with appurtenances at the interconnection of its pipeline facilities and the proposed Project mainline near Sage, Wyoming, it is said.

It is further proposed that in the Project's maintenance scheme there would be five designated maintenance bases which would provide for personnel, spare parts, emergency supplies, tools, and equipment as required for the maintenance and operation of the Project. It is stated that these bases would each occupy approximately five acres of land and would be located near Sage, Wyoming, Heber City, Utah, Nephi, Utah, Cedar City, Utah, and Las Vegas, Nevada. Communications facilities consisting of a telephone and data network and mobile radio interconnected to all station base and headquarters would be constructed, it is said.

It is asserted that the Project would receive and transport natural gas from a point in the Rocky Mountain area of the United States to the Nevada-California border where delivery would be made to PG&E and PLS. It is further asserted that RMP proposes a transportation service only. RMP states that it would purchase sufficient quantities of natural gas initially to pack the pipeline, but that it would otherwise not buy or sell any of the natural gas transported by the Project. RMP asserts that the Project is scheduled to be in operation by November 1982 with an initial transport capacity of approximately 413,000 Mcf per day on an annual average day basis and that the proposed design of the Project allows for expansion to approximately 800,000 Mcf per day on an economical and fuel efficient basis.

RMP proposes at the present time to transport natural gas through the Project for the project partners, but also states that it is willing to consider providing transportation service on a contract basis for natural gas that may be tendered by other shippers.

RMP estimates that the capital requirements of the Project would total approximately $514,908,000. RMP proposes to finance the Project on a project financing basis with the sponsors of RMP providing adequate assurances to the respective lenders that the Project construction would be completed. To support the project financing, RMP proposes to render its transportation services pursuant to a two part rate design consisting of a demand component and a commodity component. Under this rate design, it is asserted that the demand component would be designed to recover Project operation and maintenance expenses, taxes other than income taxes, interest, and that portion of depreciation required to amortize the debt. A provision to track fluctuations in interest rates and charges would be included, it is said. RMP asserts that the commodity component would recover all other Project costs, including the return on equity, income taxes related to the return on equity, and the remaining portion of the depreciation expense.

RMP states that it contemplates financing the Project in a manner which would result in a capitalization ratio of approximately 65 percent debt and 35 percent equity upon commencement of operations. A 16 percent rate of return on equity is requested by RMP.

Recognizing that the Rocky Mountain area is only commencing to develop as a major gas producing province and to demonstrate that the sponsors of RMP have confidence in the development of sufficient gas supplies, RMP submits that it would accept a rate condition on the commodity component of the tariff which would be based on 70 percent of the applied for initial transportation volumes of 413,000 Mcf per day and which would continue for a reasonable length of time.

It is asserted the Project would transport gas from the Overthrust Belt of the Rocky Mountains, from other producing areas in the Rocky Mountains, from the Hingeline area of central southern Utah, and from Canadian and other sources of supply.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before October 27, 1980, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) 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. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31992 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC81-1-000]

South Georgia Natural Gas Co.; Tariff Sheet Filings

October 7, 1980.

Take notice that on October 1, 1980, South Georgia Natural Gas Company (South Georgia), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. TC81-1-000 revised tariff sheets pursuant to Part 281 of the Commission's Regulations under the Natural Gas Policy Act of 1978 to become effective November 1, 1980.

South Georgia has filed as part of its FERC Gas Tariff, First Revised Volume No. 1, the following revised tariff sheets:

Third Revised Sheet No. 44
Fourth Revised Sheet No. 45
Second Revised Sheet No. 46
Third Revised Sheet No. 47

The revised tariff sheets set forth above are filed to update Essential Agricultural Use requirements in South Georgia's curtailment plan. Also submitted is the Final Report of the South Georgia Data Verification Committee.

Any person desiring to be heard or to make any protest with reference to said tariff sheet filings should on or before October 23, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32013 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC81-6-000]

Southern Natural Gas Co.; Tariff Sheet Filings

October 7, 1980.

Take notice that on October 1, 1980, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. TC81-6-000 revised tariff sheets pursuant to Part 281 of the Commission's Regulations under the Natural Gas Policy Act of 1978 to become effective November 1, 1980.

Southern has filed as part of its FERC Gas Tariff, Six Revised Volume No. 1, the following revised tariff sheets:

Ninth Revised Sheet No. 61
First Revised Sheet No. 61A
Eighth Revised Sheet No. 62
First Revised Sheet No. 62A
Ninth Revised Sheet No. 63
First Revised Sheet No. 63A
Ninth Revised Sheet No. 64
First Revised Sheet No. 64A
Sixth Revised Sheet No. 65
First Revised Sheet No. 65A
Eighth Revised Sheet No. 66
First Revised Sheet No. 66A
Ninth Revised Sheet No. 67
First Revised Sheet No. 67A
Third Revised Sheet No. 68
First Revised Sheet No. 68A
Fifth Revised Sheet No. 69
Fifth Revised Sheet No. 70
Ninth Revised Sheet No. 71
First Revised Sheet No. 71A
Eighth Revised Sheet No. 72
First Revised Sheet No. 72A
Seventh Revised Sheet No. 73
First Revised Sheet No. 73A
Eighth Revised Sheet No. 74
First Revised Sheet No. 74A
Eighth Revised Sheet No. 75
First Revised Sheet No. 75A
Sixth Revised Sheet No. 76
First Revised Sheet No. 76A
Eighth Revised Sheet No. 77
First Revised Sheet No. 77A
Ninth Revised Sheet No. 78
First Revised Sheet No. 78A
Third Revised Sheet No. 79
First Revised Sheet No. 79A
Fifth Revised Sheet No. 80
Fifth Revised Sheet No. 81
Ninth Revised Sheet No. 82
First Revised Sheet No. 82A

The revised tariff sheets set forth above are filed to update Essential Agricultural Use requirements in Southern's curtailment plan. Southern indicates that the instant filing does not affect any of the curtailment procedures involved in the ongoing adjustment proceeding in Southern Natural Gas Company, Docket No. SA80-59.

Southern states that it has corrected the contract quantity shown on the tariff sheets for Gas Utility District No. 2, Washington Parish, Louisiana. Also submitted is the Final Report of the Southern Data Verification Committee.

Any person desiring to be heard or to make any protest with reference to said tariff sheet filings should on or before October 23, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32022 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-115]

Sun Gas Co., a Division of Sun Oil Co. (Delaware), Section 108 NGPA Well Determination Filing, FERC Control No. 80-34914, J. F. Hall—State Well No. 18C, State of Texas; Petition To Reopen Well Category Determination and Request for Withdrawal

October 7, 1980.

Take notice that on August 28, 1980, the Sun Gas Company, a Division of Sun Oil Company (Delaware) (Sun Gas) filed with the Federal Energy Regulatory Commission (Commission) a request to reopen the final well category determination and withdraw its application for section 108 well determination under the Natural Gas Policy Act of 1978 (NGPA) for the J. F. Hall—State Well No. 18C. The determination for this well became final by operation of § 275.202(a) of the Commission's regulations prior to the date of the request.

Sun Gas states that withdrawal is requested because the subject well exceeded the allowed 60 Mcf per day average volume for the 90-day stripper well qualification period and the allowed volume for the period subsequent to the section 108 application.

Any person desiring to be heard or to make any protest to such request should on or before October 24, 1980, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., 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 the proceeding must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32003 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-541]

Texas Gas Transmission Corp.; Application

October 7, 1980.

Take notice that on September 9, 1980, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP80-541 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to render a storage service of up to 3,000,000 Mcf of natural gas for Orange and Rockland Utilities, Inc. (O&R) during the period September 15, 1980, through March 31, 1981, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to implement the terms of an agreement with O&R dated August 16, 1980, whereby Applicant proposes to render storage service for O&R of up to 3,000,000 Mcf of natural gas during the period September 15, 1980, through March 31, 1981.

It is stated that O&R would effectuate deliveries of natural gas to Applicant for injection into storage through Tennessee Gas Pipeline Company, Division of Tenneco Inc., (Tennessee) at the existing interconnection of the facilities of Applicant and Tennessee at Greenville, Mississippi, during the period September 15, 1980, through October 31, 1980. Applicant further states that it would redeliver the gas to O&R during the period November 1, 1980, through March 31, 1981, through Tennessee at the existing interconnection of the facilities of Applicant and Tennessee near Egan, Louisiana, or at other mutually agreeable existing interconnections. Applicant asserts that daily redelivery of natural gas shall not exceed a rate equal to the actual volumes of natural gas delivered to Applicant for storage divided by 60; however, Applicant may when necessary to meet the requirements of its other firm customers or when it has a failure of its flowing gas supply reduce or interrupt its daily deliveries to Tennessee for O&R.

It is stated that O&R would pay Applicant 64.5 cents per Mcf of gas stored and that revenues received for the proposed storage service during the twelve-month period ending March 31, 1981, would be reflected as a credit to the cost of service in determining refunds for that period under the provisions of Article XIII of Applicant's Stipulations and Agreement approved by the Commission in Docket No. RP78-94.

Applicant submits that it has sufficient pipeline capacity for the storage service and that its Midland Gas Storage Field also has sufficient capacity.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 24, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32004 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC81-9-000]

Texas Gas Transmission Corp.; Tariff Filing

October 7, 1980.

Take notice that on October 1, 1980, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 42301, has filed in Docket No. TC81-9-000, revised tariff sheets to its FPC Gas Tariff, Third Revised Volume No. 1, to become effective April 1, 1981, relating to curtailment procedures, pursuant to the provisions of Article VIII of the Interim Settlement Agreement (Agreement) approved by the Commission in the order issued September 3, 1976, in Docket No. RP72-64. Article VIII of the Agreement provides, in pertinent part:

> Texas Gas agrees to file a curtailment plan at least six (6) months prior to April 1, 1981, which will enable the parties to enter upon settlement negotiations well in advance of its effective date, and at the same time, provide Texas Gas with a vehicle for placing its permanent curtailment proposal in effect, after full statutory suspension, at the expiration of the instant interim agreement.

Applicant states that, under the terms of the Agreement the priorities-of-service (Article II) expire on March 31, 1981.

The revised tariff sheets filed by Texas Gas include the following:

Seventh Revised Sheet No. 91, Ninth Revised Sheet No. 92,
Sixth Revised Sheet No. 92-A, Third Revised Sheet No. 92-AA,
Sixth Revised Sheet No. 92-B, Sixth Revised Sheet No. 92-C,
Fourth Revised Sheet No. 92-CC, Seventh Revised Sheet No. 148,
Seventh Revised Sheet No. 149, Seventh Revised Sheet No. 150,
Sixth Revised Sheet No. 151, and Sixth Revised Sheet No. 152.

Texas Gas states that the priorities-of-service are those which the Commission prescribed in Order No. 467-B, with the exception of Section 10.7 of the General Terms and Conditions of its Volume No. 1 Tariff, which provides the protection mandated by Section 401(a) of the Natural Gas Policy Act of 1978. Texas Gas also says it was authorized by Commission order issued January 17, 1980 to add such section to its tariff to be effective for the period ending March 31, 1981, and that the priorities-of-

service being filed herein are identical to those presently in effect.

Texas Gas has requested a waiver of Section 154.22 of the Commission's Regulations under the Natural Gas Act so as to permit the above-described revised tariff sheets to become effective on April 1, 1981, which is more than sixty days beyond the date of the instant filing. Texas Gas also requests that, in the event the Commission determines to suspend any or all of the enclosed revised tariff sheets then, under such circumstances, Texas Gas requests such earlier effective date, as to such tariff sheets, so that they may be made effective, after suspension, on April 1, 1981.

Any person desiring to be heard or to make any protest with reference to said filing should on or before October 23, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or 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 the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32014 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-532]

Transcontinental Gas Pipe Line Corp.; Application

October 6, 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. CP80-532 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 certain facilities in Clarke County, Mississippi, 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 approximately 1,500 feet of 6-inch pipeline and a metering and regulating station to establish an interconnection with Mississippi Fuel Company (Fuelco) in Clarke County, Mississippi.

Applicant states that the interconnection with Fuelco would facilitate the transportation to Applicant of gas supplies from various fields and gas supplies resulting from future gas purchases adjacent to the Fuelco system.

Fuelco has agreed to transport up to 20,000 Mcf of natural gas per day for Applicant, pursuant to Subpart C of Part 284 of the Commission's Regulations, it is stated. Fuelco would redeliver the gas to Applicant at either the Jefferson Davis County, Mississippi, interconnection between the systems of Fuelco and Applicant or the Clarke County interconnection proposed herein, it is asserted.

Applicant states that the proposed facilities, at an estimated capital cost of $215,700, would be financed initially through short-term loans and available cash. Permanent financing would be undertaken as a part of an overall long-term financing program at a later date, it is asserted.

Any person desiring to be heard or to make any protest with reference to said application 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) 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 Practive and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31994 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-534]

Transcontinental Gas Pipe Line Corp.; Application

October 6, 1980.

Take notice that on September 4, 1980, Transcontinental Gas Pipe Line Corporation (Applicant), Box 1396, Houston, Texas 77001, filed in Docket No. CP80-534 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain transmission and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests permission to abandon the following facilities where gas supplies have been depleted:

(1) Approximately 11,397 feet of 8-inch lateral known as the Coastal States-South Delcambre transmission purchase lateral, Vermilion Parish, Louisiana, to be abandoned in place.

(2) Approximately 2,728 feet of 3-inch lateral known as the Martin Field gathering line, McMullen County, Texas, to be abandoned in place.

(3) Approximately 1,446 feet of 20-inch lateral known as the Block 541 transmission purchase lateral, Brazos Area, offshore Texas, to be abandoned in place.

(4) Approximately 310 feet of 4-inch lateral known as the West Mermentau transmission purchase lateral, Acadia Parish, Louisiana, to be abandoned in place.

(5) The Alston Fee-West Mermentau measuring and regulating station, Acadia Parish, Louisiana, to be salvaged for use at other locations.

(6) The Amerada-Bancker #2 measuring and regulating station Vermilion Parish, Louisiana, to be salvaged for use at other locations.

(7) The Mormac-Welder measuring and regulating station, Bee County, Texas, to be salvaged for use at other locations.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 29, 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 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 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31993 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP64-8]

Trunkline Gas Co.; Application

October 7, 1980.

Take notice that on July 12, 1963, Trunkline Gas Company, P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP64-8[1] an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to United Fuel Gas Company (United Fuel), 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 entered into an April 24, 1963, contract with United Fuel to sell its gas produced from the Erath Field, Vermilion Parish, Louisiana. Applicant further states that the gas would be delivered at the intake side of Columbia Gulf Transmission Company's (Columbia Gulf) measuring station located at a point within the Erath Field for the account of United Fuel and that any additional facilities necessary to enable Columbia Gulf to take delivery of the gas would be constructed under Columbia Gulf's budget authorization.

Applicant asserts that it does not propose to construct or operate any appurtenant facilities in connection with the gas sale and that no communities or industrial customer would be served.

Applicant states it would charge United Fuel 20.3 cents per Mcf (including tax reimbursement) and that it would initially delivery approximately 1,200 Mcf per day.

Applicant states that it is still interested in the sale, and the sale is presently in progress pursuant to temporary authorization.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 24, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or 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 the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32005 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-550]

Trunkline Gas Co.; Application

October 6, 1980.

Take notice that on September 15, 1980, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP80-550 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the limited term sale of natural gas to United Gas Pipe Line Company (United), Chevron Chemical Company (Chevron), and Transwestern Pipeline Company (Transwestern), and the construction and operation of pipeline and related facilities necessary to implement the sale to Transwestern, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant herein proposes to sell to United on an interruptible basis up to 100,000 Mcf of gas per day not to exceed 25,000,000 Mcf during the two-year term of the limited term gas sales contract dated July 24, 1980, between Applicant and United. Applicant also proposes to sell to Chevron on an interruptible basis up to 12,000 Mcf of gas per day not to exceed 8,760,000 Mcf during the two-year term of the July 24, 1980, limited term gas sales contract between Applicant and Chevron. Applicant states that the gas sold to United and Chevron would be surplus to the current and near term projected needs of its customers. Applicant proposes to deliver all of the gas sold to United and Chevron to United at two existing points of connection between Applicant's and United's facilities located in LaSalle and St. Mary Parishes, Louisiana. It is asserted that a portion of the volumes tendered to United by Applicant would be delivered for the account of Chevron, and that United has agreed to provide transportation of such volumes for Chevron.

Applicant also proposes to sell to Transwestern on an interruptible basis up to 100,000 Mcf of gas per day not to exceed 73,000,000 Mcf during the two-year term of the August 11, 1980, limited term gas sales contract between Applicant and Transwestern. It is stated that the gas sold to Transwestern would be gas from Applicant's system supply

[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.

which is surplus to the current and near term projected needs of Applicant's customers and would be delivered to Houston Pipe Line Company (HPL), an intrastate pipeline, for the account of Transwestern.

In order to deliver the gas to HPL, Applicant proposes to construct and operate approximately 650 feet of 20-inch O.D. pipeline and related metering equipment to connect Applicant's facilities with HPL's system and to measure the volumes delivered. Applicant states the connecting pipeline and other facilities would be located in Waller County, Texas, and that such facilities would be available for future emergency purchases, sales, transportation, exchanges or to implement emergency allocations. Applicant estimates the cost of construction to be $315,000 which would be financed from cash on hand.

Applicant asserts that in order to accommodate fluctuations in the supply or requirements of either the seller or buyers the contracts permit the suspension or reduction of sales or purchases by either the seller or buyer, respectively. It is stated that in the event the full 106,760,000 Mcf cannot be delivered during the 24-month term, the agreements would be extended on a month-to-month basis until cancelled by either party or until the full amount is delivered, whichever first occurs.

Applicant proposes to charge the purchasers $2.404 per million Btu for the quantities of gas sold and delivered effective July 1980. It is stated that the rate would be escalated each month thereafter by the difference between the maximum lawful price for such month and the maximum lawful price of such gas during the preceding month. Since, it is stated, the price is currently higher than Applicant's average cost of purchased gas and is also higher than any other price charged by Applicant for any of its other jurisdictional sales for resale, none of Applicant's other customers would be subsidizing these sales. Moreover, Applicant states that the revenues Applicant receives from these sales would be credited to its Account 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies so that all of Applicant's jurisdictional customers would benefit from these sales.

Any person desiring to be heard or to make any protest with reference to said application 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) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31995 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Project 3216]

Twin Falls Canal Co; Application for Exemption for Small Conduit Hydroelectric Facility

October 7, 1980.

Take notice that on August 5, 1980, Twin Falls Canal Company (Applicant) of Twin Falls, Idaho, filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. § 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Low Line Canal Drop Hydroelectric Project (FERC No. 3216) would be located on the Applicant's existing Low Line Canal in Twin Falls, Idaho. Water is diverted from the Snake River to the Low Line Canal, through the main Twin Falls Canal System, for irrigation purposes. Correspondence with the Applicant should be directed to Mr. Bryan Harris, Jr., President, Twin Falls Canal Company, Board of Directors, P.O. Box 326, Twin Falls, Idaho 83301, with Copies to: Mr. John A. Rosholt, Attorney At Law, P.O. Box 1906, Twin Falls, Idaho 83301.

Purpose of Project.—Project energy would be sold to a nearby power utility, or to the Bonneville Power Administration.

Project Description.—The proposed projected would consist of: (1) an intake structure; (2) a 2,020-foot long penstock (to be installed within the canal); and (3) a powerhouse to contain a turbine-generating unit with a rated capacity of 9,000 kW. The power plant would be operated by remote control between April 1st and November 15th of each year and would produce approximately 31.5 million kilowatt-hours of energy per year.

Agency Comments.—The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. (A copy of the application may be obtained directly from the Applicant.) No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before November 13, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C.20426. The application is on file with

the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32023 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-536]

Union Gas System, Inc. (Applicant) and Cities Service Gas Co. (Respondent); Application

October 7, 1980.

Take notice that on September 2, 1980,[1] Union Gas System, Inc. (Applicant), P.O. Box 347, Independence, Kansas 67301, filed in Docket No. CP80-536 an application pursuant to Section 7(a) of the Natural Gas Act for a Commission order directing Cities Service Gas Company (Cities) to construct a measuring and regulating station and to sell 900 Mcf of natural gas per day to Applicant for resale to Asphalt Sales Company, Inc. (Asphalt), an industrial customer located in Johnson County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests the Commission to direct Cities to construct a measuring and regulating station to sell gas through such station to Applicant for resale to Asphalt at Cities 16-inch transmission line located in Section 31, Township 12 South, Range 24 East, Johnson County, Kansas. Applicant asserts that it does not propose to construct any facilities since Asphalt would construct the necessary pipeline from its plant to the meauring and regulating station to be constructed by Cities.

It is stated that Asphalt presently uses about 750,000 gallons of liquefied petroleum (LP) gas to heat rock, sand and mineral aggregate to remove moisture and to heat such material for mixing with liquid asphalt (tar) to make asphalt. Asphalt commenced production of asphalt in June 1979 and was refused natural gas service due to load limitations imposed by Cities upon its customers, it is said. On June 4, 1980, it is stated that the Commission issued an order in Docket Nos. RP75-62 and SA79-30 permitting Cities to connect new loads in excess of 3,000 Mcf a month. It is further stated that the natural gas to be sold by Cities to Applicant would then displace the 750,000 gallons of LP gas presently being consumed by Asphalt.

Applicants seeks the delivery and sale by Cities to Applicant of 900 Mcf of gas per day for resale to Asphalt.

Asphalt would be supplied service to in accordance with Cities Rate Schedule I-2, it is said.

The cost of the subject facilities is estimated to be $18,000 which cost Applicant would reimburse to Cities.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 24, 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 in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32024 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[1] The application was initially tendered for filing on September 2, 1980; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until September 16, 1980; thus the filing was not completed until the later date.

[Docket No. RP78-68]

United Gas Pipeline Co.; Petition for Order Approving Refund Plan

October 2, 1980.

Take notice that on September 22, 1980, Texas Eastern Transmission Corporation (Texas Eastern) filed a petition for an order approving a proposed refund plan whereby Texas Eastern would flow through to its customers in the form of a lump sum cash payment the jurisdictional portion of $21,313,636.67 in refunds which Texas Eastern has received from United Gas Pipe Line Company.

Additionally, Texas Eastern requests that the Commission waive its regulations and prior orders and the provisions of Texas Eastern's FERC Gas Tariff to the extent necessary to approve Texas Eastern's refund plan.

Texas Eastern states that copies of the filing have been mailed to all of its affected customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene, file comments, or protests 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 (18 CFR 1.8, 1.10). All such petitions, protests or comments should be filed on or before October 17, 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; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-31982 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-543]

United Gas Pipe Line Co., et al.; Application

October 7, 1980.

Take notice that on September 10, 1980, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, Columbia Gas Transmission Corporation (Columbia Gas), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25325, and Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001; filed in Docket No. CP80-543 a joint application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of certain quantities of natural gas, and for permission and approval for United to abandon its transportation service for Columbia Gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that United has obtained the right to purchase natural gas reserves in Vermilion Area Block 242, offshore Louisiana, and has made transportation arrangements to have said gas transported to the Bluewater Project offshore pipeline system at a subsea tap located in Vermilion Area Block 245, offshore Louisiana. It is stated that Columbia Gas has obtained the right to purchase natural gas reserves from Eugene Island Area Block 43, offshore Louisiana, in the vicinity of United's offshore pipeline facilities. Applicants assert that Columbia Gulf has capacity rights in the Bluewater project and jointly owns the offshore natural gas pipeline system with Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

Applicants state that pursuant to an exchange agreement dated April 15, 1980, Columbia Gulf would receive up to 10,000 Mcf of natural gas per day tendered for the delivery by or for the account of United at the subsea tap located in Vermilion Area Block 245 for transportation through the Bluewater Project. It is further asserted that Columbia Gulf would redeliver or cause to be redelivered an equivalent volume of gas to United at the outlet side of Sea Robin Pipeline Company's (Sea Robin) measuring station at or near the terminus of Sea Robin's pipeline near Erath, Louisiana.

Applicants state that United would receive up to 10,000 Mcf of gas per day tendered for delivery by or for the account of Columbia Gas at the producer's platform in Eugene Island Block 43 and at an existing metering and regulating station located in Lake Hatch Field, Terrebonne Parish, Louisiana. It is stated that United would redeliver or cause to be redelivered an equivalent volume of gas to Columbia Gas at the outlet side of Sea Robin's measuring station at or near the terminus of Sea Robin's pipeline near Erath, Louisiana.

Applicants assert that in the event either party has volumes of gas available for transportation and exchange in excess of the maximum delivery quantity, said party may tender such gas to the other party and the other party may accept or refuse delivery of all or any part of such excess gas depending upon the availability of capacity in the receiving party's system to accommodate such excess gas.

Applicants state that the exchange agreement would be for 15 years and from year to year thereafter. Moreover, it is stated that since the benefits derived from this exchange of gas volumes would be substantially equal and mutually beneficial, no charge to either party by the other party would be necessary.

In addition, United proposes to abandon the transportation of up to 7,000 Mcf of gas per day for the account of Columbia Gas which gas Columbia Gas delivered or caused to be delivered to United at United's existing authorized metering and regulating station in Terrebonne Parish, Louisiana, and which United redelivered less an allowance for fuel and unaccounted for gas, at Exxon's Lirette Gas Plant located in Terrebonne Parish, Louisana. Applicants state that the transportation agreement dated May 1, 1979, has been superseded by the April 15, 1980, exchange agreement between Applicants because the volume of gas transported by United was required to balance the exchange between the Applicants. It is further stated that with this proposed additional volume of gas there would be no imbalance of volumes.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 24, 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 it own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32006 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3269]

Water Power Development Corp.; Application for Preliminary Permit

October 3, 1980.

Take notice that the Water Power Development Corporation (Applicant) filed on July 29, 1980, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)) for proposed Project No. 3269 to be known as the Milton Leather Board Project located on the Salmon Falls River in Strafford County, New Hampshire, and York County, Maine. Correspondence with the Applicant should be directed to: Mr. Kenneth E. Mayo, President, Water Power Development Corporation, 23 Temple Street, Nashua, New Hampshire 03060.

Project Description.—The proposed project would consist of the following existing works: (1) the Milton Leather Board Company Dam, a 28-foot high concrete pilaster structure having a length of 372 feet; (2) the Twin State Gas & Electric Dam, located 625 feet downstream of the Milton Leather Board Dam, the Twin State Dam is currently breached; (3) a mill building adjacent to the Milton Leather Board Dam; (4) a powerhouse adjacent to the Twin State Dam; (5) a reservoir impounded by the Milton Leather Board Dam having negligible storage capacity; and (6) appurtenant works. The dams, mill building, and powerhouse associated with proposed project are presently owned by the Milton Land Corporation. The project would have an installed capacity of approximately 1400 kW and an average annual net generation of 8,000,000 kilowatt-hours.

Purpose of Project.—Project energy would be sold to local public utilities or industries.

Proposed Scope and Cost of Studies Under Permit.—Applicant seeks issuance of a preliminary permit for a period of three years, during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the applicant would decide whether to proceed with an applicaiton for FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibiltiy of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before December 5, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 3, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c), *as amended,* 44 FR 61328 (October 25, 1979). A competing application must conform with the requirements of 18 C.F.R. § 4.33(a) and (d), *as amended,* 44 FR 61328 (October 25, 1979).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determning the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 5, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-31984 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3271]

Water Power Development Corp.; Application for Preliminary Permit

October 3, 1980.

Take notice that Water Power Development Corporation (Applicant) filed on July 29, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3271 to be known as the Collins Company Dams Project located on the West Branch of the Farmington River in Hartford and Litchfield Counties, Connecticut. Correspondence with the Applicant should be directed to: Mr. Kenneth E. Mayo, President, Water Power Development Corporation, 23 Temple Street, Nashua, New Hampshire 03060.

Project Description.—The proposed project would consist of the following existing works: (1) the Collins Company Upper Dam, a stone structure 18 feet high and 350 feet long. The structure is listed in the National Register of Historic Places; (2) the Collins Company Lower Dam, a concrete structure 20 feet high and 350 feet long, located 1.2 miles downstream of the Upper Dam; (3) two small reservoirs associated with the Upper and Lower Dams, having negligible storage capacities; (4) two existing powerhouses associated with the Upper and Lower Dams; (5) the Nepaug Reservoir, located approximately a quarter-mile from the other project facilities; and (6) appurtenant works.

The project would be operated as a two dam, combined hydroelectric/pumped storage facility connected with the Nepaug Reservoir. The Upper and Lower Collins Company Dams are currently owned by the Connecticut Department of Environmental Protection. The Nepaug Reservoir is owned by the Hartford Metropolitan District.

The project would have a total installed generating capacity of at least 3,000 kW. It is estimated that the average annual net generation would be at least 10,000,000kWh.

Purpose of Project.—Project power would be sold to a local public utility.

Proposed Scope and Cost of Studies under Permit.—Applicant seeks issuance of a preliminary permit for a period of three years, during which time Applicant would investigate the power generation, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would decide how to proceed with further environmental studies, project designs, and an application for an FERC license.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before *December 5, 1980,* either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than *February 5, 1981.* A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended,* 44 *Fed. Reg.* 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (*as amended,* 44 *Fed. Reg.* 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's

Rules. Any comments, protest, or petition to intervene must be filed on or before *December 5, 1980.* The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-31963 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-555]

Cities Service Gas Co.; Application

October 6, 1980.

Take notice that on September 15, 1980, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP80-555 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(c) of the Regulations thereunder (18 CFR 157.7(c)) for a certificate of public convenience and necessity authorizing the construction, during calendar year 1981, and operation of facilities to make miscellaneous rearrangements on its system, 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 augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any material change in the transportation and sales service presently rendered by Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $300,000. Applicant further states that the cost of the proposed facilties would be financed from Treasury cash.

An person desiring to be heard or to make any protest with reference to said application 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) 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 desingee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31944 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP79-76]

Cities Service Gas Co.; Proposed Changes in FERC Gas Tariff

October 6, 1980.

Take notice that Cities Service Gas Company (Cities Service) on September 26, 1980, tendered for filing certain tariff sheets in its FERC Gas Tariff, Original Volumes No. 1 and No. 2. Cities Service states that such filing is in compliance with the Commission's order issued September 11, 1980, approving the Stipulation and Agreement (Settlement) in the captioned proceeding.

The instant filing consists of Substitute Eighth Revised Sheet No. 6, Second Revised Sheet Nos. 7, 8, 9, 10, 11, 12, 43, and Third Revised Sheet Nos. 60 and 62 to FERC Gas Tariff, Original Volume No. 1 and Second Revised Sheet No. 91 to FERC Gas Tariff, Original Volume No. 2.

These sheets reflect the Settlement rates and are updated to include the current purchased gas cost adjustment, an Advance Payment Rate Adjustment and a Transportation and Gathering Cost and Revenue Rate Adjustment, in accordance with the Settlement and are proposed to be effective October 23, 1980 if the September 11, 1980 order becomes final and non-appealable prior to that date.

Cities Service states that copies of its filing were served on all jurisdictional customers, interested state commissions and all parties to the proceedings in Docket No. RP79-76.

Any person desiring to be heard or to protest said filing should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 17, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31959 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-563]

Colorado Interstate Gas Co.; Application

October 6, 1980.

Take noticed that on September 19, 1980, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP80-563 an application pursuant to Section 7 of the Natural Gas Act and § 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 for a twelve-month period commencing January 1, 1981, and operation of various field 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 under § 157.7(g) would not exceed $3,000,000 and no single project would exceed $500,000. Applicant states that the cost of said facilities would be financed from funds on hand, funds from

operations, short-term borrowing, or long-term financing.

Any person desiring to be heard or to make any protest with reference to said application 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) 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31945 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2757]

Colorado River Water Conservation District Colorado-Ute Electric Association, Inc.; Intent To Prepare Environmental Impact Statement and Notice of Scoping Meeting Juniper-Cross Mountain Project

October 6, 1980.

An application has been filed with the Federal Energy Regulatory Commission by the Colorado River Water Conservation District and the Colorado-Ute Electric Association, Inc., for a major Federal license for the construction and operation of the proposed Juniper-Cross Mountain Hydroelectric Project, FERC No. 2757. The application was mailed out for agency review and comment on September 2, 1980. Two project dams and reservoirs are planned, with a combined generating capacity of 148 MW. The project would be located on the Yampa River, a tributary of the Green River, in Moffat County, northwestern Colorado. The project is oriented east-west, and bounded by the City of Craig on the east, and by the Dinosaur National Monument, located downstream to the west. Over 27,000 acres of Federal, State and private lands would be used for project purposes. Seventy-five miles of the free-flowing Yampa River and about 22,000 acres of land would be inundated by the two project reservoirs. Significant adverse environmental effects on fish and wildlife, recreation, and cultural resources would likely occur. The Commission's staff has determined that issuance of a license for the proposed project would be a major Federal action significantly affecting the quality of the human environment. The staff therefore intends to prepare an environmental impact statement in accordance with the National Environmental Policy Act.

To commence the scoping process for the environmental impact statement, representatives from Federal, State, and local agencies, and organizations, as well as the public, are invited to participate in a scoping meeting to be convened by the Staff at 9:30 a.m. on October 30, 1980, in the Moffat County Courthouse in Craig. The meeting will be recorded by a stenographer.

The primary goal of this meeting is to encourage interested parties to assist the staff in identifying the significant issues that should be analyzed in the environmental impact statement. If you are unable to send a representative to the scoping meeting, you are encouraged to provide detailed comments to William W. Lindsay, Director, Office of Electric Power Regulation, Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426, by December 1, 1980.

On October 28 and 29, 1980, the Staff intends to conduct an on-site inspection of the project area in the company of the joint applicants. Interested parties may accompany the staff during this inspection, but no transportation will be provided. Frank Karwoski [(202) 376-1761] may be contacted prior to October 24, 1980, for the staff's detailed itinerary.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31946 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-146]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

October 6, 1980.

Take noticed that on September 30, 1980, Columbia Gas Transmission Corporation (Columbia) tendered for filing certain revised tariff sheets to Original Volume No. 1 and Original Volume No. 2 of its FERC Gas Tariff. The proposed changes would increase revenues from jurisdictional sales and services by $85,663,365. Columbia states that this additional revenue is necessary to offset a revenue deficiency of approximately that same amount, based upon a cost of service for the test period twelve months ended May 31, 1980, as adjusted, and as measured from the company's current collection level of rates, exclusive of surcharges, the GRI funding unit and the LFUT adjustment. Columbia further states that the increased rates are required because of increases in labor and materials expense; an increase in the cost of transportation of gas by others; an increase in the company's overall rate of return; and other cost changes more fully explained in the filing.

Columbia specifically requests that the Commission shorten the period of suspension for the subject rate filing, and permit the increased rates to go into effect, subject to refund, on November 1, 1980.

Copies of the filing were served by the company upon each of its jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before October 24, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of Columbia's filing are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31947 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-559]

Columbia Gas Transmission Corp.; Application

October 6, 1980.

Take notice that on September 17, 1980, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP80-559 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing 74 interconnecting tap facilities to provide additional points of delivery to existing wholesale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the following points of delivery for the following wholesale customers:

(1) Columbia Gas of Kentucky, Inc., 7 taps for residential service—Estimated annual usage of 1,200 Mcf.

(2) Columbia Gas of Ohio, Inc., 31 taps for residential service, 1 tap for industrial service—Estimated annual usage of 209,534 Mcf.

(3) Columbia Gas of Pennsylvania, Inc., 12 taps for residential service, 1 tap for commercial service—Estimated annual usage of 2,100 Mcf.

(4) Columbia Gas of Virginia, Inc., 1 tap for combined residential and commercial service—Estimated annual usage of 26,900 Mcf.

(5) Columbia Gas of West Virginia, Inc., 9 taps for residential service—Estimated annual usage of 1,350 Mcf.

(6) The Dayton Power and Light Company, 9 taps for residential service, 2 taps for commercial service—Estimated annual usage of 3,069 Mcf.

(7) Shenandoah Gas Company, 1 tap for residential service—Estimated annual usage of 218 Mcf.

It is stated that the total cost of the interconnections is estimated to be $73,565 which would be financed by internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application 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) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31948 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 785]

Consumers Power Co.; Application for Change in Land Rights

October 6, 1980

Take notice that an application was filed on June 24, 1980, under the Federal Power Act, 16 U.S.C. §§ 791a–825r, by Consumers Power Company for a change in land rights, for the Calkins Bridge Project No. 785 located on the Kalamazoo River in Allegan County, Michigan. Correspondence with the Applicant on this matter should be addressed to: Mr. P. A. Perry, Secretary, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

Applicant proposes to sell two parcels of project land to Michigan Department of Natural Resources (DNR) for development of recreational facilities.

Applicant proposes to sell two parcels of project land to Michigan Department of Natural Resources (DNR) for development of recreational facilities.

DNR proposes to construct a boat dock and to improve the existing access road on an approximately 16-acre parcel of project property located east of the project dam. Approximately half of this property is below the maximum high water level (elevation 618 feet m.s.l.). This property is presently used as a parking area, picnic area, and boat landing site operated by the Licensee.

DNR also proposes to construct a 60-car parking lot on a 8.4-acre parcel of project property located west of the project dam to accommodate salmon fishermen using the tailrace area. Fishermen would no longer have to cross the narrow county road bridge on the dam to gain access to the tailrace area. A wooden fishing platform and an improved stairway would be constructed to improve the area for fishing. Landscape plantings would be utilized to reduce erosion. Appropriate fencing, guardrails, and signs would be constructed at both the parking and fishing areas.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before November 17, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31950 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3354]

Continental Hydro Corp.; Application for Preliminary Permit

October 6, 1980

Take notice that Continental Hydro Corporation (Applicant) filed on August 25, 1980, an application for preliminary

permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for the proposed Pomme de Terre Dam Project, FERC No. 3354, to be located at the U.S. Army Corps of Engineers' Pomme de Terre Dam, a flood control project, on the Pomme de Terre River near Hermitage, in Hickory County, Missouri. Correspondence with the Applicant should be directed to: Mr. A. Gail Staker, President, Continental Hydro Corporation, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir. Project No. 3354 would consist of: (1) a proposed penstock extending from the outlet works below the dam; (2) a powerhouse located on the southwest bank of the river; (3) transmission lines; and (4) appurtenant facilities. Applicant estimates the capacity of the proposed project to be 2.83 MW, and the annual energy output to be 11.3 GWh.

Purpose of Project—Energy produced at the proposed project would be sold to the Associated Electric Corporation.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soils and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State and local agencies is estimated to be $35,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 6, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (as amended, 44 *FR* 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (*as amended*, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 6, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31949 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3390]

Continental Hydro Corp.; Application for Preliminary Permit

October 6, 1980.

Take notice that Continental Hydro Corporation (Applicant) filed on August 27, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3390 to be known as the Waco Project located on Bosque River in the Town of Waco, McLennan County, Texas. Correspondence with the Applicant should be directed to: Mr. A. Gail Staker, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109.

Project Description.—The proposed project would utilize the existing U.S. Army Corps of Engineers Waco Dam and Reservoir and would consist of a powerhouse with one or more generating units having a total rated capacity of 3.1 MW, and a transmission line. The project would be capable of generating up to 10,500,000 kWh annually saving the equivalent of 17,200 barrels of oil or 5,300 tons of coal.

Purpose of Project.—Energy generated at the project would likely be sold to Texas Power and Light Company for distribution to its customers.

Proposed Scope and Cost of Studies Under Permit.—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $48,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before December 4, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the

competing application no later than February 2, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), as amended 44 FR 61328, (October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), as amended, 44 FR 61328 (October 25, 1979).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 of 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 4, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31960 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP75-1]

El Paso Natural Gas Co.; Petition To Amend

October 6, 1980.

Take notice that on September 8, 1980, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP75-1 a petition to amend the order issued September 26, 1975, as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the expansion of the specified area of interest pursuant to an exchange agreement between Petitioner, Kansas-Nebraska Natural Gas Company (K-N) and Panhandle Eastern Pipe Line Company (Panhandle), the establishment of an additional balancing point, and the addition and deletion of delivery points and/or balancing points from time to time, 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 by order issued September 26, 1975, in docket No. CP75-1, *et al.*, as amended, it was authorized to construct and operate certain facilities and exchange natural gas with K-N and Panhandle pursuant to the terms of an exchange agreement dated June 17, 1974.

Petitioner proposes herein to amend the exchange agreement by amendment dated June 1, 1980, to expand the specified area of interest so as to include all of Roger Mills County, Oklahoma, and Hemphill and Wheeler Counties, Texas, in order to permit Petitioner and K-N to exchange natural gas acquired by either party in the expanded area of interest, including the Black Kettle No. 1A well in Roger Mills County, Oklahoma, and to establish the Bryant No. 1-21 well as an additional balancing point.

Petitioner further requests authorization to permit the addition and deletion of balancing points in the expanded area of interest as may be required to keep the volumes of exchange gas in balance during the term of the arrangement, and blanket authorization for the deletion of wells and/or balancing points from the exchange arrangements as may be mutually agreed to from time to time by Petitioner and K-N.

Any person desiring to be heard or to make any protest with reference to said petition to amend 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) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31961 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-1-46 (PGA80-3 and IPR80-3)]

Kentucky West Virginia Gas Co.; Proposed Change in Rates

October 6, 1980.

Take notice that Kentucky West Virginia Gas Company (Kentucky West) on September 30, 1980, tendered for filing with the Commission its Twentieth Revised Sheet No. 27 and Second Revised Sheet No. 27A to its FERC Gas Tariff, First Revised Volume No. 1, to become effective November 1, 1980.

Kentucky West states that the change in rates results from the application of the Purchase Gas Cost Adjustment provision in Section 18, General Terms and Conditions of FERC Gas Tariff, Frist Revised Volume No. 1, approved by the Commission in Docket No. RP76-93 and is in accordance with its Stipulation and Agreement in settlement of all issues in the rate proceeding in Docket No. RP80-7.

In the event Commission approval of the Stipulation and Agreement does not become final before the effective date, November 1, 1980, Kentucky West has tendered its Alternate Twentieth Revised Sheet No. 27 which reflects the proposed base tariff rate of 105.90¢/dth which was suspended until May 1, 1980, and is subject to refund pending final determination in Docket No. RP 80-7.

Kentucky West states that a copy of its filing has been served upon its purchasers and interested state commissions and upon each party on the service list of Docket No. RP80-7.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protest should be filed on or before October 17, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31962 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST80-319]

Louisiana Intrastate Gas Corp.; Application for Approval of Rates

October 6, 1980

Take notice that on September 9, 1980, Louisiana Intrastate Gas Corporation (Applicant), P.O. Box 1352, Alexandria, Louisiana 71301, filed in Docket No. ST80-319 an application pursuant to Part 284 of the Commission's Regulations for approval of rates charged for transporting gas for the Gas Division of Central Louisiana Electric Company, Inc. (Central Louisiana), 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 Central Louisiana entered into an agreement dated September 3, 1980, whereby Applicant is to provide a transportation service for Central Louisiana for a two-year period. Applicant further states that it would accept gas owned by Central Louisiana from Michigan Wisconsin Pipeline Company (Mich Wis) at the interconnections between Applicant and Mich Wis in St. Mary Parish, Louisiana and would transport and deliver said gas into facilities of Central Louisiana at interconnections between Applicant and Central Louisiana in St. Mary, St. Landry, and Rapides Parishes, Louisiana, as well as any existing point of interconnection between Applicant and Central Louisiana and any other mutually agreeable point of interconnection.

Applicant proposes a transportation charge of 20.0 cents per million Btu as a fair and reasonable charge for the service rendered. Applicant asserts it has submitted the proposed transaction to the Commissioner of the Office of Conservation of the State of Louisiana for approval.

Applicant submits that the fee herein represents a fair and equitable rate for the proposed service.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 29, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31963 Filed 10-14-80; 8:45 pm]

BILLING CODE 6450-85-M

[Docket No. ST80-298]

Mississippi Fuel Co.; Application for Approval of Rates

October 6, 1980.

Take noticed that on September 11, 1980, Mississippi Fuel Company (Applicant), P.O. box 16629, Jackson, Mississippi 39206, filed in Docket No. ST80-298 an application pursuant to Part 284 of the Commission's Regulations for approval of rates charged for transporting natural gas for Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Transco, Systems Fuels, Inc. (SFI), Mississippi Power and Light Company (MP&L) and Applicant have entered into an agreement dated August 20, 1980, whereby Applicant proposes to provide a transportation service on an interruptible basis for Transco for a period not to exceed two years from June 15, 1980. Applicant further states that Transco would deliver or cause to be delivered up to 20,000 Mcf per day or a total of 14,600,000 Mcf of contract demand quantity gas to Applicant from various gas producing fields and Applicant would deliver thermally equivalent quantities of gas owned by MP&L, less a 2 percent allowance for unaccounted for gas, to Transco at proposed interconnections in Jefferson Davis and Clarke Counties, Mississippi.

Applicant proposes an initial demand charge of 19.5 per Mcf as a fair and equitable charge for the transportation service rendered. It is asserted such demand charge shall be adjusted at the end of the first 12-month period but would not exceed 25.0 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 29, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31964 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3282]

Northeast Texas Electric Coop., Inc.; Application for Preliminary Permit

October 6, 1980.

Take notice that Northeast Texas Electric Cooperative, Inc. (Applicant) filed on July 31, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3282 to be known as the Wright Patman Project located on the Sulphur River in Bowie and Cass Counties, Texas. The project would be located at an existing dam operated by the U.S. Army Corps of Engineers. Correspondence with the Applicant should be directed to: Mr. J. L. Johns, Northeast Texas Electric Cooperative, Inc., P.O. Box 70, Gilmer, Texas 75644.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers Wright Patman Dam and Reservoir and would consist of a powerhouse with one or more generating units having a total rated capacity of 8 MW and a 3.7 mile long transmission line. The project is estimated to be capable of producing 20,000,000 kWh annually saving the equivalent of 32,800 barrels of oil or 9,300 tons of coal.

Purpose of Project—Energy generated at the project would be utilized by the Applicant for distribution to its customers.

Proposed Scope and Cost of Studies under Permit—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $88,700.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the

Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before *December 5, 1980,* either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than *February 3, 1981.* A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (as amended, 44 *FR* 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (as amended, 44 *FR* 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To became a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be filed on or before December 5, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31985 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP78-62 (Phase I), et al.]

Panhandle Eastern Pipe Line Co., et al.; Filing of Pipeline Refund Reports and Refund Plans

October 6, 1980.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before October 21, 1980. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
Sept. 23, 1980	Panhandle Eastern Pipe Line Company	RP78-62 (Phase I)	Report.
Sept. 23, 1980	Panhandle Eastern Pipe Line Company	RP78-62 (Phase II)	Report.

[FR Doc. 80-31951 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP75-23]

Tennessee Gas Pipeline Co.; a Division of Tenneco Inc.; Petition To Amend

October 6, 1980.

Take notice that on September 12, 1980, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP75-23 a petition to amend the order issued March 7, 1977,[1] in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the establishment of a new receipt point from Tenneco Oil Company (TOC), 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 by order issued March 7, 1977, it was authorized to receive natural gas from TOC for transportation and delivery to Creole Gas Pipeline Corporation (Creole) near Yscloskey, Louisiana, for ultimate delivery to Air Products and Chemicals Inc.

Petitioner proposes herein to add a new receipt point from TOC to be located in DeSoto Parish, Louisiana (Grand Cane Point).

Petitioner proposes to charge TOC a current rate of 19.79 cents per Mcf of natural gas transported from the Grand Cane Point.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 29, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31952 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[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.

[Docket No. RP78-87]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

October 6, 1980.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on September 26, 1980, tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheet:

Substitute First Revised Sheet No. 81

This tariff sheet is being filed pursuant to Article XII, Minimum Btu Content, of the Stipulation and Agreement in Docket No. RP78-87, which was approved by the Commission in its "Order Approving Settlement" issued April 4, 1980. Article XII provides that Texas Eastern will revise its tariff to provide for a minimum Btu content of 977 Btu (dry basis). The above substitute tariff sheet appeared as Appendix D to the RP78-87 Stipulation and Agreement.

The proposed effective date of the above tariff sheet is March 1, 1979.

Copies of the filing were served upon the company's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 17, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 80-31966 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST80-186]

Transok Pipe Line Co.; Amendment to Application for Approval of Rates

October 6, 1980.

Take notice that on September 3, 1980, Transok Pipe Line Company (Applicant), P.O. Box 3008, Tulsa, Oklahoma 74101, filed in Docket No. ST80-186 pursuant to Part 284 of the Commission's Regulations an amendment to its application pending in the instant docket so as to reflect a change in the requested rate per million Btu from the 19.5 cents originally requested to 18.15 cents, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in the application filed in the instant docket on April 22, 1980, it requested approval of rates to be charged by Applicant to Lone Star Gas Company, a Division of Enserch Corporation (Lone Star) for a transporation service for Lone Star. Pursuant to the terms of Applicant's original contract with Lone Star, dated April 1, 1980, it was to provide transporation of natural gas on a best-efforts basis up to but not in excess of 40 billion Btu per day with the charge for providing such service to be 19.5 cents per million Btu.

However, by amendment to its contract with Lone Star dated July 14, 1980, Applicant agreed to a rate of 18.15 cents per million Btu in lieu of the original 19.5 cents.

Accordingly, Applicant now seeks to amend its application pending in the instant docket to reflect the change in the proposed rate to be charged Lone Star.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before October 29, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31967 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Projects Nos. 3186 and 3351]

City of Ukiah, Sonoma County Water Agency; Applications for Preliminary Permit

October 6, 1980.

Take notice that City of Ukiah (Ukiah) and Sonoma County Water Agency (Sonoma), (Applicants) filed on May 27, 1980, and August 25, 1980, respectively, competing applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Projects Nos. 3186 and 3351, respectively, to be known as Warm Springs Project located on Dry Creek in Sonoma County, California. The proposed projects would affect U.S. lands under the administration of the U.S. Army Corps of Engineers. Correspondence with the City of Ukiah should be directed to: City Manager, City of Ukiah, 203 South School Street, Ukiah, California 95482; and Orchard and Johnson, Attorneys at Law, 415 West Perkins Street, Ukiah, California 95482. Correspondence with Sonoma County Water Agency should be directed to: Robert F. Beach, General Manager, Sonoma County Water Agency, P.O. Box 11505, Santa Rosa, California 95406.

Project Description—Both projects would consist of: (1) a turbine-generating unit, rated at 3,000 kW, to be installed within the existing control structure for the existing Corps of Engineers' earth-filled Warm Springs Dam; (2) a tailrace; (3) a transmission line; and appurtenant facilities. The proposed projects would be dependent upon and would only utilize water that would be normally released through the outlet works. The projects would not affect the schedule of water releases from the reservoir. The average annual energy generation is estimated to be 15,000 MWh.

Purpose of Project—Ukiah's power output from the project would be either sold to or banked with a utility company in exchange for energy on demand. Sonoma would utilize the power output for pumping.

Proposed Scope and Cost of Studies under Permit—Each Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time they would conduct geotechnical and engineering studies, make comparative studies, perform preliminary designs and estimate costs, do a feasibility analysis, assess environmental impacts; and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the work to be performed by Ukiah under the preliminary permit is estimated to be $100,000, and the cost of the work to be performed under the preliminary permit is estimated by Sonoma to be $150,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary

studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 8, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 6, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (as amended, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), (as amended, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 8, 1980. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-31953 Filed 10-14-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-41]

United Gas Pipeline Co.; Third-Party Protests [1]

Issued: October 6, 1980.

Take notice that in accordance with the procedures established by the Federal Energy Regulatory Commission (Commission) in Order No. 23–B,[2] and "Order on Rehearing of Order No. 23–B,"[3] the Gulf State Utilities Company (Gulf) filed a supplemental third-party protest on September 26, 1980, to the assertion by the United Gas Pipeline Company (United). Gulf protests that the contracts in Appendix A do not constitute contractual authority for the producers to increase prices to the applicable maximum lawful price under the Natural Gas Policy Act of 1978 (NGPA).

Any person, other than the pipeline and the seller, desiring to be heard or to make any response with respect to these protests should file with the Commission, on or before October 21, 1980, a petition to intervene in accordance with 18 CFR 1.8. The seller need not file for intervention because under 18 CFR 154.94(j)(4)(ii), the seller in the first sale is automatically joined as a party.

Kenneth F. Plumb,

Secretary.

[1] The term "third-party protest" refers to a protest filed by a party who is not a party to the contract which is protested.

[2] "Order Adopting Final Regulations and Establishing Protest Procedure," Docket No. RM79–22, issued June 21, 1979.

[3] Docket No. RM79–22, issued August 6, 1979.

Appendix A.—*United Gas Pipe Line Co., Alphabetical Listing of All Protested Contracts*

Contract No.	and seller name	Date	NGPA	Type
6299	Antares Oil Corp	78/01/10	103	050
6431	Amoco Production Co	78/08/21	104	009
6316	Cities Service Co	78/01/26	104	009
6706	Cities Service Co	52/08/15	103	050
6706	Cities Service Co	52/08/15	104	050
4462	Continental Oil Co	61/08/23	104	129
6629	Crosby-Miss Resources	78/07/01	102	140
6629	Crosby-Miss Resources	78/07/01	103	140
6605	Crow David	79/02/13	106	032
6583	Exchange Oil & Gas	79/02/21	102	032
4264	Exxon Corp	59/05/05	104	000
7050	Freeport Oil Co	59/06/13	104	050
4818	General American Oil Co., Tx	68/01/12	104	142
4346	Getty Oil Co.[1]	59/12/28	104	139
4894	Getty Oil Co	68/11/11	104	000
4468	Gulf Oil Corp	61/09/21	104	042
6949	Hunt Oil Co	58/07/07	104	050
6438	Lynn Crosby Gammill	78/07/01	104	140
0658	Marathon Oil Co	40/04/29	103	000
6235	Marathon Oil Co	77/10/01	104	003
5175	Martin Exploration	70/12/10	104	029
4361	Mobil Oil Corp	60/01/25	104	041
4178	Monsanto Co	58/10/27	104	050
4374	Morris, C. L	60/07/08	104	003
5838	Northcott Exploration Co	75/06/09	104	077
5022	Par Oil Corp	70/09/01	104	003
5022	Par Oil Corp	70/09/01	108	003
5149	Par Oil Corp	71/08/09	104	003
5149	Par Oil Corp	70/06/09	108	003
5437	Par Oil Corp	73/04/02	104	000
5437	Par Oil Corp	73/04/02	108	000
6253	Pennzoil La & Tx Offshore	78/02/01	102	035
6253	Pennzoil La & Tx Offshore	78/02/01	104	035
6386	Pennzoil La & Tx Offshore	78/05/16	102	141
6386	Pennzoil La & Tx Offshore	78/05/16	104	141
6551	Pennzoil Oil & Gas, Inc	78/05/16	102	097
6916	Phillips Petroleum Co	79/09/07	104	050
6275	Placid Oil Co	77/12/12	108	108
6555	Pogo Producing Co	78/05/16	102	097
6556	Pogo Producing Co	78/05/16	102	097
1039	Roberts & Murphy, Inc	46/03/26	104	003
6615	Robinson, Edna Lou	79/03/26	104	000
6960	Schoellkopf, Carolyn Hunt	79/03/24	104	050
4432	Shield, Fred W	60/12/27	104	064
6800	Southland Royalty Co	79/07/19	108	000
1060	SSC Gas Producing Co.[2]	46/06/17	104	064
6649	Staples, James W	79/04/26	106	000
4328	Sun Oil Co.[3]	59/09/24	104	003

[1] Name on contract—Tidewater Oil Co.—is not the same as name shown in contents.
[2] Name on contract—Mills Bennett, et al.—is not the same as name shown in contents.
[3] Name on contract—Sunray Mid-Continent Oil—is not the same as name shown in contents.

[FR Doc. 80-31954 Filed 10-14-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RA80-64]

Valero Energy Corp.; Filing of Petition for Review Under 42 U.S.C. 7194

October 6, 1980.

Take notice that Valero Energy Corporation on July 10, 1980, filed a Petition for Review under 42 U.S.C. § 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before October 21, 1980, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before October 21, 1980, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W. Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-31968 Filed 10-14-80; 8:45 am]
BILLING CODE 6450-85-M

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the sale to Eldorado Nuclear, Ltd. of 3.562 kilograms of normal uranium to be used as standard reference material for calibration of equipment.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material under Contract Number S-CA-301 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

September 30, 1980.

Fred F. McGoldrick,
Acting Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-32085 Filed 10-14-80; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PH-FRL 1635-4; PF-201]

Certain Pesticide Chemicals; Filing of Pesticide and Food Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have filed requests with the EPA to establish tolerances for residues of pesticide chemicals in or on raw agricultural commodities and a food item.

ADDRESS: Written comments and inquiries should be directed to the: Designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Written comments may be submitted while a petition is pending before the Agency. The comments are to be identified by the document control number "[PF-201]" and the specific petition number. All written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following pesticide petitions have been submitted to the Agency to establish tolerances for residues of certain pesticide chemicals on certain raw agricultural commodities and a food item in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each specific petition.

PP OF2399. Shell Oil Co., Suite 200, 1025 Connecticut Ave., N.W., Washington, DC 20036. Proposes amending 40 CFR 180.379 by establishing tolerances for residues of the insecticide (cyano (3-phenoxyphenyl)methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate in or on the following raw agricultural commodities:

Commodities:	Parts per million
Celery	4.0
Corn ensilage	0.02
Corn stover	1.0
Dried beans and peas	0.25
Field corn grain	0.02
Meat, fat of cattle, goats, hogs, horses, sheep, and in milk fat	0.2
Pears	2.0

The proposed analytical method for determining residues is by gas chromatography and combined gas chromatography/mass spectroscopy. (PM 17, Franklin D. R. Gee, E-341, 202-755-1150)

FAP OH5270. Shell Oil Co., Suite 200, 1025 Connecticut N.W., Washington, D.C. 20036. Proposes that 21 CFR 561.97 be amended by permitting residues of the insecticide (cyano(3-phenoxyphenyl)methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate on the commodity pear cannery waste at 6.0 part per million. (PM 17, Franklin D. R. Gee, Rm. E-341, 202-755-1150)

FAP OH5267. Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experimental Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR–4 Technical Committee and the Agricultural Experiment Stations of Oregon and Washington. Proposes that 21 CFR 193.85 be amended by establishing a tolerance of 10 ppm for the combined residues of chloropyrifos and its metabolite 3,5,5-trichloro-2-pyridinol in mint oil when present as a result of application of the insecticide to growing mint. (Clinton Fletcher, Rm. E–229, 202–426–0223)

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 135); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348)).

Dated: October 4, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80–32046 Filed 10–14–80; 8:45 am]

BILLING CODE 6560–32–M

[PH–FRL 1635–5; OPP–C31039]

Diamond Shamrock Corp.; Receipt of Application to Conditionally Register a Pesticide Product Entailing a Changed Use Pattern

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice publishes receipt of an application submitted by Diamond Shamrock Corp. to conditionally register the pesticide product ECTRIN Insecticide Cattle Ear Tag entailing a changed use pattern.

DATE: Written comments must be received by November 14, 1980.

ADDRESS: Written comments to: Franklin D.R. Gee, Product Manager (PM) 17, Rm. E–341, Office of Pesticide Programs, Registration Division (TS–767), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Franklin D.R. Gee (202–755–1150).

SUPPLEMENTARY INFORMATION: Diamond Shamrock Corp., 1100 Superior Ave., Cleveland, OH 44114, has submitted to the EPA an application to conditionally register the pesticide product ECTRIN Insecticide Cattle Ear Tag (EPA Reg. No. 677–414) containing 8.0% of the active ingredient cyano (3-phenxoyphenyl)methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate. The product is proposed for general use.

Notice of approval or denial of this application to register the pesticide product will be announced in the **Federal Register.** Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; U.S.C. 136), the test data and other scientific information deemed relevant to the registration decision may be made available after approval, under provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved. Notice of receipt of this application does not indicate a decision by the Agency on the application.

Interested persons are invited to submit written comments on this applications. Comments may be submitted, and inquiries directed, to the Product Manager. The comments must be received on or before November 14, 1980 and should bear a notation indicating the document control number "[OPP–C31039]" and the registration number "677–414". Comments received within the specified time period will be considered before a final decision is made; comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. The labels furnished by the applicant, as well as all written comments filed pursuant to this notice, will be available for public inspection in the Product Manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

(40 CFR 162.5 and 162.6).

Dated: October 4, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80–32047 Filed 10–14–80; 8:45 am]

BILLING CODE 6560–32–M

[PH FRL 1635–1; PP OG2343/T269]

Ethephon; Establishment of a Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On August 26, 1980, EPA established a temporary tolerance for the plant regulator Ethephon [(2-chloroethyl) phosphonic acid] in or on the commodity cottonseed at 0.5 part per million (ppm). The temporary tolerance was requested by GAF Corp.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manger (PM) 25, Registration Division (TS–767), Office of Pesticide Programs, Rm. E–301, 401 M St., SW, Washington, DC 20460, (202–755–2196).

SUPPLEMENTARY INFORMATION: GAP Corp., 140 West 51st St., New York, NY 10020, has requested that a temporary tolerance be established (Pesticide Petition OG2343) for residues of the plant regulator Ethephon [(2-chloroethyl) phosphonic acid] in or on cottonseed at 0.5 part per million (ppm) in connection with an experimental use permit.

This temporary tolerance would permit the marketing of the above raw agricultural commodity treated in accordance with an experimental use permit concurrently being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), (Pub. L. 80–104, 61 Stat. 163, as amended by Pub. L. 92–516, Pub. L. 94–140, 89 Stat. 754, Pub. L. 95–396, 92 Stat. 819, 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it hs been determined that establishment of a temporary tolerance would protect the public health. The temporary tolerance has been established on the condition that the experimental use permit be used with the following provisions:

1. The total amount of the insecticide to be used will not exceed the quantity authorized in the experimental use permit.

2. GAF Corp. will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm will also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires on July 22, 1981. Residues not in excess of this temporary tolerance remaining in or on cottonseed after expiration date of this tolerance will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

(Sec. 408(j), 68 Stat. 561, (21 U.S.C. 346a(j))

Dated: October 8, 1980.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80–32049 Filed 10–14–80; 8:45 am]

BILLING CODE 6560–32–M

[PH-FRL 1635-2; OPP-50498A]

Ethephon; Experimental Use Permit; Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice amends the experimental use permit submitted by GAF Corp. requesting the use of the plant growth regulator ethephon on cotton.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767), Office of Pesticide Programs, Rm. E-301, 401 M St., SW., Washington, DC 20460, (202-755-2196).

SUPPLEMENTARY INFORMATION: On July 22, 1980, EPA issued an experimental use permit (1529-EUP-3) to GAP Corp., 140 West 51st St., New York, NY 10020, to use 2,000 pounds of the plant regulator ethephon [(2-chloroethyl) phosphonic acid] on cotton to evaluate hastening effects on opening of mature cotton bolls. The permit was issued with the limitation that all treated crops are destroyed or used for experimental purposes only. GAP Corp. subsequently requested the establishment of a temporary tolerance on the residues of ethephon on cottonseed at 0.5 part per million (ppm). Approval of the establishment of the temporary tolerance appears elsewhere in the issue of this **Federal Register.**

GAP Corp. has submitted an amendment to the experimental use permit 1529-EUP-3 to authorize the marketing of the commodity cottonseed vice the limitations stipulated above.

Interested persons wishing to review the experimental use permit are referred to Room E-301, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M St., SW, Washington, DC 20460. It is suggested that such interested persons call 202-755-2196 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purpose. These files will be available for inspection from 8:00 a.m. to 4:00 p.m., Monday through Friday.

(Sec. 5, Stat. 819 as amended (7 U.S.C. 136))

Dated: October 8, 1980.

Robert V. Brown,

Acting Director, Registration Division Office of Pesticide Programs.

[FR Doc. 80-32050 Filed 10-14-80; 8:45 am]

BILLING CODE 6460-32-M

[WH-FRL 1634-2]

Management Advisory Group to the Municipal Construction Division; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of the Management Advisory Group (MAG) to the Municipal Construction Division will be held at the Bissell Point Treatment Plant, 10 E. Grande Avenue, St. Louis, MO, on November 12, 13 and 14, 1980. The meeting will begin at 9:00 a.m. on November 12, 1980.

The purpose of the meeting is to discuss and review the 1990 Construction Grants Strategy Study and its impact on the program; program streamlining; and the Association of State and Interstate Water Pollution Control Association (ASIWPCA) suggested legislative changes to the Clean Water Act.

The meeting will be open to the public. Any member of the public wishing to attend the meeting should contact the Executive Secretary, Mr. Harold P. Cahill, Jr., Director, Municipal Construction Division, EPA, Washington, DC 20460. The telephone number is area code 202-426-8986.

October 8, 1980.

Eckardt C. Beck,

Assistant Administrator for Water and Waste Management.

[FR Doc. 80-32054 Filed 10-14-80; 8:45 am]

BILLING CODE 6560-29-M

[PH-FRL 1635-3; PP OG2359/T270]

Methyl-Alpha-Eleostearate; Establishment of Temporary Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: A temporary exemption from the requirement of a tolerance has been established for the insect feeding deterrent methyl-alpha-eleostearate in or on cottonseed and its byproducts.

FOR FURTHER INFORMATON CONTACT: William Miller, Product Manager (PM) 16, Rm: E-343, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, (202-426-9458).

SUPPLEMENTARY INFORMATION: U.S. Soil, Inc. Drawer 926, Salida, CO 81201 has been issued a temporary exemption from the requirement of a tolerance for the insect feeding deterrent methly-alpha eleostearate in or on cottonseed and its byproducts.

This temporary exemption is to permit the marketing of the above raw agricultural commodity when treated in accordance with the experimental use permit (42981-EUP-1) which has been issued under the Federal Insecticide, Fungicide, and Rodenticide Act (Pub. L. 80-104, 61 Stat. 163, as amended by Pub. L. 92-561, 86 Stat. 975, Pub. L. 94-140, 89 Stat. 754, Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported show that the exemption is adequate to cover residues resulting from the proposed experimental use and that such exemption will protect the public health. Therefore, the temporary exemption from the requirement of a tolerance has been established on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the active ingredient of the insect feeding deterrent to be used will not exceed the quantity authorized by the experimental use permit.

2. U.S. Soil, Inc. will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary exemption expires June 25, 1981. Residues in or on the above raw agricultural commodity after expiration of this temporary exemption will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and the temporary exemption. This temporary exemption may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates such revocation is necessary to protect the public health.

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j))).

Dated: October 7, 1980.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-32048 Filed 10-14-80; 8:45 am]

BILLING CODE 6560-32-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports

Review Staff, GAO, on October 6, 1980. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before November 4, 1980, and should be addressed to Mr. John M. Lovelady, Senior Group Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–275–3532.

Interstate Commerce Commission

The ICC requests an extension-without-change clearance of Form CBS, Quarterly Condensed Balance Sheet-Railroads, which is required to be filed by some 40 Class I line-haul railroads pursuant to Section 11145 of the Interstate Commerce Act. Data collected by Form CBS are used for economic regulatory purposes. Reports are mandatory and available for use by the public. the ICC states that there has been no change in data requirements but the format has been slightly revised for easier completion. The ICC estimates reporting burden to average 7 hours per report.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 80–32106 Filed 10–14–80; 8:45 am]

BILLING CODE 1610–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Services Administration

Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of November 1980:

Name: Maternal and Child Health Research Grants Review Committee.

Date and Time: November 12–14, 1980, 9:00 a.m.

Place: Conference Room L, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open: November 12, 9:00 a.m. to 10:00 a.m.; Closed for remainder of meeting.

Purpose: The Committee is charged with the review of all research grant applications in the program areas of maternal and child health administered by the Bureau of Community Health Services.

Agenda: The Committee will be performing the review of grant applications for Federal assistance. This meeting will be open to the public from 9:00 to 10:00 a.m., November 12 for the Opening Remarks. It will be closed to the public from 10:00 a.m. to 5:00 p.m. on November 12 and from 9:00 a.m. to 5:00 p.m. on November 13 and November 14 to review applications, in accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and the Determination by the Acting Administrator, Health Services Administration, pursuant to Pub. L. 92–463.

Anyone wishing to obtain a roster of the members, minutes of meeting, or other relevant information should write to or contact Dr. Gontran Lamberty, Bureau of Community Health Services, Health Service Administration, Room 7–15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–2190.

Agenda items are subject to change as priorities dictate.

Dated: October 7, 1980.

William H. Aspden, Jr.,

Associate Administrator for Management.

[FR Doc. 80–32061 Filed 10–14–80; 8:45 am]

BILLING CODE 4110–84–M

National Institutes of Health

Bladder and Prostatic Cancer Review Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Bladder & Prostatic Cancer Review Committee (Prostatic Subcommittee), National Cancer Institute, November 6, 1980, Omni International Hotel, Atlanta, Georgia 30303. The meeting will be open to the public on November 6, from 8:00 a.m.–8:30 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on November 6, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and a roster of committee members, upon request.

Dr. Andrew Chiarodo, Executive Secretary, National Cancer Institute, Blair Building, Room 3124, National Institutes of Health, Bethesda, Maryland 20205 (301/427–8800) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Numbers 13.393, 13.394, 13.395, Project grants in cancer cause and prevention research, cancer detection research, and cancer treatment research, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular).

Dated: October 8, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80–31942 Filed 10–14–80; 8:45 am]

BILLING CODE 4110–08–M

Board of Scientific Counselors, NICHD; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Child Health and Human Development, November 24, 1980, in Building 31, Room 2A–52. This meeting will be open to the public from 8:30 a.m. to 3:00 p.m. on November 24 for the review of the Developmental Pharmacology Branch of the Intramural Research Program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public from 3:00 p.m. to adjournment on November 24 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, NICHD, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room 7C09, National Institutes of Health, Bethesda, Maryland, Area

Code 301, 496–1485, will provide a summary of the meeting and a roster of Board members. Dr. James Sidbury, Scientific Director, NICHD, Building 31, Room 2A–50, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–2133, will furnish substantive program information.

Dated: October 8, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) of that Circular.)

[FR Doc. 80–31940 Filed 10–14–80; 8:45 am]

BILLING CODE 4110–08–M

Cancer Clinical Investigation Review Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Cancer Clinical Investigation Review Committee, National Cancer Institute, November 10–12, 1980, Building 31C, Conference Room 6, National Institutes of Health, Bethesda, Maryland 20205. The meeting will be open to the public on November 10, from 8:30 a.m.—9:30 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on November 10, from 9:30 a.m. to 5:00 p.m., on November 11, from 8:30 a.m. to 5:00 p.m., and on November 12, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and a roster of committee members, upon request.

Dr. Dorothy K. Macfarlane, Executive Secretary, National Cancer Institute, Westwood Building, Room 819, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7481) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.395, Project grants in cancer treatment research, National Insitutes of Health)

(NIH programs are not covered by OMB Circular A–95 becuase they fit the description of "programs no considered appropriate" in section 8(b)(4) and (5) of that Circular.)

Dated: October 8, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80–31941 Filed 10–14–80; 8:45 am]

BILLING CODE 4110–08–M

Clinical Trials Review Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, on November 7, 1980, at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland, Building 31C, Conference Room 8.

This meeting will be open to the public from 8:00 a.m. to 9:00 a.m. on November 7, 1980 to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public from 9:00 a.m. to adjournment on November 7, 1980, for the review, discussion and evaluation of individual grant applications. These applications and the discussion could reveal personal information concerning individuals associated with these applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Bethesda, Maryland, 20205, Building 31, Room 4A–21, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members. Dr. Fred P. Heydrick, Chief, Research Contracts Review Section, Division of Extramural Affairs, NHLBI, Westwood Building, Bethesda, Maryland 20205. Room 548B, phone (301) 496–7363, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; and 13.838, Lung Diseases Research, National Institutes of Health.)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular.)

Dated: October 2, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80–31938 Filed 10–14–80; 8:45 am]

BILLING CODE 4110–08–M

Filing of Annual Reports

Pursuant to Sections 10(d) and 13 of the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the annual reports for the committees listed below have been filed with the Library of Congress. Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, or on weekdays, at the Department Library, North Building, Room 1436, Washington, D.C. 20201, between 9:00 a.m. and 4:30 p.m.

Advisory Committee to the Director, NIH
Aging Review Committee
Allergy and Clinical Immunology Research Committee
Allergy and Immunology Study Section
Animal Resources Review Committee
Applied Physiology and Orthopedics Study Section
Arteriosclerosis, Hypertension and Lipid Metabolism Advisory Committee
Bacteriology and Mycology Study Section
Bioanalytical and Metallobiochemistry Study Section
Biochemical Endocrinology Study Section
Biochemistry Study Section
Biomedical Library Review Committee
Biometry and Epidemiology Contract Review Committee
Biophysics and Biophysical Chemistry A Study Section
Biophysics and Biophysical Chemistry B Study Section
Biopsychology Study Section
Biotechnology Resources Review Committee
Bladder and Prostatic Cancer Review Committee
Blood Diseases and Resources Advisory Committee
Board of Regents of the National Library of Medicine
Board of Scientific Counselors, Division of Cancer Biology and Diagnosis
Board of Scientific Counselors, Division of Cancer Cause and Prevention
Board of Scientific Counselors, Division of Cancer Treatement
Board of Scientific Counselors, NEI
Board of Scientific Counselors, NHLBI
Board of Scientific Counselors, NIA
Board of Scientific Counselors, NIAID
Board of Scientific Counselors, NIAMDD
Board of Scientific Counselors, NICHD
Board of Scientific Counselors, NIDR
Board of Scientific Counselors, NIEHS
Board of Scientific Counselors, NINCDS
Breast Cancer Task Force Committee
Cancer and Nutrition Scientific Review Committee
Cancer Clinical Investigation Review Committee
Cancer Control and Rehabilitation Advisory Committee

Cancer Control Grant Review Committee
Cancer Control Intervention Programs Review Committee
Cancer Control Merit Review Committee
Cancer Research Manpower Review Committee
Cancer Special Program Advisory Committee
Cardiology Advisory Committee
Cardiovascular and Pulmonary Study Section
Cardiovascular and Renal Study Section
Cause and Prevention Scientific Review Committee
Cell Biology Study Section
Cellular and Molecular Basis of Disease Review Committee
Chemical Pathology Study Section
Clearinghouse on Environmental Carcinogens
Clinical Applications and Prevention Advisory Committee
Clinical Cancer Education Committee
Clinical Cancer Program Project and Cancer Center Support Review Committee
Clinical Trials Committee
Clinical Trials Review Committee
Committee on Cytology Automation
Comunicative Disorders Review Committee
Communicative Sciences Study Section
Developmental Therapeutics Committee
Diagnostic Radiology Study Section
Diagnostic Research Advisory Group
Endocrinology Study Section
Epidemiology and Disease Control Study Section
Epilepsy Advisory Committee
Experimental Therapeutics Study Section
Experimental Virology Study Section
General Clinical Research Centers Committee
General Medicine A Study Section
General Medicine B Study Section
General Research Support Review Committee
Genetic Basis of Disease Review Committee
Genetics Study Section
Heart, Lung, and Blood Research Review Committee A
Heart, Lung, and Blood Research Review Committee B
Hematology Study Section
Human Development Study Section
Human Embryology and Development Study Section
Immunobiology Study Section
Immunological Sciences Study Section
Large Bowel and Pancreatic Cancer Review Committee
Mammalian Genetics Study Section
Maternal and Child Health Research Committee
Medicinal Chemistry A Study Section
Mental Retardation Research Committee
Metabolism Study Section
Microbial Chemistry Study Section
Microbiology and Infectious Diseases Advisory Committee
Minority Access to Research Careers (MARC) Review Committee
Molecular Biology Study Section
Molecular Cytology Study Section
National Advisory Allergy and Infectious Diseases Council
National Advisory Child Health and Human Development Council
National Advisory Council on Aging
National Advisory Dental Research Council
National Advisory Environmental Health Sciences Council
National Advisory Eye Council
National Advisory General Medical Sciences Council
National Advisory Neurological and Communicative Disorders and Stroke Council
National Advisory Research Resources Council
National Arthritis Advisory Board
National Arthritis, Metabolism, and Digestive Diseases Advisory Council
National Cancer Advisory Board
National Diabetes Advisory Board
National Heart, Lung and Blood Advisory Council
National Institute of Dental Research Programs Advisory Committee
Neurological and Communicative Disorders and Stroke Science Information Program Advisory Committee
Neurological Disorders Program—Project Review A Committee
Neurological Disorders Program—Project Review B Committee
Neurological Sciences Study Section
Neurology A Study Section
Neurology B Study Section
NIDR Special Grants Review Committee
Nutrition Study Section
Oral Biology and Medicine Study Section
Pathobiological Chemistry Study Section
Pathology A Study Section
Pathology B Study Section
Pharmacology Study Section
Pharmacology—Toxicology Review Committee
Physiological Chemistry Study Section
Physiology Study Section
Population Research Committee
President's Cancer Panel
Pulmonary Diseases Advisory Committee
Radiation Study Section
Recombinant DNA Advisory Committee
Reproductive Biology Study Section
Research Manpower Review Committee
Sickle Cell Disease Advisory Committee
Social Sciences and Population Study Section
Surgery and Bioengineering Study Section
Surgery, Anesthesiology and Trauma Study Section
Toxicology Study Section
Transplantation Biology and Immunology Committee
Tropical Medicine and Parasitology Study Section
Tumor Immunology Committee
Virology Study Section
Vision Research Program Committee
Visual Sciences A Study Section
Visual Sciences B Study Section

Dated: September 30, 1980.

Thomas E. Malone,

Acting Director, NIH.

[FR Doc. 80-31936 Filed 10-14-80; 8:45 am]

BILLING CODE 4110-08-M

General Clinical Research Centers Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the General Clinical Research Centers Committee, Division of Research Resources, December 1-2, 1980. The meeting will be held in Conference Room 8, Building 31, National Institutes of Health, Bethesda, Maryland 20205.

The meeting will be open to the public on December 1, 1980, from 9:00 a.m. to approximately 11:00 a.m., to discuss administrative matters. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public on December 1, 1980, from approximately 11:00 a.m. to recess and on December 2, from 8:30 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Bldg. 31, Rm. 5B-13, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-5545 will provide summaries of the meeting and rosters of the Committee members. Dr. Ephraim Y. Levin, Executive Secretary of the General Clinical Research Centers Review Committee, Bldg. 31, Rm. 5B51 National Institutes of Health, Bethesda, Maryland 20205, (301) 496-6595, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.333, Clinical Research, National Institutes of Health)

(NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of the Circular.)

Dated: October 8, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-31939 Filed 10-14-80; 8:45 am]

BILLING CODE 4110-08-M

General Research Support Review Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the General Research Support Review Committee, Division of Research Resources, November 13-14, 1980, at the American College of Cardiology, 9111 Old Georgetown Road, Bethesda, Maryland, 20014.

This meeting will be open to the public from 8:30 a.m. to approximately

1:30 p.m. on November 13, 1980, to discuss administrative matters relating to the Minority Biomedical Support Program. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on November 13, 1980, from approximately 1:30 p.m. to 5:00 p.m. and on November 14 from 8:30 a.m. to adjournment for the review, discussion and evaluation of individual grant applications submitted to the Minority Biomedical Support Program. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Building 31, Room 5B13, Bethesda, MD 20205, telephone (301) 496–5545, will provide summaries of meeting and rosters of committee members. Dr. Sidney A. McNairy, Executive Secretary of the General Research Support Review Committee, Building 31, Room 5B33, Bethesda, Maryland 20205, telelphone (301) 496–6743 will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.375, Minority Biomedical Support Program, National Institutes of Health).

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.)

Dated: September 29, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80-31935 Filed 10-14-80; 8:45 am]

BILLING CODE 4110-08-M

Minority Access to Research Careers Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Minority Access to Research Careers Review Committee, National Institute of General Medical Sciences, National Institutes of Health, Building 31–C, Conference Room 8, on November 24–25, 1980, 9:00 a.m.

This meeting will be open to the public on November 24, 9:00 a.m. to 12:00 p.m. The meeting will consist of opening remarks and discussion of procedural matters. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public for approximately the last four hours of the day on November 24, and approximately four hours on November 25. It is estimated that this will occur from 1:00 p.m. to 5:00 p.m., on November 24, and on November 25 from 9:00 a.m. until adjournment for the review, discussion and evaluation of institutional and individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Ellen Casselberry, Public Information Officer, NIGMS, Westwood Building, Room 9A–10, 5333 Westbard Avenue, Bethesda, Maryland 20205, telephone (301) 496–7301, will furnish summary minutes of the meeting and a roster of committee members.

Substantive program information may be obtained from Anthony A. René, Ph.D., Acting Executive Secretary, Westwood Building, Room 949, Bethesda, Maryland 20205, telephone (301) 496–7585.

(Catalog of Federal Domestic Assistance Program 13.880, Minority Access to Research Careers (MARC), National Institutes of Health, Department of Health and Human Services)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular)

[FR Doc. 80-31937 Filed 10-14-80; 8:45 am]

BILLING CODE 4110-08-M

Vision Research Program Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Vision Research Program Committee, National Eye Institute, November 13, 1980, Building 31, C Wing, Conference Room 8, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on Thursday, November 13, from 8:30 a.m. to 9:30 a.m. for opening remarks and discussion of program guidelines. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552(b)(4) and 552b(c)(6), Title 5, United States Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 9:30 a.m. on November 13 until adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. Julian Morris, Chief, Office of Program Planning and Scientific Reporting, National Eye Institute, Building 31, Room 6A–25, National Institutes of Health, Bethesda, Maryland 20205 (Telephone: 301/496–5248) will furnish summaries of the meeting and rosters of committee members.

Dr. Catherine Henley, Review and Special Projects Officer, Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A–06 (telephone 301/496–5561) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, Retinal and Choroidal Diseases Research; 13.868, Corneal Diseases Research; 13.869, Cataract Research; 13.870, Glaucoma Research; and 13.871, Sensory and Motor Disorders of Visual Research; National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular)

Dated: October 8, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-31943 Filed 10-14-80; 8:45 am]

BILLING CODE 4110-08-M

Biomedical Review Committee and the Subcommittee for the Review of Medical Library Resource Improvement Grant Application; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Biomedical Library Review Committee on November 17–18, 1980 convening each day at 8:30 a.m. in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, to adjournment on November 18, and the meeting of the Subcommittee for the Review of Medical Library Resource Improvement Grant Applications on November 19 from 9:00 a.m. to 12:00 noon in the 5th floor Conference Room of the Lister Hill Center Building, 8600 Rockville Pike, Bethesda, Maryland.

The meeting on November 17 will be open to the public from 8:30 to 11:00 a.m. for the discussion of administrative reports and program developments. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92–463, the regular meeting and the subcommittee meeting will be closed to the public for the review, discussion, and evaluation of individual grant applications, as follows: November 17 from 11:00 a.m. to 5:00 p.m., November 18 from 8:30 a.m. to adjournment; and November 19 for the subcommittee meeting from 9:00 a.m. to 12:00 noon. These applications and the discussion could reveal confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Roger W. Dahlen, Executive Secretary of the Committee, and Chief, Division of Biomedical Information Support, Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, telephone number: 301–496–4191, will provide summaries of the meeting, rosters of the committee members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.879—Medical Library Assistance, National Institutes of Health.)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.)

Dated: September 29, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80–31934 Filed 10–14–80; 8:45 am]

BILLING CODE 4110–08–M

National Heart, Lung, and Blood Advisory Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung, and Blood Institute, November 24–25, 1980, from 9:00 a.m. to 5:00 p.m. at the National Institutes of Health, Building 31, Conference Room 10, Bethesda, Maryland 20205.

This meeting will be open to the public from 9:00 a.m. on November 24 to approximately 3:00 p.m. on November 25 for the discussion of program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92–463, the meeting of the Council will be closed to the public on November 25 from approximately 3:00 p.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–4236, will provide summaries of the meeting and rosters of the Council members.

Dr. Jerome G. Green, Director of Extramural Affairs, NHLBI, Westwood Building, Room 7A–17, (301) 496–7416, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health.)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular.)

Dated: September 29, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80–31933 Filed 10–14–80; 8:45 am]

BILLING CODE 4110–08–M

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

Draft Environmental Impact Statement, Pinelands National Reserve; Notice of Public Meeting

AGENCY: Heritage Conservation and Recreation Service, Department of the Interior.

ACTION: Notice of public meetings.

SUMMARY: This notice provides immediate advice to the general public that the Heritage Conservation and Recreation Service, in accordance with Section 1506.6 of the National Environmental Policy Act Regulations (43 FR 56001, Nov. 29, 1978), will hold a series of public meetings to discuss and receive comments on the Department of the Interior Draft Environmental Impact Statement on the Pinelands National Reserve in New Jersey (INT DES 80–61). A Notice of Availability appeared in the Federal Register on September 26, 1980 (45 FR 63912).

The meetings will be held at the following times and locations:

Tuesday, October 21, 1980. State Assembly Chambers, West State Street, Trenton, New Jersey. 10:00 a.m. to 3:00 p.m.

Thursday, October 23, 1980. Ocean County Administration Building, Room 119, corner of Hoover and Washington Streets, Toms River, New Jersey. 2:00 p.m. to 6:00 p.m.

Tuesday, October 28, 1980. A-Wing Lecture Hall, Stockton State College, Pomona, New Jersey. 7:30 p.m. to 10:00 p.m.

Wednesday, October 29, 1980. Evesham Township Municipal Building, Marlton, New Jersey. 7:30 p.m. to 10:30 p.m.

All interested members of the public are invited to attend. Anyone who wishes to submit written comments on the Draft Environmental Impact Statement may do so by sending them by November 10, 1980, to the Regional Director, Heritage Conservation and Recreation Service, Room 9310, 600 Arch Street, Philadelphia PA 19106.

FOR FURTHER INFORMATION CONTACT: Bernard C. Fagan, Heritage Conservation and Recreation Service, at the above address. Telephone (215) 597–2334.

Dated: October 8, 1980.

Meg Maguire,

Acting Director, Heritage Conservation and Recreation Service.

[FR Doc. 80–32028 Filed 10–14–80; 8:45 am]

BILLING CODE 4310–03–M

Bureau of Land Management

[INT DEIS 80–68]

Uinta-Southwestern Utah Region Coal Leasing and Utah Power and Light Co. Coal Lands Exchange; Availability of Draft Environmental Impact Statement and Public Hearings

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, notice is hereby given that the Bureau of Land Management (BLM), Department of the Interior, has prepared a Draft Uinta-Southwestern Utah Regional Coal environmental impact statement (EIS) analyzing: (1) the proposed competitive leasing of Federal coal in the Uinta-Southwestern Utah Coal Production Region; (2) the R. J. Hollberg preference right lease application (PRLA); and (3) the proposed exchange PRLA lands held by Utah Power and Light Company (UP&L) on the Kaiparowits Plateau for Federal coal leases on the Wasatch Plateau.

There are five coal leasing alternatives: (1) Lease 11 tracts containing 572.6 million tons of in-place coal, (2) lease seven tracts containing

466.8 million tons of in-place coal, (3) lease three tracts containing 335.8 million tons of in-place, (4) lease three tracts containing 171.3 million tons of in-place coal, and (5) no action. The Hollberg PRLA is considering in each alternative.

Alternative Two is the preferred alternative and would provide for leasing of Federal coal through both competitive bid and small business set-aside. Two alternatives are considered for the proposed UP&L exchange. They are (2) proceed with the exchange, and (2) no action.

The Director, Bureau of Land Management, invites written comments on the draft statement to be submitted by December 9, 1980 to:

Ronald Bolander, EIS Team Leader, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111.

A limited of number of copies of the draft statement are available upon request from Mr. Bolander at the above address, or from the BLM Office of Public Affairs at the address given below. Public reading copies will be available for review at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240.
Moab District Office, Bureau of Land Management, 125 West 2nd South, P.O. Box 970, Moab, Utah 84532.
Cedar City District Office, Bureau of Land Management, 1579 North Main, P.O. Box 724, Cedar City, Utah 84720.
Utah State Office, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.
Price River Resource Area Office, Bureau of Land Management, 900 North 7th East, P.O. Box AB, Price, Utah 84501.
Escalante Resource Area, Bureau of Land Management, Escalante, Utah 84726.
Richfield District Office, 150 East 900 North, P.O. Box 768, Richfield, Utah 84701.

Notice is hereby given that oral and/or written comments on the draft EIS will be received at public hearings to be held at the following locations:

November 18, 1980, Escalante High School Gymnasium, Escalante, Utah, 7:00 p.m.
November 19, 1980, Emery County Court House, Castle Dale, Utah, 7:00 p.m.
November 20, 1980, Room 7, Municipal Building, Price, Utah, 7:00 p.m.
November 21, 1980, Room 220, Salt Palace, Salt Lake City, Utah, 7:00 p.m.

Written and oral comments concerning adequacy of the draft statement will receive consideration in preparation of the final environmental impact statement.

In addition to comments on the draft EIS, the BLM is advising the public that surface owner consent agreements, or evidence thereof, given by qualified surface owners in the Uinta-Southwestern Utah Region, will be accepted by the BLM Utah State Office at the address listed above. The consent agreements, or evidence thereof, will be used by the regional coal team to aid in considering the competitive nature of the potential coal lease tracts.

Section 714 (c) of the Surface Mining Control and Reclamation Act (SMCRA) states that, "The Secretary shall not enter into any lease of Federal coal deposits until the surface owner has given written consent to enter and commence surface mining operations and the Secretary has obtained evidence of such consent." Valid written consents given by qualified surface owners prior to August 4, 1977, are considered to be acceptable for leasing and surface mining of Federal coal overlain by privately owned surface (split-estate lands).

As defined in the regulations (43 CFR 3400.0–5 (pp)), qualified surface owner "means the natural person or persons (or corporation, the majority stock of which is held by a person or persons) who:

(1) Hold legal or equitable title to the surface of split estate lands;

(2) Have their principal place of residence on that land, or personally conduct farming or ranching operations upon a farm or ranch unit to be affected by surface mining operations; or receive directly a significant portion of their income, if any, from such farming and ranching operations and;

(3) Have met the conditions of paragraphs (1) and (2) of this subsection for a period of at least 3 years, except for persons who gave written consent less than 3 years after they met the requirements of both paragraphs (1) and (2) of this section. "In computing the three year period the authorized officer shall include periods during which title was owned by a relative of such person by blood or marriage if, during such periods, the relative would have met the requirements of this subsection."

Valid written consent is defined in the regulations (43 CFR 3400.0–5(zz)) as "the document or documents that a qualified surface owner has signed that: (1) Permit a coal operator to enter and commence surface mining of coal; (2) describe any financial or other consideration given or promised in return for permission, including in-kind considerations; (3) describe any consideration given in terms of type or methods of operation or reclamation for the area; (4) contain any supplemental or related contracts between the surface owner and any other person who is a party to the permission; and (5) contain a full and accurate description of the area covered by the permission."

As required by 43 CFR 3427.2(e), it is the Bureau's responsibility to review all consents received. The Bureau will verify that the named surface owner is a qualified surface owner as defined in the regulations and that the title for all split estate lands described in the filing is held by the named qualified surface owner(s). In addition, to be considered valid, the consent given after August 4, 1977, the date of enactment of the Surface Mining Control and Reclamation Act, must be transferable to whoever makes the successful bid in a lease sale for the tract that includes the land to which the consent applies. A written consent agreement shall be considered transferable only if, at a minimum, it allows that after the lease sale for the tract to which the consent applies (i) the payment for the consent may be made by the successful bidder or (ii) the successful bidder may reimburse, at the purchase price of the consent, the party that first obtained the consent. If a filing is from anyone other than the named qualified surface owner, the Bureau shall contact the named qualified surface owner and request confirmation, in writing, that the filed, transferable, written consent, or evidence thereof, to enter and commence surface mining has been granted and that the filing fully discloses all of the terms of the written consent.

A qualified surface owner(s) who has not been contacted by or requested to enter into an agreement with a private party, and who may wish to give consent to allow permission to enter and commence surface coal mining, may prepare, sign, and submit a consent document to the Utah State Office. The consent document should include the information and requirements specified earlier in this notice in order to constitute a valid written consent as defined in the coal regulations (43 CFR 3400.0–5(zz)), and must indicate any specific terms the surface owner may request to allow permission to enter and commence surface coal mining. This unilateral consent document must be signed by private party at least 30 working days prior to the publication of the lease sale notice for the area affected, or the area affected will not be offered for lease sale.

Surface owner consents given by a qualified surface owner prior to August 4, 1977, do not need to be transferable. However, current Departmental policy allows that tracts be offered only through intertract bidding if the consent is not transferable.

Valid written consents are to be filed with the Director, Utah State Office, at the address provided above. Valid written consents, or evidence thereof, must be filed 30 working days prior to the notice of sale for the tracts. It is anticipated that such a notice will be published June 24, 1981, if a decision to lease tracts is made. If no valid consent for surface mining has been granted for a particular tract and there is interest in bidding on it at a competitive lease sale, it is incumbent upon the individual or corporation to obtain valid written consent and file it with the Utah State Office by May 12, 1981, or 30 working days before publication of the notice of sale for the tract under the Secretary's schedule, whichever is later. If no valid written consent to surface mine a particular tract is received by May 12, 1981, it will not be possible for the Secretary to offer the tract for competitive sale in July of 1981.

It is encouraged that copies of all consent agreements, or evidence thereof, that have already been given by qualified surface owners be transmitted as early as possible to the address above. Submission of existing documents now will allow early review and consideration of affected Federal coal tracts by the regional coal team prior to their final review and recommendations for a lease sale schedule.

Arnold E. Petty,

Director, Bureau of Land Management Acting Associate.

Approved: October 9, 1980.

James W. Curlin,

Deputy Assistant Secretary of the Interior.

[FR Doc. 80-32052 Filed 10-14-80; 8:45 am]

BILLING CODE 4310-84-M

[N-27612]

Nevada; Proposed Withdrawal and Opportunity for Public Hearing, Cancellation

A notice of proposed withdrawal and opportunity for public hearing, serial number N-27612 was inadvertently published in the **Federal Register** on April 3, 1980, at page 45 FR 22197 (FR Doc. 80-10092). That notice is hereby canceled.

Therefore, pursuant to the regulations contained in 43 CFR, subpart 2091, at 10 a.m. on November 6, 1980, the following described lands will be relieved of the segregative effect of the above mentioned application.

Mount Diablo Meridian

T. 17 S., R. 50 E.,
Sec. 26, S½
Sec. 34, NE¼
Sec. 35, N½N½, SE¼NE¼, SW¼NW¼, W½SW¼, N½NE¼SE¼, NW¼SE¼;
Sec. 36, W½.
T. 18 S., R. 50 E.,
Sec. 1, Lots 3 and 4;
Sec. 2, Lots 1 and 2, S½NE¼.
The land described aggregates 1,419.04 acres.

George D. Lea,

Deputy Director.

October 1, 1980.

[FR Doc. 80-31919 Filed 10-14-80; 8:45 am]

BILLING CODE 4310-84-M

[N-29936]

Nevada; Proposed Withdrawal and Opportunity for Public Hearing, Cancellation

A notice of proposed withdrawal and opportunity for public hearing, serial number N-29936 was inadvertently published in the **Federal Register** on July 17, 1980, at page 45 FR 47933 and 47934 (FR Doc. 80-21342). That notice is hereby canceled.

Therefore pursuant to the regulations contained in 43 CFR subpart 2091, at 10 a.m. on November 6, 1980, the following described lands will be relieved of the segregative effect of the above mentioned application.

Mount Diablo Meridian

T. 43 N., R. 37 E.,
Sec. 24, N½NW¼NW¼NW¼.
Containing approximately 5 acres.

George D. Lea,

Deputy Director.

October 1, 1980.

[FR Doc. 80-31920 Filed 10-14-80; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier 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** 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.gs., 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 on or before December 1, 1980 (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. On or before December 15, 1980 an applicant may file a verified statement in rebuttal to any statement in oppositon.

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. OP2-066

Decided: October 6, 1980.

By the Commission, Review Board Number 1., Members Carleton, Joyce and Jones.

MC 4963 (Sub-127F),filed September 19,, 1980. Applicant: JONES MOTOR CO., INC., Bridge St. & Schuylkill Rd., Spring City, PA 19475. Representative: Roland Rice, Perpetual Bldg., Suite 501, 1111 E St. NW., Washington, DC 20036.Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives) between points in AL, GA, KY, NC, MO, SC, and TN.

Note.—Applicant intends to tack this authority with its regular-route authority in

NC, VA, MD, DE, PA, NH, NJ, NY, ME, VT, MA, CT, OH, KY, MO, IA, IL, IN, MI, and D.C.

MC 10343 (Sub-40F), filed July 18, 1980, (correction), published in the Federal Register issue of August 20, 1980, and partially republished this issue. Applicant: CHURCHILL TRUCK LINES, INC., U.S. Hwy 36 West, P.O. Box 250, Chillicothe, MO 64601. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, MO 64105. Transporting, over 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), . . . (12) between Sterling and Indianapolis, IN, over U.S. Hwy 136 . . . (B) serving all intermediate points in routes (2), (3), (9), (19) through (21), (23) through (32), (53) through (70), and (73) through (79) above (except as noted in routes (54) and (69) above).

Note.—This partial republication is to include a route which was inadvertently omitted in the prior publication and to clarify Item (B). The prior publication otherwise remains the same.

MC 47583 (Sub-132F), filed September 30, 1980. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Rd., Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. Transporting (1) *building materials*, (2) *paper and paper products*, and (3) *materials equipment, and supplies* used in the manufacture and distribtuion of the commodities in (1) and (2) above, between points in San Bernardino County, CA, Pueblo County, CO, Bell County, TX, Madison County, IN, and DeKalb County, MO, on the one hand, and, on the other, points in the U.S.

MC 63562 (Sub-76F), filed September 26, 1980. Applicant: BN TRANSPORT, INC., 6775 East Evans Ave. P.O. Box 22694, Wellshire Station, Denver, CO 80222. Representative: Cecil L. Goettsch, 110 Des Moines Bldg., Des Moines, IA 50309. 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 Peoria, IL, and St. Louis, MO: from Peoria over Interstate Hwy 74 to junction IL Hwy 121 near Morton, IL, then over IL Hwy 121 to junction Interstate Hwy 55 near Lincoln, IL, then over Interstate Hwy 55 to St. Louis, and return over the same route; (2) between St. Regis, MT, and junction of MT Hwys 135 and 200, over MT Hwy 135; (3) between Spokane, WA, and Kalispell, MT: from Spokane over US Hwy 2 to Sandpoint, ID, then over US Hwy 2/95 to junction US Hwy 2, then over US Hwy 2 to Kalispell, and return over the same route; (4) between Coeur D'Alene and Lewiston, ID, over US Hwy 95; (5) between Spokane and Snohomish, WA, over US Hwy 2, serving junction WA Hwy 174 and US Hwy 2 for the purpose of joinder only; (6) between Spokane and Sedro Woolley, WA: from Spokane over US Hwy 2 to junction WA Hwy 174, then over WA Hwy 174 to junction WA Hwy 155, then over WA Hwy 155 to junction WA Hwy 20, then over WA Hwy 20 to Sedro Woolley, and return over the same route, serving junction WA Hwy 174 and US Hwy 2 for the purpose of joinder only; (7) between Kansas City, MO, and Denver, CO, over Interstate Hwy 70; (8) between Keokuk, IA, and Bethany, MO, over US Hwy 136, serving junction US Hwys 63 and 65 for the purpose of joinder only; (9) between junction US Hwy 61 and IA Hwy 2, and junction IA Hwy 2 and US Hwy 63 over IA Hwy 2; (10) between Corydon and Bedford, IA, over IA Hwy 2, serving junction IA Hwy 2 and US Hwy 65 and junction IA Hwy 2 and US Hwy 69, for the purpose of joinder only; (11) between St. Louis, MO, and junction Interstate Hwy 70, US Hwy 63 and IA Hwy 2: from St. Louis over Interstate Hwy 70 to junction US Hwy 63, then over US Hwy 63 to junction IA Hwy 2, and return over the same route, serving junction US Hwy 63 and Interstate Hwy 70, junction US Hwys 63 and 36, junction US Hwys 63 and 136, and junction US Hwy 63 and IA Hwy 2, for the purpose of joinder only; (12) between Minneapolis, MN, and Chicago, IL: from St. Paul over Interstate Hwy 35 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Chicago, and return over the same route, serving junction Interstate Hwys 35 and 90 and junction Interstate Hwy 90 and US Hwy 12, for the purpose of joinder only; (13) between Cheyenne, WY, and junction Interstate Hwy 80 and NE Hwy 44, over Interstate Hwy 80; (14) between Chicago, IL, and Buffalo, WY, over Interstate Hwy 90, serving junction Interstate Hwy 90 and US Hwy 12, junction Interstate Hwys 35 and 90, junction Interstate Hwys 90 and 29, and junction Interstate Hwy 90 and US Hwy 61, for the purpose of joinder only; (15) between Duluth, MN, and Eau Claire, WI, over US Hwy 53; (16) between Cheyenne, WY, and junction Interstate Hwy 15 and 90 near Butte, MT: from Cheyenne over Interstate Hwy 80 to junction US Hwy 30, then over US Hwy 30 to junction Interstate Hwy 15, then over Interstate Hwy 15 to junction Interstate Hwy 90 near Butte, and return over the same route, serving junction Interstate Hwys 90 and 15, junction Interstate Hwy 80 and US Hwy 30, and junction Interstate Hwys 15 and 80, for the purpose of joinder only; (17) between Cheyenne, WY, and Portland, OR: from Cheyenne over Interstate Hwy 80 to junction Interstate Hwy 80N, then over Interstate Hwy 80N to Portland (also from Cheyenne over interstate Hwy 80 to junction US Hwy 30 near Granger, WY, then over US Hwy 30 to junction Interstate Hwy 15 near McCammon, ID, then over Interstate Hwy 15 to junction Interstate Hwy 80N, then over Interstate Hwy 80N to Portland), and return over the same routes, serving junction Interstate Hwy 80 and US Hwy 30, junction Interstate Hwys 15 and 80, junction Interstate Hwys 80 and 80N, and junction Interstate Hwy 80N and OR Hwys 11 and 37, for the purpose of joinder only; (18) between St. Louis, MO, and junction US Hwy 65 and IA Hwy 2: from St. Louis over Interstate Hwy 70 to junction US Hwy 65, then over US Hwy 65 to junction IA Hwy 2, and return over the same route, serving junction US Hwy 65 and IA Hwy 2, junction US Hwys 65 and 136, junction US Hwys 65 and 36, and junction US Hwy 65 and Interstate Hwy 70, for the purpose of joinder only; (19) between Omaha, NE, and Buffalo, WY: from Omaha over Interstate Hwy 29 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Buffalo, and return over the same route, serving junction Interstate Hwys 29 and 90, for the purpose of joinder only; (20) between Duluth, MN, and junction MN Hwy 34, US Hwys 10 and 59: from Duluth over US Hwy 2 to junction MN Hwy 200 near Wawina, MN, then over MN Hwy 200 to junction MN Hwy 34 at Walker, MN, then over MN Hwy 34 to junction US Hwys 10 and 59 at Detroit Lakes, MN, and return over the same route, serving junction MN Hwy 34 and US Hwys 10 and 59 and junction MN Hwy 200 and US Hwy 2, for the purpose of joinder only; (21) between Shenandoah, IA, and Lincoln, NE, over IA Hwy 2 to junction NE Hwy 2 near Nebraska City, NE, then over NE Hwy 2 to Lincoln; (22) between Rock Island and Savannah, IL: from Rock Island over US Hwy 67 to junction US Hwy 52, then over US Hwy 52 to Savannah (also from Rock Island over IL Hwy 84 to Savannah), and return over the same routes; (23) between Duluth, MN, and junction US Hwys 2 and 59 near Erskine, MN, over US Hwy 2; (24) between Morrill, NE, and junction US Hwys 26 and 87, over US Hwy 26; (25) between Denver, CO, and Casper, WY:

from Denver over Interstate Hwy 25 and US Hwy 87 to junction CO Hwy 14, then over CO Hwy 14 to junction US Hwy 287, then over US Hwy 287 to junction WY Hwy 487, then over WY Hwy 487 to junction WY Hwy 220, then over WY Hwy 220 to Casper, and return over the same route; and (26) between Minot, ND, and Fairview, MT: form Minot over US Hwy 83 to junction ND Hwy 23, then over ND Hwy 23 to junction US Hwy 85, then over US Hwy 85 to junction ND Hwy 200, then over ND Hwy 200 to the ND/MT border and junction MT Hwy 200, then over MT Hwy 200 to Fairview, and return over the same route. In routes (1) through (27) above, serving no intermediate points, as alternate routes for operating convenience only.

MC 105413 (Sub-42F), filed September 26, 1980. Applicant: PETROLEUM TRANSPORT SERVICE, INC., 3908 Richland, Council Bluffs, IA 51501. Representative: Paul D. Kratz, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting *petroleum products,* in bulk, in tank vehicles, between points in Clay, Jackson, and Platte Counties, MO, and points in IA, KS, NE, and SD.

MC 105813 (Sub-277F), filed September 30, 1980. Applicant: BELFORD TRUCKING CO., INC., 1759 S.W. 12th St., P.O. Box 270, Ocala, FL 32670. Representative: Arnold L. Burke, 180 North LaSalle St., Chicago, IL 60601. Transporting *frozen foods,* from points in New Madrid and Scott Counties, MO, to points in FL.

MC 107012 (Sub-577F), filed September 26, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *household furniture, bean-bag furniture, and cushions,* from New Orleans, LA, to points in AL, FL, GA, KY, MS, NC, SC, TN, TX, and VA.

MC 126542 (Sub-14F), filed September 22, 1980. Applicant: B. R. WILLIAMS TRUCKING, INC., P.O. Box 3310, Oxford, AL 36201. Representative: John W. Cooper, 634 Woodward Bldg., 1927 First Ave. North, Birmingham, AL 35203. Transporting (1) *pipe and pipe fittings,* 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 Phelps Dodge Brass, Inc., L.A. Tube Division, of Los Angeles, CA.

MC 135653 (Sub-9F), filed September 30, 1980. Applicant: SPECIAL SERVICE TRANSPORTATION, INC., 1100 W. Smith Rd., Medina, OH 44256. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. Transporting (1) *foodstuffs,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in Hudson County, NJ, on the one hand, and, on the other, points in OH, MI, PA, and NY (except New York City and its commercial zone).

MC 139923 (Sub-78F), filed September 29, 1980. Applicant: MILLER TRUCKING CO., INC., P.O. Box Drawer "D", Stroud, OK 74079. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of plastic and plastic articles (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 Mobil Chemical Company.

MC 141443 (Sub-65F), filed September 30, 1980. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615—East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of charcoal, charcoal products, and barbecue accessories and supplies from points in Taney County, MO, to points in AR, AZ, CO, KS, NM, OK, and TX.

MC 143133 (Sub-5F), filed September 30, 1980. Applicant: SHEPPARD ENTERPRISES, INC., 101 Philadelphia St., Hanover, PA 17331. Representative: Daniel M. Frey, 31 York St., Hanover, PA 17331. Transporting (1)(a) *power steering units* and (b) *parts* for power steering units, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, between points in the U.S., under continuing contract(s) with R. H. Sheppard Company, Inc., of Hanover, PA.

MC 143423 (Sub-12F), filed September 29, 1980. Applicant: WILLIAM T. AUSTIN, d.b.a. AUSTIN TRUCKING COMPANY, 2026 Clayton Ave., SW, Decatur, AL 35601. Representative: D. H. Markstein, Jr., 512 Massey Bldg., Birmingham, AL 35203. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers, between Baltimore, MD, Winchester, VA, St. Louis City, MO, and points in Wood County, OH, Philadelphia County, PA, Wicomico County, MD, Essex County, MA, Hudson County, NJ, Cook and Kankakee Counties, IL, Rice and Dakota Counties, MN, Milwaukee County, WI, Fulton and DeKalb Counties, GA, Polk County, FL, Chesterfield and Spartanburg Counties, SC, Taylor, Tarrant, and Harris Counties, TX, Los Angeles and Contra Costa Counties, CA, and Washakie County, WY, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, TN, TX, UT, VT, VA, WV, WI, and DC.

MC 145203 (Sub-10F), filed September 29, 1980. Applicant: REITZEL TRUCKING CO., INC., 7401 Fremont Pike, Perrysburg, OH 43551. Representative: Paul F. Beery, 275 East State St., Columbus, OH 43215. Transporting (1) *containers, container closures, glassware, packaging products, container components, television bulbs, television tubes, glass parts* for television bulbs and television tubes, and *scrap metals,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles, and those which because of size or weight require the use of special equipment), between points in IN, KY, MI, WV, IL, PA, NY, DE, WI, NJ, TN, FL, MD, GA, and OH, restricted to traffic originating at or destined to the facilities of Owens-Illinois, Inc.

MC 146643 (Sub-60F), filed September 29, 1980. Applicant: INTER-FREIGHT TRANSPORTATION, INC., 655 East 114th St., Chicago, IL 60628. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with Action Industries, Inc., of Cheswick, PA.

MC 150813 (Sub-2F), filed September 26, 1980. Applicant: C & R EXPRESS, INC., P.O. Box 38, West Jefferson, OH 43162. Representative: Richard H. Brandon, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. Transporting (1) *machinery, machinery parts, metal products and iron and steel articles* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151632 (Sub-1F), filed September 26, 1980. Applicant: EASTWOOD CARRIERS, INC., P.O. Box 1073, Lockhouse Rd., Westfield, MA 01086. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. Transporting (1) *lumber, building*

materials, and wood products, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in CT, MA, ME, NH, RI, and VT, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151633 (Sub-1F), filed September 26, 1980. Applicant: EASTERN FREIGHT FORWARDERS, INC., 1750 Australian Ave., P.O. Box 9728, Riviera Beach, FL 33404. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., NW., Washington, D.C. 20036. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Freeport Transfer, Inc., of Grand Bahama, Bahama Islands.

Volume No. OP3–037

Decided: October 6, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman. Member Chandler not participating.

MC 2934 (Sub-78F), filed September 8, 1980. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant). Transporting *chairs,* in cartons, from Leeds, AL, to points in AL, AR, CT, DE, FL, GA, IL, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 13134 (Sub-98F), filed September 22, 1980. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, OH 45656. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. Transporting *iron and steel articles,* between those points in the U.S. in and east of MT, WY, UT and AZ, restricted to traffic originating at or destined to the facilities used by Unarco-Midwest Corp.

MC 13134 (Sub-99F), filed September 18, 1980. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, OH 45656. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. Transporting *lumber, lumber products, and forest products,* between those points in the U.S. in and east of MN, IA, MO, AR and LA.

MC 26825 (Sub-50F), filed September 10, 1980. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. Transporting *such commodities* as are dealt in or used by department stores (except commodities in bulk and those requiring special equipment), (1) from points in TX, OK, LA, KS, AR, MO, and CO, to Omaha, NE, and (2) from Omaha, NE, to points in MO, KS, IA, IL, MN, WI, ND, SD, and WY.

MC 56344 (Sub-4F), filed September 16, 1980. Applicant: ALERT MOTOR TRANSPORT, INC., P.O. Box 1045, Delran, NJ 08705. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Transporting (1) *concrete products,* (except in bulk), from Tullytown, PA, to points in CT, ME, MA, NH, NJ, NY, NC, OH, RI, VT, VA, and WV, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except in bulk), in the reverse direction.

MC 102285 (Sub-6F), filed September 22, 1980. Applicant: MIAMI TRANSFER CO., INC., 10340 N.W. 37th Ave., Miami, FL 33147. Representative: Norman J. Bolinger, 3100 University Blvd. S., Suite 225, Jacksonville, FL 32216. Transporting: (1) *general commodities* (except classes A and B explosives) between Miami and Ft. Lauderdale, FL; and (2) *iron and steel articles, machinery, contractors' materials and supplies, and commodities the transportation of which by reason of size or weight require the use of special equipment,* between points in FL. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation of Certificate of Registration in MC–102285 Sub 3, at applicant's written request.

MC 111375 (Sub-126F), filed September 22, 1980. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: James A. Matras (same address as applicant). Transporting *such commodities* as are dealt in or used by grocery and food business houses (except commodities in bulk), from points in Los Angeles and Ontario Counties, CA, to points in AZ, CO, ID, MT, NV, NM, OR, UT, WA and WY. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation of Permit No. MC 147340 at applicant's written request.

Note.—Applicant states the purpose of this application is to convert its existing contract carrier authority in MC 147340 to a certificate of public convenience and necessity.

MC 112694 (Sub-6F), filed September 24, 1980. Applicant: JAMES J. GALLERY, INC., 555 Pleasant St., Watertown, MA 02172. Representative: Joseph M. Klements, 84 State St., Boston, MA 02109. Transporting *frozen foodstuffs,* in vehicles equipped with mechanical refrigeration, between Watertown, MA, on the one hand, and, on the other, points in NJ.

MC 113475 (Sub-37F), filed September 24, 1980. Applicant: RAWLINGS TRUCK LINES, INC., P.O. Box 831, Emporia, VA 23847. Representative: Harry J. Jordan, Suite 502, Solar Bldg., 1000 16th St. NW, Washington, DC 20036. Transporting (1) *iron and steel articles* and (2) *materials, equipment, and supplies* used in the production of (1) above, between points in Middlesex County, NJ, on the one hand, and, on the other, points in NC, SC, GA, VA, DE, MD, PA, and DC.

MC 29745 (Sub-9F), filed September 19, 1980. Applicant: BODGE LINES, INC., 501 South West St., P.O. Box 546, Indianapolis, IN 46206. Representative: Phillip V. Price, 1444 Consolidated Bldg., Indianapolis, IN 46204. 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), serving points in Vermillion County, IN as off-route points in connection with carrier's otherwise authorized regular-route operations.

MC 116544 (Sub-219), filed September 12, 1980. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcardero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Transporting *doors and moulding,* from Tacoma, WA, to points in AZ, CA, CO, ID, KS, LA, MT, NE, NV, NM, OR, OK, TX, UT, and WY.

MC 116544 (Sub-220F), filed September 12, 1980. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Transporting *food or kindred products,* as described in Item 20 of the Standard Transportation Commodity Code Tariff, between points in St. Louis County, MO, and Du Page County, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 116544 (Sub-221F), filed September 9, 1980. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Transporting *such commodities* as are dealt in or used by grocery and food business houses (except commodities in bulk), between points in CA, on the one

hand, and, on the other, points in AZ, CO, ID, NV, OR, UT, and WA.

MC 116544 (Sub-223F), filed September 9, 1980. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Transporting *such commodities* as are dealt in by meat-packing houses, between points in Woodbury County, IA, on the one hand, and, on the other, points in CA, FL, GA, IL, IN, MD, MA, MI, NJ, NY, OH, PA, SC, and TX.

MC 129994 (Sub-48F), filed September 16, 1980. Applicant: RAY BETHERS TRUCKING, INC., 176 West Central Ave., Salt Lake City, UT 84107. Representative: Marilyn McNeil (same address as applicant). Transporting *building and construction materials* (except commodities in bulk), between the facilities of the Celotex Corporation, at or near Fremont, CA, on the one hand, and, on the other, points in OR, WA, ID, MT, NV, UT, CO, and AZ.

MC 138624 (Sub-2F), filed September 23, 1980. Applicant: CARGO TRANSPORT, INC., Route 1, Box 510, Corvallis, MT 59828. Representative: David E.Wishney, P.O. Box 837, Boise, ID 83701. Transporting *salt and salt products*, from points in Tooele and Salt Lake Counties, UT, to points in ID, MT, OR, and WA.

MC 141914 (Sub-90F), filed September 24, 1980. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same address as applicant). Transporting *rubber articles* and *plastic articles*, between points in Mercer County, NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 142204 (Sub-12F), filed Sptember 22, 1980. Applicant: GUNVILLE TRUCKING, INC., d.b.a. GUNVILLE TRUCKING, P.O. Box 74, Niagara, WI 54151. Representative: Michael S. Varda, 121 S. Pinckney St., Madison, WI 53703. Transporting *wood residuals*, between Marinette, WI, on the one hand, and on the other, points in the Upper Penninsula of MI.

MC 142364 (Sub-42F), filed September 22, 1980. Applicant: KENNETH SAGELY TRUCKING COMPANY, P.O. Box 396, Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and automobiles, trucks, and buses as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), between points in the U.S., restricted to traffic originating at or destined to the facilities of the International Paper Company.

MC 149024 (Sub-1F), filed September 10, 1980. Applicant: JOHNSTON INTERMODAL TRANSPORT, INC., 850 Jersey Ave., Jersey City, NJ 07302. Representative: Hylan Cooper, Esq., 225 West 34th St., New York, NY 10122. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), which are at the time moving on bills of lading of freight forwarders as defined in 49 U.S.C. § 10102(8), between points in AZ, CA, CT, DE, GA, IL, MD, MA, NJ, NY, NC, PA, TN, WI, and WA.

MC 149555F, filed September 9, 1980. Applicant: LONE STAR CARRIERS, INC., Rt. 1, Box 48, Tolar, TX 76476. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Ft. Worth, TX 76102. Transporting *meats, meat products and meat byproducts*, and *articles distributed by meat-packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions of Motor Carrier Certificates* in 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between points in the U.S., under continuing contract(s) with Freezer Services, Inc.

MC 151245 (Sub-1F), filed September 22, 1980. Applicant: HARBOUR TRUCKING, INC., P.O. Box 660, Route 7, Proctorville, OH 45669. Representative: Stephen C. Fitch, 155 E. Broad St., Columbus, OH 43215. Transporting *coal*, in bulk, between points in the U.S., under continuing contract(s) with Harbour Marine, Inc., of Proctorville, OH.

MC 151335 (Sub-1F), filed September 10, 1980. Applicant: H D H TRUCKING, INC., 1172 Smithfield Rd., North Smithfield, RI 02895. Representative: A. Joseph Mega, 175 Forbes St., East Providence, RI 02915. Transporting *cement pipe*, and *materials and supplies* used in the manufacture of cement pipe, between points in the U.S., under continuing contract(s) with Gelinite Perma-Por Corp., of Boston, MA.

MC 151384 (Sub-1F), filed September 22, 1980. Applicant: G AND J TRUCKING, INC., 3701 Spradlin Ave., P.O. Box 4301, Ft. Smith, AR 72914. Representative: Jay C. Miner, P.O. Box 313, Harrison, AR 72601. Transporting (1) *paper products and plastic articles*, from the facilities of American Can Company at Fort Smith, AR, to Denver, CO, and Kansas City, KS, and (2) *carbonated beverages*, in containers, from the facilities of Mid-America Container Corp., at Lenexa, KS, to Fort Smith, AR.

Volume No. OP4–083

Decided: October 7, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 13777 (Sub-7F), filed September 30, 1980. Applicant: AAA TRANSPORTATION, INC., 2957 South East St., Indianapolis, IN 46206. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. Transporting (1) *concrete slabs*, from the facilities of Modulars, Inc., at or near Hamilton and Fairfield, OH, to points in the U.S., and (2) *materials, equipment, and supplies* used in the manufacture, distribution and installation of concrete slabs, in the reverse direction.

MC 29886 (Sub-377F), filed October 2, 1980. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314–39th Ave., Kenosha, WI 53142. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, DC 20005. Transporting (1) *trucks and truck chassis*, in secondary movements, in truckaway service, and (2) *equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between Chesapeake and Portsmouth, VA, on the one hand, and, on the other, points in the U.S.

MC 109397 (Sub-526F) filed September 30, 1980. Applicant: TRI–STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting *metal* and *metal articles*, between points in Harrison County, MS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 117676 (Sub-24F) filed September 30, 1980. Applicant: HERMS TRUCKING, INC., 620 Pear Street, Trenton, NJ 08648. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110. Transporting (1) *Carpet and carpet padding*, and (2) *materials and supplies* used in the manufacture and distribution of the foregoing commodities (except commodities in bulk) between Philadelphia, PA, points in Bedford County, TN, Guilford County, NC, Lee County, MS, and Allen County, IN, on the one hand, and, on the other, points in MN, IA, MO, AR, LA, WI, IL, IN, OH, MI, KY, WV, VA, TN, NC, MS, AL, GA, SC and points in NY on and west of Interstate Hwy 81.

MC 119656 (Sub-79F) filed August 25, 1980, and previously noticed in the FR issue of September 4, 1980. Applicant:

NORTH EXPRESS, INC., 219 Main St., Winamac, IN 46996. Representative: Donald W. Smith, P.O. Box 40428, Indianapolis, IN 46240. Transporting (1) *railway cars and parts*, (2) *trailers*, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, between points in Erie County, NY, Dale County, AL, Cook and McHenry Counties, IL, Fulton and DeKalb Counties, GA, Daviess and White Counties, IN, Geary County, KS, and Cheatham County, TN, on the one hand, and, on the other, points in the U.S.

Note.—This republication is to correctly reflect the commodity description.

MC 124296 (Sub-4F) filed September 29, 1980. Applicant: GEORGE L. BIGELOW TRUCKING, INC., 135 Wright St., Delavan, WI 53115. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting *metal products, and materials equipment, and supplies* used in the manufacture and distribution of metal products, between points in the U.S., under continuing contract(s) with Westainer, Inc., of Mukwonago, WI.

MC 125037 (Sub-15F) filed September 30, 1980. Applicant: DIXIE MIDWEST EXPRESS, INC., P.O. Box 372, Greensboro, AL 36744. Representative: John R. Frawley, Jr., 5506 Crestwood Blvd., Birmingham, AL 35212. Transporting *packaging boards, blocks and panels of expanded honeycomb*, between Park Forest South, IL, and Michigan, City, IN, on the one hand, and, on the other, points in AL, AR, GA, FL, MS, LA, MO, OK, TN, and TX.

MC 128246 (Sub-63F), filed October 2, 1980. Applicant: SOUTHWEST TRUCK SERVICE, a corporation, P.O. Box A.D., Watsonville, CA 95076. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. Transporting *meats, meat products, meat byproducts, 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, between points in the U.S., under continuing contract(s) with Southwest Beef, Inc., of Tolleson, AZ.

MC 129387 (Sub-117F), filed September 30, 1980. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095. Transporting *welders and parts for welders*, from Appleton, WI, to points in AZ, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 133566 (Sub-166F), filed September 30, 1980. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting *such commodities* as are dealt in or used by the manufacturers of plastic and plastic articles, (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 Mobil Chemical Company.

MC 133566 (Sub-167F), filed October 2, 1980. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting (1) *printed matter, printing equipment, and globes*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of McNally & Company.

MC 136077 (Sub-22F), filed September 29, 1980. Applicant: REBER CORPORATION, 2216 Old Arch Rd., Norristown, PA 19401. Representative: Roland Morris, 1600 Land Title Bldg., 100 S. Broad St., Philadelphia, PA 19110. Transporting *sand*, from the facilities of Whitehead Bros., at Port Elizabeth, NJ, and points in Cumberland County, NJ, to points in PA.

MC 138157 (Sub-253F), filed October 1, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between King and Pierce Counties, WA, on the one hand, and, on the other, points in the U.S.

MC 138157 (Sub-254F), filed October 1, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Transporting *floor covering materials*, from points in Story County, IA, and Jefferson County, IN, to points in MT, WY, CO, NM, AZ, UT, ID, NV, WA, OR and CA.

MC 141867 (Sub-21F), filed September 30, 1980. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 2301 Milwaukee Way, Tacoma, WA 98421. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. Transporting *such commodities* as are dealt in or used by manufacturers of insulation and insulation materials, (1) between points in Glenn County, CA, and points in OR, WA, NV, ID, and UT, and (2) between points in Cache County, UT, and points in AZ, CA, OR, WA, NV, ID, MT, WY, and CO.

MC 143636 (Sub-11F), filed September 30, 1980. Applicant: RON SMITH TRUCKING, INC., R.R. No. 1, Box 59, Arcola, IL 61910. Representative: Douglas G. Brown, The INB Cntr.—Suite 555, One No. Old State Capitol Plaza, Springfield, IL 62701. Transporting *fertilizer*, between those points in IL on and north of Interstate Hwy 64, and those on and south of Interstate Hwy 80, on the one hand, and, on the other, points in IN.

MC 146166 (Sub-4F), filed September 30, 1980. Applicant: TRIANGLE TRANSPORT CO., INC., 74 Sulyma St., Cumberland, RI 02864. Representative: William F. Poole, 41 Bea Dr., North Kingstown, RI 02854. Transporting *such commodities* as are dealt in by department stores, between points in the U.S., under continuing contract(s) with Federated Department Stores, of Cincinnati, OH.

MC 146627 (Sub-2F), filed October 1, 1980. Applicant: E. A. WILSON CO., a corporation, 700 Broadway, Lowell, MA 01854. Representative: Norman Weiss, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. Transporting *cement* in bulk, from points in Hampshire County, MA, and Providence County, RI, to points in CT, MA, ME, NJ, RI, VT, and NY.

MC 147686 (Sub-12F), filed September 30, 1980. Applicant: A M & M, INCORPORATED, P.O. Box 1627, Jackson, TN 38301. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103. Transporting (1) *foam cushion materials and packaging accessories*, from points in Shelby County, TN, to points in AL, GA, KY, LA, MS, NC, OH, SC, and VA, (2) *plastic foam pellets and power*, from points in Midland County, MI, to points in Shelby County, TN, and (3) *plastic forms, planks, shapes and boards*, from points in Lawrence County, OH, to points in Shelby County, TN.

MC 148337 (Sub-7F), filed September 30, 1980. Applicant: WESTERKAMP TRUCKING, INC., Rt. 2, Pella, IA 50219. Representative: Robert R. Rydell, 1020 Savings and Loan Bldg., Des Moines, IA 50309. Transporting *pully and rollers*, and *materials and supplies* used in the manufacture of pulleys and rollers, between the facilities of Precision Pulley, Inc., at or near Pella, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 149157 (Sub-5F), filed September 30, 1980. Applicant: STYLE CRAFT TRANSPORT, INC., Hwy 71 So., Milford, IA 51351. Representative: Foster L. Kent, P.O. Box 285, Council Bluffs, IA 51502. Transporting *textile mill products,* as described in Item 22 of the Standard Transportation Commodity Code, between points in the U.S., under continuing contract(s) with Kirsch Fabric Corporation, of Minneapolis, MN.

MC 149406 (Sub-3F), filed October 1, 1980. Applicant: E. W. WYLIE CORPORATION, P.O. Box 1188, 222 40th St. SW, Fargo, ND 58107. Representative: Thomas J. Van Osdel, 502 1st National Bank Bldg., Fargo, ND 58126. Transporting *iron and steel articles,* from Sioux Falls, SD, to points in MN, MT, ND, and WY.

MC 149406 (Sub-4F), filed October 1, 1980. Applicant: E. W. WYLIE CORPORATION, P.O. Box 1188, Fargo, ND 58107. Representative: Thomas J. Van Osdel, 502 1st National Bank Bldg., Fargo, ND 58126. Transporting (1) *iron and steel articles, and fabricated metal products,* from the facilities of West Central, Inc., and Central Minnesota Fabricators, Inc., at or near Willmar, MN, to points in MT, ND, and SD, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, from points in IA, IL, and IN, to the facilities of West Central Steel, Inc., and Central Minnesota Fabricators, Inc., at or near Willmar, MN.

MC 150497 (Sub-3F),filed October 1, 1980. Applicant: D AND R TRUCKING CO., a corporation, P.O. Box 38, Hoople, ND 58243. Representative: David C. Britton, 1425 Cottonwood St., Grand Forks, ND 58201. Transporting *such commodities* as are dealt in or used by wholesale distributors of alcoholic beverages, between points in Ramsey County, MN, and Milwaukee and La Crosse Counties, WI, on the one hand, and, on the other, points in Polk and Pennington Counties, MN, and Grand Forks County, ND.

MC 151496 (Sub-1F),filed September 30, 1980. Applicant: WARDICK TRUCKING, INC., RD #4, Box 260, Auburn, NY 13152. Representative: Carl Hornung (same address as applicant). Transporting *coal,* from points in PA to points in NY.

MC 151556 (Sub-1F), filed September 29, 1980. Applicant: ALLSTATE TRANSPORTATION COMPANY, 10700 Lyndale Ave. South, Minneapolis, MN 55420. Representative: George L. Hirschbach, 920 West 21st St., P.O. Box 155, South Sioux City, NE 68776. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in IA, IL, IN, KS, MI, MN, MO, ND, NE, SD, and WI.

MC 15027F, filed September 29, 1980. Applicant: JOHNSRUD TRANSPORT, INC., P.O. Box 447, Cresco, IA 52136. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *vegetable oils and blends of vegetable oils,* between points in the U.S., under continuing contract(s) with Cargill, Incorporated, of Des Moines, IA.

MC 152037 (Sub-F), filed September 30, 1980. Applicant: SHAY TRUCKING CO., INC., 51 E. 10th St., Yuma, AZ 85364. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *petroleum and petroleum products,* between points in the U.S., under continuing contract(s) with Shay Oil Company, Inc. at Yuma, AZ.

MC 152046F, filed September 29, 1980. Applicant: JERRY HOLMER, d.b.a. HOLMER TRUCKING, Rt. 2, Park Rapids, MN 56470. Representative: David C. Britton, 1425 Cottonwood St., Grand Forks, ND 58201. Transporting *lumber and wood products,* between points in WA, ID, and MT, on the one hand, and, on the other, points in MN.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-32032 Filed 10-14-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier 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.gs., 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 on or before December 1, 1980 (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. On or before December 15, 1980, 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. OP1-048

Decided: October 3, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 125551 (Sub-19F), filed September 30, 1980. Applicant: K & W TRUCKING CO., INC., 101 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby, 203 Cooper Ave. No., St.Cloud, MN 56301. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 148060 (Sub-4F), filed September 29, 1980. Applicant: STOVER LINES, INC., 5636 NW 17th St., Topeka, KS 66618. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010

Tyler, Suite 110L, Topeka, KS 66612. 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.

MC 135570 (Sub-4F), filed September 26, 1980. Applicant: MOBILE AIR TRANSPORT, INC., P.O. Box 219, Latham, NY 12110. Representative: W. Norman Charles, P.O. Box 724, Glens Falls, NY 12801. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 151971F, filed September 23, 1980. Applicant: MANAGEMENT & TERMINAL OPERATORS, INC., P.O. Box 380787, Miami, FL 33138. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave. NW., Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives) between points in Dade, Palm Beach, Broward, Monroe, Duval, Nassau, and St. John Counties, FL, restricted to traffic having a prior or subsequent movement by water.

Volume No. OP3–035

Decided: October 2, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 121654 (Sub-40F), filed September 22, 1980. Applicant: COASTAL TRANSPORT & TRADING CO., P.O. Box 7438, Savannah, GA 31408. Representative: Alan E. Serby, 3390 Peachtree Rd., N.E., 5th Floor, Lenox Towers South, Atlanta, GA 30326. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. Government, between points in the U.S.

MC 145935 (Sub-8F), filed September 22, 1980. Applicant: ALL STATES TRANSPORTATION, INC., Rt. 1, Box 27, Fort Worth, TX 76179. Representative: Harry F. Horak, 5001 Brentwood Stair Rd., Suite 115, Fort Worth, TX 76112. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. Government, between points in the U.S.

Volume No. OP3–036

Decided: October 2, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 2605 (Sub-17F), filed September 23, 1980. Applicant: COMMERCIAL TRANSPORTATION, INC., 2300 E. Adams Ave., Philadelphia, PA 19124. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting (1) *chemicals*, and (2) *materials and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk), between points in Middlesex County, NJ, on the one hand, and, on the other, points in KY, IL, IN, MI, and WV.

MC 30844 (Sub-702F), filed September 22, 1980. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 4616 E. 67th St., Tulsa, OK 74121. Representative: Larry L. Strickler, P.O. Box 5000, Waterloo, IA 50704. Transporting (1) *paper and paper products*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of commodities in (1) above (except commodities in bulk, in tank vehicles), between points in the U.S. (except AK and HI).

MC 30844 (Sub-703F), filed September 22, 1980. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 21222, Tulsa, OK 74121. Representative: Larry Strickler, P.O. Box 5000, Waterloo, IA 50704. Transporting (1) *dental, hospital, hygienic, medical*, and *surgical supplies*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between Argonne, IL, and Menlo Park, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 41064 (Sub-7F), filed September 22, 1980. Applicant: KENT EXPRESS, INC., Railroad & Gaff Sts., Aurora, IN 47001. Representative: Gerald R. Sauser, Sr. (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission), between points in OH, KY, and IN.

MC 59694 (Sub-9F), filed September 23, 1980. Applicant: CENTRAL TRUCK SERVICE, INC., 4440 Buckingham Ave., Omaha, NE 68107. Representative: Arlyn L. Westergren, 7101 Mercy Rd., Suite 106, Omaha, NE 68106. Transporting (1) *foodstuffs*, (2) *meats, meat products and meat byproducts, and articles distributed by meat-packing houses* (except foodstuffs), and (3) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities in (1) and (2) above, between points in the U.S., under continuing contract(s) with Swift Independent Packing Company, a Division of Swift & Company, of Chicago, IL.

MC 73165 (Sub-524F), filed September 19, 1980. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd St., Birmingham, AL 35222. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting *iron and steel articles*, between points in TX and LA, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, KY, MD, MS, NY, NC, PA, SC, TN, CT, DE, MA, ME, MI, NH, NJ, OH, RI, VT, WV, WI, IA, MO, and DC. Condition: Issuance of a certificate is subject to prior or coincidental cancellation, at applicant's written request, of Certifcate No. MC 73165 Sub 457.

MC 106674 (Sub-508F), filed September 23, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *ground limestone*, between points in Monroe County, IN, on the one hand, and, on the other, points in IL, KY, MI, MO, OH, and WI.

MC 106674 (Sub-509F), filed September 22, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting (1) *feed ingredients, minerals, ground ores, fertilizer ingredients, and pigments*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between Orland Park, Rosiclare, Springfield, and Quincy, IL, St. Louis, MO, Philadelphia, PA, and El Paso, TX, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, OK, and TX.

MC 116544 (Sub-216F), filed September 19, 1980. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Transporting *food and kindred products*, as described in Item 20 of the Standard Transportation Commodity Code Tariff, between points in Los Angeles, Orange, and Riverside Counties, CA, and Bernalillo County, NM, on the one hand, and, on the other, points in AL, CO, FL, GA, IA, IN, KY, LA, MI, MO, MS, NE, NM, OH, TN, and TX.

MC 140614 (Sub-1F), filed August 18, 1980. Applicant: C & C TRANSPORT, INC., P.O. Box 400, Bryson City, NC 28713. Representative: George M. Catlett, Suite 708, McClure Bldg., Frankfort, KY 40601. Transporting (1) *furniture*, and (2) *materials, equipment, and supplies* used in the manufacture of furniture, between Whittier and Black Mountain, NC, on the one hand, and, on the other, points in AL, AR, GA, IL, IN,

KY, LA, MO, MS, NC, OH, SC, TN, VA, and WV.

MC 142364 (Sub-41F), filed September 23, 1980. Applicant: KENNETH SAGELY TRUCKING COMPANY, a corporation, P.O. Box 396, Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *general commodities* (except household goods as defined by the Commission, commodities in bulk, and classes A and B explosives), between points in the U.S., restricted to traffic originating at or destined to the facilities of Ralston Purina Company.

MC 144054 (Sub-15F), filed September 23, 1980. Applicant: BILL LITTLEFIELD TRUCKING, INC., 775 E. Vilas Road, Medford, OR 97501. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *paint and paint products, coloring agents, thinner, and lacquers,* in containers, from the facilities of Valspar Corporation, at or near Kansas City, MO, to points in the U.S. (except AK and HI).

MC 145955 (Sub-16F), filed September 22, 1980. Applicant: CENTRAL TRUCK SERVICE, INC., 4440 Buckingham Ave., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Transporting *pet foods and pet supplies,* between Omaha, NE, on the one hand, and, on the other, points in IL, IN, IA, MI and WI.

MC 146964 (Sub-12F), filed September 23, 1980. Applicant: RELIABLE TRUCK LINES, INC., 1451 Spahn Ave., York, PA 17403. Representative: Michael Valencik (same address as applicant). Transporting (1) *paper and paper products, woodpulp, plastic and plastic products,* and (2) *material and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between points in the U.S., restricted to traffic originating at or destined to facilities used by Georgia-Pacific Corporation.

MC 149084 (Sub-1F), filed September 23, 1980. Applicant: KALE EQUIPMENT RENTALS, INC., 4110 Church Rd., Mount Laurel, NJ 08054. Representative: David Kauffman (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission), and classes A and B explosives, between points in VA, on the one hand, and, on the other, points in CT, NY, NJ, PA, DE, MD, and DC.

Note.—Issuance of a certificate in this proceeding is subject to coincidental cancellation of carrier's existing certificate and permits in MC–149084 and MC–47662, respectively, as requested by applicant.

MC 151025 (Sub-1F), filed September 23, 1980. Applicant: FRANKLIN McVEY, P.O. Box 8, Des Arc, AR 72040. Representative: James M. Duckett, 411 Pyramid Life Bldg., Little Rock, AR 72201. Transporting *agricultural chemicals* (except in bulk), between points in AR, MO, OK, TX, LA, IA, AL, MS, TN, PA, IN, IL, KS, and FL.

MC 151764 (Sub-1F), filed September 8, 1980. Applicant: HOWARD BAILEY, 6253 Fernwood Terrace, Riverdale, MD 20840. Representative: (same as applicant). Over regular routes, transporting *passengers and their baggage,* in the same vehicle with passengers, between La Plata, MD, and Washington, D.C.: From La Plata over U.S. Hwy 301 to junction MD Hwy 225, then over MD Hwy 225 to junction MD Hwy 210, then over MD Hwy 210 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction Interstate Hwy 295, then over Interstate Hwy 295 to Washington, D.C., and return over the same route, serving all intermediate points in MD.

MC 151775 (Sub-1F), filed September 5, 1980. Applicant: RAYMOND L. COOK, d.b.a. JAC LEASING, 415 Morris Ave., Boonton, NJ 07005. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180. Transporting (1) *plastic containers, container ends and container closures,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S., under continuing contract(s) with A & E Plastics Eastern Div., of Rockaway, NJ.

MC 151784 (Sub-1F), filed September 5, 1980. Applicant: O.D. WATSON, d.b.a. O.D. WATSON TRUCKING, Route 2 Box 330, Lucama, NC 27851. Representative: O. D. Watson (same address as applicant). Transporting (1) *eletrical switchgear* and *circuit breakers,* and (2) materials and supplies used in the manufacture and distribution of the commodities in (1) above, between points in NC, on the one hand, and, on the other, points in the U.S.

Volume No. OP3–038

Decided: October 3, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 107515 (Sub-1392F), filed September 22, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Rd., N.E., 5th Floor-Lenox Towers South, Atlanta, GA 30326. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitivie weapons and munitions) for the U.S. Government, between points in the U.S.

MC 116325 (Sub-86F), filed September 15, 1980. Applicant: JENNINGS BOND, d.b.a. BOND ENTERPRISES, P.O. Box 8, Lutesville, MO 63762. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. Government, between points in the U.S.

MC 124174 (Sub-180F), filed September 19, 1980. Applicant: MOMSEN TRUCKING CO., a corporation, 13811 "L" St., Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. Government, between points in the U.S.

MC 131034 (Sub-1F), filed September 22, 1980. Applicant: HAROLD L. BECKLEY, P.O. Box 726, Chino, CA 91710. Representative: Miles L. Kavaller, 315 South Beverly Drive, Suite 315, Beverly Hills,CA 90212. *Broker,* in arranging for the transportation of *general commodities* (except household goods), between points in the U.S.

MC 131035 (Sub-1F), filed September 22, 1980. Applicant: AGRA ENTERPRISES, INC., 321 Castle Shannon Blvd., Pittsburgh, PA 15234. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. *Broker,* in arranging for the transportation of *general commodities* (except household goods), between points in the U.S.

MC 131044 (Sub-1F), filed September 25, 1980. Applicant: R & R TRUCK BROKERS, INC., P.O. Box 3815, Central Point, OR 97502. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201. *Broker,* in arranging for the transportation of *general commodities* (except household goods), between points in the U.S.

MC 142334 (Sub-1F), filed September 16, 1980. Applicant: F.A.F. INC., 5824 Lone Pine Street, Jacksonville, FL 32216. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting *shipments weighing 100 pounds or less,* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 142334 (Sub-1F), filed September 16, 1980. Applicant: F.A.F. INC., 5824

Lone Pine Street, Jacksonville, Fl 32216. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting *shipments weighing 100 pounds or less,* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 150904 (Sub-1F), filed September 15, 1980. Applicant: PETE SINGH DISTRIBUTING, INC., 3725 Alameda, El Paso, TX 79905. Representative: Bruce J. Ponder, 1155 Westmoreland, Suite 228, El Paso, TX 79925. Transporting *food and other edible products (including byproducts but excluding alcoholic beverages and drugs) intended for human consumption, agricultural limestone and other soil conditioners, and agricultural fertilizers,* if such transportation is provided with the owner of the motor vehicle in such vehicle, except in emergency situations, between points in the U.S.

MC 150954 (Sub-1F), filed September 25, 1980. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. Government, between points in the U.S.

MC 151785 (Sub-1F), filed September 8, 1980. Applicant: CONTRACT CARTAGE CORPORATION, 1104 Merridale Blvd., Mount Airy, MD 21771. Representative: Alvin Quittner (same address as applicant). Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. Government, between points in the U.S.

Volume No. OP4–075

Decided: October 3, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 150496 (Sub-6F), filed September 29, 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. Transporting *general commodities,* between Belzoni, Inverness, Isola, Ruleville, and Vance, MS, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

Volume No. OP4–078

Decided: October 2, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman. Member Eaton not participating.

MC 131047F, filed September 23, 1980. Applicant: CONTAINERFREIGHT TRANSPORTATION COMPANY, a corporation, 2300 East Sepulveda Blvd., Wilmington, CA 90744. Representative: Bobbie F. Albanese, 13215 E. Penn St., Suite 310, Whittier, CA 90602. As a *broker* to arrange for the transportation of *general commodities* (except household goods) between points in the U.S.

MC 134367 (Sub-5F), filed September 26, 1980. Applicant: AIR CARGO DISPATCH, INC., P.O. Box 783, Latham, NY 12110. Representative: W. Norman Charles, P.O. Box 724, Glens Falls, NY 12801. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 146176 (Sub-10F) filed September 26, 1980. Applicant: J & L TRANSPORT, INC., Route 1, Box 306, Almond, WI 54909. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Transporting *general commodities* (except used household goods, hazardous or sensitive materials, and sensitive weapons and munitions) for the United States Government, between points in the U.S.

Volume No. OP4–084

Decided: October 7, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 738663 (Sub-8F) filed September 25, 1980. Applicant: LOUIS J. GARDELLA, INC., 111 Harbor Ave., Norwalk, CT 06852. Representative: Winthrop E. DeLapp (same address as applicant). Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 134286 (Sub-170F) filed September 30, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. 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.

MC 143387 (Sub-11F) filed October 1, 1980. Applicant: ASSOCIATED COURIERS, INC., 342 Fee Fee Rd., Maryland Heights, MO 63043. Representative: H. Barney Firestone, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 147077 (Sub-7F) filed September 27, 1980. Applicant: Q. T. TUGGLE, d.b.a. CALIFORNIA WESTERN, 3325 Linden Ave., Long Beach, CA 90807. Representative: Q. T. Tuggle (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.

MC 152036F, filed September 30, 1980. Applicant: SAMUEL A. BRUNI, 3513 El Cortez Ave., Las Vegas, NV 89102. Representative: Lawrence Marquette, P.O. Box 711 Pebble Beach, CA 93953. Transporting *food and other edible products (including edible byproducts but excluding alcoholic beverages and drugs) intended for human consumption, agricultural limestone and other soil conditioners, and agricultural fertilizers,* by the owner of the motor vehicle in such vehicle, between points in the U.S..

MC 152047F, filed September 29, 1980. Applicant: CONNECTICUT DELIVERY SERVICE, INC., 740 Washington Ave., Bldg. 10, West Haven, CT 06516. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OP5–025

Decided: October 3, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 44128 (Sub-41F), filed September 17, 1980. Applicant: EPES TRANSPORT SYSTEM, INC., P.O. Box 4038, 314 S. Seventh Street, Richmond, VA 23224. Representative: Lawrence E. Lindeman, 425–13th Street, NW., Suite 1032, Washington, D.C. 20004. Transporting *general commodities* (except used household goods, hazardous or secret materials, and senitive weapons and munitions), for the U.S. Government, between points in the U.S.

MC 109638 (Sub-39F), filed September 26, 1980. Applicant: EVERETTE TRUCK LINE, INC., P.O. Box 1927, Cherry Rd., Washington, NC 27889. Representative: Cecil W. Bradley (same address as applicant). Transporting *general commodities* (except used household goods as defined by the Commission,

hazardous or secret materials, and senitive weapons and munitions), for the United States Government, between points in the U.S..

MC 131029F, filed September 18, 1980. Applicant: ROSS PROPERTY BROKERAGE DIVISION, a division of C.H. ROBINSON COMPANY, a corporation, 7525 Mitchell Road, Eden Prairie, MN 55344.. Representative: Stanley C. Olsen, Jr., 7400 Metro Blvd., Suite 411, Edina, MN 55435. To engage in operations as a *broker*, in arranging for the transportation of *general commodities* (except household goods), between points in the U.S.

MC 131038F, filed September 22, 1980. Applicant: WARD MOVING, & STORAGE CO., INC., 324 Clearlake Rd. Cocoa, FL 32922. Representative: James E. Wharton, Suite 811, Metcalf, Bldg., 100 South Orange Ave., Orlando, FL 32801. To engage in operations as a broker arranging transportation of *household goods*, as defined by the Commission, between points in Brevard and Volusia Counties, FL, on the one hand, and, on the other, points in the U.S.

MC 131039F, filed September 24, 1980. Applicant: CITY BROKERAGE, INC., 509 Sauk Path, Oakbrook, IL 60521. Representative: Robert L. Cope, 1730 M St., NW, Suite 501, Washington, DC 20036. Engaging in operations as a broker to arrange for the transportation of *general commodities* (except household goods), between points in the U.S.

MC 131048F, filed September 26, 1980. Applicant: E. W. SCARBOROUGH, INC., P.O. Box 6716, Phoenix, AZ 85005. Representative: Scott E. Daniel, 800 Nebraska Savings, Bldg., 1623 Farnam, Omaha, NE 68102. To arrange for the transportation of *general commodities* (except household goods), between points in the U.S.

MC 131049F, filed September 26, 1980. Applicant: RAM TRANSPORTATION SERVICES, INC., P.O. Box 1287, Mesquite, TX 75149. Representative: Bob R. Bunch, (same address as applicant). To engage in operations as a broker arranging for the transportation of *general commodities* (except household goods), between points in the U.S.

MC 138438 (Sub-91F), filed September 23, 1980. Applicant: D. M. BOWMAN, INC., Route #2, Box 43A1, Williamsport, MD 21794. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. Government, between points in the U.S.

MC 143129 (Sub-1F), filed September 25, 1980. Applicant: B.J.T. TRANSPORT, INC., P.O. Box 4485, East Providence, RI 02915. Representative: Morris J. Levin, 1050 17th St., NW., Suite 701, Washington, DC 20036. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the U.S. Government, between points in the U.S.

MC 149548F, filed September 19, 1980. Applicant: LAWRY AIR FREIGHT, INC., 16 Union Avenue, Westfield, MA 01085. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 149568F, filed September 19, 1980. Applicant: TRUCK SERVICE COMPANY, a corporation, 2169 E. Blaine, Springfield, MO 65803. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. Government, between points in the U.S.

MC 149578F, filed September 22, 1980. Applicant: STOUT CORPORATION, 1200 West 200 South, P.O. Box 186, Provo, UT 84601. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. Government, between points in the U.S.

MC 151609F filed August 19, 1980, published initially in the **Federal Register** on September 10, 1980. Applicant: BRIAN KARGMAN, d.b.a. B. K. Leasing CO., Dutch Mill Rd., Franklinville, NJ 08322. Representative: David Earl Tinker, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036. Transporting *general commodities* (except used household goods as defined by the Commission, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S. This application is republished to show the restriction against the transportation of "used household goods" in lieu of "household goods."

MC 151909F filed September 17, 1980. Applicant: THOMAS C. DELANEY d.b.a DELANEY'S MESSENGER SERVICE, 203 Middle St., Bristol, CT 06010. Representative: Thomas C. Delaney, 80 Melrose St., Bristol, CT 06010. Transporting *shipments* weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 151949F filed September 22, 1980. Applicant: MID-AMERICA COURIER, INC., 3355 Shadow Brook Dr., Indianapolis, IN 46224. Representative: Richard E. Aikman, Jr., 300 Merchants Bank Bldg., Indianapolis, IN 46204. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 152009F filed September 26, 1980. Applicant: MADCO, INC., 5710 N. Garfield, Gladstone, MO 64118. Representative: Michael A. DiGirolamo (same address as applicant). Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. Government, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-32033 Filed 10-14-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80-26231 appearing on page 57577 in the issue for Thursday, August 28, 1980, in the center column of page 57583, "MC 92306 (Sub-29F)" for Johnson Brothers Truckers, Inc. should have read "MC 91306 (Sub-29F)".

BILLING CODE 1505-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1:00.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it

(1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the appplication is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in this dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act.]

In the absence of legally sufficient petitions for intervention, filed on or before November 14, 1980 (or, if the application later become unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices on or before November 14, 1980, or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate of foreign commerce over irregular routes, except as otherwise noted.

Volume No. 352

Decided: September 26, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 85970 (Sub-40F), filed June 30, 1980. Applicant: SARTAIN TRUCK LINE, INC., 1625 Hornbrook St., Dyersburg, TN 38024. Representative: Larry Kilzer (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment) beween Hickman, KY, on the one hand, and, on the other, points in AR, IL, IN, KY, MO, and TN.

MC 108341 (Sub-193F), filed June 2, 1980. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant). Transporting (1) *waste disposal equipment*, (2) *parts and accessories* for the commodities in (1) above, and (3) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above (except commodities in bulk), between the facilities of Selco Products, Incorporated, at or near Baxley, GA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 145441 (Sub-118F), filed June 16, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant). Transporting (1) *stoves, and stove parts, and (2) materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in AR, NC, OH, TN, and TX, restricted to traffic originating at or destined to the facilities used by Jordon Enterprises, Inc.

MC 146510 (Sub-7F), filed April 28, 1980. Applicant: UNIVERSAL CARTAGE, INC., 640 W. Ireland Rd., South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Contract carrier*, transporting (1)(a) *electrical switch and outlet boxes*, and (b) *materials and supplies* used in the installation of the commodities in (1)(a) (except

commodities in bulk), from the facilities of Raco, Inc., at South Bend, IN, to points in the U.S. (except AK and HI), and (2) *materials and equipment* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction, under continuing contract(s) with Raco, Inc., of South Bend, IN.

MC 146010 (Sub-3F), filed December 19, 1979. Applicant: MOTOR CARGO TRANSPORT CORP., 21 D'Shibe Terrace, Vineland, NJ 08360. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave. NW., Washington, DC 20036. Transporting (1) *containers and container accessories*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in Cumberland County, NJ, on the one hand, and, on the other, points in CT, DE, MA, MD, NJ, NY, PA, RI, VA, WV, and DC.

Volume No. 353

Decided: September. 26, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 41951 (Sub-50F) filed April 29, 1980, and previously published in **Federal Register** issue of July 22, 1980. Applicant: WHEATLEY TRUCKING, INC., P.O. Box 458, Cambridge, MD 21613. Representative: Gary E. Thompson, 4304 East-West Highway, Washington, DC 20014. Transporting *foodstuffs*, and *materials and supplies* used in the manufacture or distribution of foodstuffs (except commodities in bulk), (1) between the facilities of Vlasic Foods, Inc., at or near Millsboro, DE, Imlay City, Bridgeport, and Memphis, MI, and Greenville, MS, and (2) from the facilities of Vlastic Foods, Inc., at or near Millsboro, DE, Imlay City, Bridgeport, and Memphis, MI, and Greenville, SC, to those points in the U.S. in and east of TX, OK, KS, MO, IA, and WI.

Note.—This republication clarifies the territorial description.

MC 119741 (Sub-260F) filed April 7, 1980, and previously noticed in **Federal Register** issue of July 17, 1980. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Avenue, N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: >D. L. Robson (same address as applicant). Transporting *fireplaces* and *fireplace parts and accessories*, from the facilities of Heatilator, a division of Vega Industries Inc., at Centerville and Mount Pleasant, IA, to points in the U.S. (except AK and HI).

Note.—This republication shows Centerville, IA as an origin point.

MC 124421 (Sub-1F) filed April 15, 1980, and previously noticed in **Federal Register** issue of August 26, 1980. Applicant: 88 TRANSIT LINES INC., Arentzen Blvd., Charleroi, PA 15022. Representative: James W. Hagar, P.O. Box 1166, 100 Pine St., Harrisburg, PA 17108. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, between points in Allegheny, Westmoreland, Washington, and Fayette Counties, PA, on the one hand, and, on the other, points in the U.S. (including AK, but excluding HI).

Note.—This republication is intended to clarify and simplify the territorial description which inadvertently contained unclear and confusing territorial descriptions.

Volume No. 354

Decided: October 4, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 20860 (Sub-203F) (republication), filed March 10, 1980, previously noticed in the **Federal Register** issue of July 10, 1980. Applicant: NATIONAL FREIGHT, INC., 71 West Park Ave., Vineland, NJ 08360. Representative: Peter J. Nickles, 888 Sixteenth St., N.W., Washington, DC 20006. Transporting *such commodities* as are dealt in or used by container manufacturers (except commodities in bulk, and those requiring the use of special equipment), between the facilities of Brockway Glass Company, at points in the U.S. (except AK and HI), on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—The purpose of this republication is to indicate the correct territorial description.

MC 29910 (Sub-272F), (partial republication), filed June 23, 1980, previously noticed in the **Federal Register** issue of August 21, 1980. Applicant: ABF FREIGHT SYSTEM, INC., 301 South 11th St., Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902. 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), alternate routes for operating convenience only in conjunction with applicant's regular-route operations, as pertinent, (4) between Birmingham, AL, and Houston, TX, from Birmingham over Interstate Hwy 20/59 to Jackson, MS, then over Interstate Hwy 55 to junction Interstate Hwy 12, then over Interstate Hwy 12 to Junction Interstate Hwy 10, then over Interstate Hwy 10 to Houston, and return over the same route, serving Jackson, MS, and the termini for purposes of joinder only.

Note.—The purpose of this partial republication is to correct the territorial description in Route (4) above. The rest of the publication remains the same.

MC 29910 (Sub-279F), (partial republication), filed July 2, 1980, previously noticed in the **Federal Register** issue of August 21, 1980. Applicant: ABF FREIGHT SYSTEM, INC, 301 South 11th St., Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902. 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), as pertinent, (1) between Sacramento, CA, and Letterkenny Army Depot, at or near Chambersburg, PA, from Sacremento over Interstate Hwy 80 to junction UT Hwy 186, then over UT Hwy 186 to junction Interstate Hwy 15, then over Interstate Hwy 15 to junction Interstate Hwy 80 North, then over Interstate Hwy 80 North to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 76, then over Interstate Hwy 76 to junction U.S. Hwy 30 at Breezewood interchange, then over U.S. Hwy 30 to junction U.S. Hwy 11, then over U.S. Hwy 11 to Letterkenney Army Depot, and return over the same route, serving no intermediate points.

Note.—The purpose of this partial republication is to correct the territorial description in Route (1) above. The rest of the publication remains the same.

MC 142960 (Sub-3F), (republication), filed January 29, 1980, previously noticed in the **Federal Register** issue of April 3, 1980. Applicant: HUGH AND LAILA PIXLEY d.b.a., PIXLEY TRANSPORTATION, 1410 Oak, P.O. Box 927, Forsyth, MT 59327. Representative: Hugh Pixley (same address as applicant). *Contract carrier*, transporting *passengers and their baggage* in the same vehicle with passengers, between Boundary, Bonner, Kootenai, Shoshone, ID, Divide, Williams, McKenzie, Burke, Mountrail, Renville, and Ward, ND, points in Spokane County, WA, and points in Lincoln, Sanders, Mineral, Glacier, Flathead, Lake, Missoula, Granite, Powell, Lewis and Clark, Teton, Pondera, Liberty, Cascade, Jefferson, Broadwater, Gallatin, Meagher, Chouteau, Hill, Blaine, Fergus, Judith Basin, Wheatland, Sweet Grass, Park, Phillips, Petroleum, Musselshell, Golden Valley, McCone, Roosevelt, Daniels, Sheridan, and Richland Counties, MT, under continuing contract(s) with

Burlington Norther, Inc., of Missoula, MT.

Note.—The purpose of this republication is to give the correct spelling of the points or counties sought.

MC 145720 (Sub-1F), filed August 13, 1979. Applicant: STORE WIDE DELIVERY CO., INC., 2820 16th St., North Bergen, NJ 07047. Representative: Richard Rueda, 133 North 4th St., Philadelphia, PA 19106. Transporting (1) *wearing apparel, cosmetics, and jewelry,* and (2) *supplies* used in the distribution of the commodities in (1) above (except in bulk), between points in the U.S., under continuing contract(s) with Commonwealth Trading, Inc., a subsidiary of Zayre Corporation, of Framingham, MA.

Note.—The above authority is modified to reflect the Motor Carrier Act of 1980.

MC 147900 (Sub-4F), filed June 19, 1980, and previously noticed in **Federal Register** issue of August 13, 1980. Applicant: COLLINS WHOLESALE SUPPLY, INC., 4073 Hooker Rd., Roseburg, OR 97470. Representative: Kerry D. Montgomery, 400 Pacific Bldg., Portland, OR 97204. Transporting *building materials* (1) from points in CA to points in ID, OR, UT, and WA, and (2) from points in OR to points in WA.

Note.—This republication shows ID as a destination state in part (1).

MC 148721 (Sub-2F), filed June 16, 1980, and previously noticed in **Federal Register** issue of July 31, 1980. Applicant: H & D TRANSPORTATION, INC., 9850 Adella Ave., South Gate, CA 90280. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. 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), (a) between points in AZ, CA, ID, MT, NV, OR and WA, and (b) from Los Angeles, CA to points in AZ, CA, ID, MT, NV, OR, and WA, restricted in (a) and (b), to traffic moving on bills of lading of freight forwarders as defined in 49 U.S.C. 10102(8) (1978) (formerly section 402(a)(5) of the Interstate Commerce Act.

Note.—This republication clarifies the territorial description.

Volume No. 355

Decided: October 3, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 54819 (Sub-4F), filed April 14, 1980. Applicant: T. F. BOYLE TRANSPORTATION, INC., 21 Everett St., Matick, MA 01760. Representative: Thomas F. Boyle (same address as applicant). Transporting *classes A and B explosives,* and *shipments* desiginated as sensitive by the Department of Defense, between points in CT, DE, MA, ME, MD, NH, NJ, NY, PA, VA, VT, and DC.

Note.—To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in points of time to a period expiring five years from date of issue.

Volume No. 356

Decided: October 8, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 142672 (Sub-153F), filed April 7, 1980. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *automotive timing components* and *metal castings,* between the facilities of Gloyes Gear Company, at or near Paris, AR, on the one hand, and, on the other, points in MI, NY, OH, and UT.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-32031 Filed 10-14-80; 8:45 am]

BILLING CODE 7035-01-M

[MC-F-14448; MC-F-14449]

Union Pacific Corp., Pacific Rail System, Inc., & Union Pacific Railroad Co.—Control—WPX Freight System, Inc.—Missouri Pacific Truck Lines, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Applications accepted for consideration.

SUMMARY: The Commission is accepting for consideration the above-entitled applications. The Commission is also setting a schedule for the proceedings.

DATES: Written comments must be filed with the Interstate Commerce Commission by December 15, 1980.

ADDRESSES: An original and 10 copies of all statements should be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Ellen Hanson, (202) 275-7245.

SUPPLEMENTAL INFORMATION: In MC-F-14448 Union Pacific Corporation (UPC), Pacific Rail System, Inc. (PRS), Union Pacific Railroad Company (UPRR), and WPX Freight Systems, Inc. (WPXF) filed an application on September 15, 1980, under 49 U.S.C. 11343 and 11344, seeking authorization for UPC, PRS, and UPRR to acquire control of WPXF through the ownership of capital stock. WPXF is a wholly-owned subsidiary of Standard Realty and Development Company, a non-carrier, which is presently a wholly-owned subsidiary of The Western Pacific Railroad Company (WPRR).

The operating rights sought to be controlled include general commodity authority (with certain exceptions) between points within CA, UT, and NV. Operations under the authority are restricted to service which is auxiliary to, or supplemental of, rail service and are subject to a key point restriction at Winnemucca, NV. The rights are more fully described in certificate number MC-139960. Other operating rights sought to be controlled include the authority sought in an application filed by WPXF, presently pending in Docket No. MC-139960 (Sub-No. 1F), to transport general commodities (with certain exceptions (over regular routes between points in CA, UT, NV, ID, and OR, and the authority sought in an application which WPXF intends to file to transport general commodities (with certain exceptions) over regular routes between Los Angeles, CA, and points within NV, UT, ID, and OR. These operations, if approved by the Commission, will not be restricted to service which is auxiliary to, or supplemental of, rail service.

In MC-F-14449, UPC, PRS, and UPRR, and Missouri Pacific Truck Lines, Inc., (MPTL) filed an application on September 15, 1980, under 49 U.S.C. 11343 and 11344 seeking authorization for UPC, PRS, and UPRR to acquire control of MPTL through stock ownership. MPTL is a wholly-owned subsidiary of Missouri Pacific Railroad Company (MPRR), which is a wholly-owned subsidiary of Missouri Pacific Corporation (MPC).

The operating rights sought to be controlled include general commodity authority (with certain exceptions) and specified commodity authorities as a common carrier over regular and irregular routes between points within TX, AR, MO, KS, NE, LA, TN, and NM, as well as between points in KS and MO, IL and MO, and AR and LA. Operations under some of these authorities are restricted to service which is auxiliary to, or supplemental of, rail service. These rights are more fully described in Certificate No. MC-89723 and sub-numbers. Applicants also are seeking control of the operating rights being sought by MPTL to operate between points in AR, MO, KS, CO, OK, NE, LA, and TX, and all points in AR, KS, MO, CO, TX, NE, IA, IL, TN, KY, AL, MS, OK, NM, AZ, OH, and LA. These operations, if approved, will be

restricted to traffic having a prior or subsequent movement by railroad.

Union Pacific Motor Freight Company (UPMF), UPRR's wholly-owned subsidiary, holds motor common carrier authority pursuant to Certificate No. MC–110388.

These applications are directly related to the merger and securities applications filed by UPC, PRS, UPRR, MPC, MPRR, and WPRR under 49 U.S.C. 11343 and 11301. Notice of these applications are published separately in this edition of the **Federal Register** under Finance Docket Nos. 30,000 et al. The time limits established for Finance Docket No. 30,000 will be applied to these motor carrier applications and the applications shall be consolidated for hearing. Comments supporting or opposing the applications are due by December 15, 1980. The original and 10 copies of these comments should be filed with the Commission at the address shown above, and should be served on applicant's representatives.

UPC's representative is Forrest N. Krutter, 1416 Dodge Street, Omaha, NE 68179.

WPXF's representatives are Walter G. Treanor and Stephen T Rudman, 526 Mission Street, San Francisco, CA 94105.

MPTL's representative is Joseph J. Gazzoli, Missouri Pacific Bldg., 210 N. 13th Street, St. Louis, MO 63103.

We have reviewed the applications and find them to be complete.

It is ordered:

(1) The applications in Docket Nos. MC–F–14448 and MC–F–14449 are accepted for consideration.

(2) This decision is effective on Oct. 15, 1980.

Dated: October 9, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapps, Trantum, Alexis, and Gilliam. Vice Chairman Gresham not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-32311 Filed 10-14-80; 11:28 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30,000 (Sub-No. 1—Sub-No. 10)]

Union Pacific Corp. and Union Pacific Railroad Co. et al; Applications Accepted for Consideration

Decision Finance Docket No. 30,000, Union Pacific Corporation and Union Pacific Railroad Company—Control—Missouri Pacific Corporation and Missouri Pacific Railroad Company; Finance Docket No. 30,000 (Sub-No. 1), Union Pacific Corporation and Union Pacific Railroad Company—Control—The Western Pacific Railroad Company; Finance Docket No. 30,000 (Sub-No. 2), Union Pacific Corporation—Securities, Finance Docket No. 30,000 (Sub-No. 3); Missouri Pacific Corporation—Securities, Finance Docket No. 30,000 (Sub-No. 4); The Western Pacific Railroad Company—Securities, Finance Docket No. 30,000 (Sub-No. 5); Union Pacific Railroad Company—Trackage Rights at Kansas City Over—Missouri Pacific Railroad Company; Finance Docket No. 30,000 (Sub-No. 6), Union Pacific Railroad Company—Trackage Rights at St. Joseph, MO Over—Missouri Pacific Railroad Company; Finance Docket No. 30,000 (Sub-No. 7), Missouri Pacific Railroad Company—Trackage Rights at Omaha-Council Bluffs, NE–A Over—Union Pacific Railroad Company; Finance Docket No. 30,000 (Sub-No. 8), Union Pacific Railroad Company and Missouri Pacific Railroad Company—Pooling between Omaha-Council Bluffs and Kansas City; Finance Docket No. 30,000 (Sub-No. 9), Union Pacific Railroad Company and Missouri Pacific Railroad Company—Pooling between Beloit and Salina, KS; Finance Docket No. 30,000 (Sub-No. 10), Union Pacific Railroad Company and Missouri Pacific Railroad Company—Pooling between Lincoln and Kansas City.

AGENCY: Interstate Commerce Commission.

ACTION: Applications accepted for consideration.

SUMMARY: The Commission is accepting for consideration the applications for Union Pacific Corporation, Pacific Rail System, Inc., and Union Pacific Railroad Company to control (1) Missouri Pacific Corporation and Missouri Pacific Railroad Company and (2) The Western Pacific Railroad Company. The Commission is also accepting for consideration related applications by these parties to enter into trackage rights and pooling agreements, and to issue securities. The Commission is setting a schedule for the consolidated proceeding.

DATES: Written comments must be filed with the Interstate Commerce Commission no later than December 15, 1980. Responsive applications must be filed no later than January 13, 1981.

FOR FURTHER INFORMATION CONTACT: Ellen Hanson, (202) 275–7245

ADDRESS: An original and 10 copies of all statements should be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423

SUPPLEMENTAL INFORMATION: On September 15, 1980, Union Pacific Corporation (UPC), Pacific Rail System, Inc. (PRSI) and Union Pacific Railroad Company (UPRR) (collectively UP) and Missouri Pacific Corporation (MPC) and Missouri Pacific Railroad Company (MPRR) (collectively MP) jointly filed an application under 49 U.S.C. 11343 and 11344 seeking authority for UP to control MP. On the same date, UP and The Western Pacific Railroad Company (WP) jointly filed an application under 49 U.S.C. 11343 and 11344 seeking authority for UP to control WP.

Also on September 15, 1980, UPC, MPC, and WP filed applications under 49 U.S.C. 11301 for authority to issue securities, UPRR filed 2 applications for trackage rights over MPRR, MPRR filed the application for trackage rights over UPRR, and UPRR and MPRR jointly filed 3 applications for pooling of rail services. These applications are accepted for consideration, and have been assigned Finance Docket Nos. 30,000 and 30,000 (Sub-Nos. 1–10), respectively.

Also filed on September 15, 1980, [and published elsewhere in today's edition of the **Federal Register**] are 2 related motor carrier applications: MC F–14448, *Union Pacific Corporation, Pacific Rail System, Inc., and Union Pacific Railroad Company–Control–WPX Freight System, Inc.*, and MC F–14449, *Union Pacific Corporation, Pacific Rail System, Inc., and Union Pacific Railroad Company–Control–Missouri Pacific Truck Lines, Inc.* All of the applications are consolidated for hearing.

These applications were filed under our current procedural regulations, served August 25, 1980, in Ex Parte 282 (Sub-3), *Railroad Consolidation Procedures*, 363 I.C.C. 200, 218–226 (1980), and the informational requirements proposed in Ex Parte 282 (Sub-No. 3), *Railroad Consolidation Procedures*, served November 8, 1979, published at 44 FR 66626 (November 20, 1979). By our decision of August 11, 1980, published at 45 FR 63164 (September 23, 1980), we authorized the applicants to follow those proposed informational requirements. In that decision, we stated that the authority to proceed under the informational requirements proposed in November, 1979, shall extend to all other persons who may become parties to this proceeding.

We are accepting these applications for consideration because they substantially comply with the applicable regulations and the waivers which we granted. A minor deviation exists, however, in that the Study Movement Sheets in the traffic study do not show the expanded revenues. Because the sample plan followed by applicants utilized a 2 percent sample throughout, the expansion factor is a uniform 50 for all sample movements. Thus the deletion

of the expanded figures will not hinder an analysis of the traffic studies.

On September 24, 1980, we directed applicants to file by November 14, 1980, the additional information required in our August 11, 1980, decision. So that the public will have an opportunity to comment on this information, the period for filing written comments is extended to December 15, 1980. [1]

If the application in Finance Docket No. 30,000 is approved by the Commission, UP Subsidiary Corporation, a whooly-owned subsidiary of UPC, will be merged into MPC. All issued and outstanding shares of MPC stock will then be transferred by UPC to its wholly-owned subsidiary PRSI. UPC will contribute all issued and outstanding shares of UPRR stock to PRSI. UPC through PRSI will indirectly own and control MPC, UPRR, MPRR, and their rail carrier subsidiaries.

If the application in Finance Docket No. 30,000 (Sub-1) is approved by the Commission, UPC and its wholly-owned subsidiaries, PRSI, Pacific Subsidiary, Inc. (PACS), and UPRR will control the WP.

PACS and UPRR currently own 87.25 percent of the issued and outstanding shares of WP Class A common stock, which is held by a trustee in an independent voting trust. After Commission and stockholder approval, Union Subsidiary, Inc., a wholly-owned subsidiary of PACS would be merged into WP, and PACS would own all the issued and outstanding shares of WP. PACS will contribute the WP shares to UPRR. UPC will contribute all issued and outstanding shares of UPRR stock to PRSI. Thus, UPC will indirectly own and control UPRR, WP, and their rail carrier subsidiaries.

Rail carrier subsidiaries of UPRR include: Des Chutes Railroad Company, Los Angeles and Salt Lake Railroad Company; Oregon-Washington Railroad and Navigation Company; St. Joseph and Grand Island Railway Company; and Yakima Valley Transportation Company.

Rail carrier subsidiaries of MPRR include Chicago Heights Terminal Transfer Railroad Company; Doniphan, Kensett & Searcy Railway; and the Weatherford Mineral Wells and North Western Railway Company.

Rail carrier subsidiaries of WP include: Sacramento and Northern Railway and Tidewater Southern Railway Company.

UP operates 9,315 miles of railroad, in the following States: WA, CA, ID, MT, OR, NV, UT, WY, CO, NE, KS, IA, and MO. Its principal lines extend from the western points of Seattle, WA, Portland, OR, and Los Angeles, CA, through Cheyenne, WY and Denver, CO, to Omaha, NE-Council Bluffs, IA and Kansas City, MO.

MP operates 11,500 miles of railroad, in the following States: CO, TX, KS, NE, NM, OK, MO, IL, AR, TN, LA, and MS. Its principal North-South line extends from Chicago, IL to the Gulf Coast points of New Orleans, LA and Galveston, Corpus Christi and Brownsville, TX. Its East-West line extends from Chicago, IL through St. Louis, MO, to Kansas City, MO and Omaha, NE and to Pueblo, CO.

WP operates 1,482 miles of railroad, in the following states: CA, NV, and UT. Its principal line extends between Bieber, and Stockton, CA and to San Francisco, CA in the west and East Salt Lake City, UT in the east.

The principal points of interchange between UP and MP are Omaha-Council Bluffs, NE–IA, Topeka, KS, and Kansas City, MO.

The principal point of interchange between UP and WP is Salt Lake City, UT.

The applicants propose to conduct all operations as a single system. No track abandonments are contemplated in conjunction with the proposals.

The Commission's Energy and Environment Branch has reviewed applicants' Environmental Report, and found it to be complete. Information contained in that report suggests that there is no environmental significance in applicants' proposed action. While information yet to be submitted may cause the Branch to change its position, it is now anticipated that the environmental consequences of this proposed consolidation will be explained in an Environmental Assessment. Comments on this approach are invited.

The applications and exhibits are available for inspection in the Public Docket Room at the offices of the Interstate Commerce Commission in Washington, D.C.

Any interested person may participate in this proceeding by submitting written comments regarding the applications. Comments must be filed no later than December 15, 1980. An original and 10 copies must be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423. Written comments shall be concurrently served by first-class mail on the United States Secretary of Transportation, the Attorney General of the United States, and the applicants' representatives:

C. Barry Schaefer, Vice President-Law, Union Pacific Railroad Company, 1416 Dodge St., Omaha, NE 68179;

Mark M. Hennelly, Senior Vice President & General Counsel, Missouri Pacific Railroad Company, 210 N. 13th St., St. Louis, MO 63103;

Walter G. Treanor, Senior Vice President-Law, The Western Pacific Railroad Company, 526 Mission Street, San Francisco, CA 94105.

Written comments must also be served upon all parties of record within 10 days of service of the service list by the Commission. We plan to issue that service list by December 24, 1980. Any person who files timely written comments shall be considered a party of record if they so indicate in their comments. In this event no petition for leave to intervene need be filed.

Written comments must contain:

(1) The docket number and title of the proceeding;

(2) The name, address and telephone number of the commenting party and its representative upon whom service shall be made;

(3) The commenting party's position, i.e., whether it supports or opposes the proposed transactions;

(4) A statement of whether the commenting party intends to participate formally in the proceeding or merely comment upon the proposal;

(5) A list of all information sought to be discovered from applicant carriers;

(6) An initial list of specific protective conditions sought; and

(7) An analysis of the issues the Commission must consider in this proceeding. Particular attention should be given to our proposed *Railroad Consolidation Procedures, General Policy Statement,* Ex Parte 282 (Sub-6), 45 FR 61335 (1980).

Because we have determined that this proceeding constitutes a major transaction within the meaning of our *Railroad Consolidation Procedures,* Ex Parte 282 (Sub-3), served August 25, 1980, railroads filing written comments must, in addition to the above information, submit:

(1) A copy of any existing preferential solicitation agreements;

(2) A list of run-through train operations; and

(3) A statement of whether the commenting railroad intends to file inconsistent applications, petitions for inclusion, trackage rights, or any other affirmative relief requiring an application to be filed with the Commission. This will be considered a prefiling notice without which the Commission Will Not entertain applications for this type of relief.

[1] Interested persons need not file comments by December 1, 1980, as would have been required if this extension of time were not provided.

Preliminary comments from the Secretary of Transportation and Attorney General must be sent to the Commission by December 30, 1980.

Parties wishing to modify any of their requested specific protective conditions must file a second list of protective conditions no later than January 13, 1981. Parties shall not be permitted to seek any protective conditions other than those requested in either their first or second list of protective conditions.

Parties wishing to file responsive applications must do so no later than January 13, 1981. Responsive applications include inconsistent applications, petitions for inclusion, and any other affirmative relief that requires an application to be filed with the Commission (such as trackage rights, purchase, purchase of a portion, acquisition, extension, construction, operation, pooling, terminal operations, abandonment, et cetera). Any such applications are presumed under our regulations to be major and must conform to the requirements for a major application unless an advance ruling has been given by the Commission that the responsive application is not major.

Any traffic studies and data submitted shall relate to the calendar year January 1, 1979 to December 31, 1979.

Petitions for waiver, clarification or extension of time (of up to 90 days to complete the application) shall be filed no later than December 1, 1980. Petitions seeking to rebut the presumption of a major market extension must also be filed no later than December 1, 1980.

Each responsive application filed and accepted (if required) will be consolidated with the primary applications in this proceeding.

UP, MP and WP are directed to respond by January 2, 1981, to any information requests contained in the written comments of other parties.

Their responses should indicate what information will be voluntarily supplied and the reasons why the remainder of the information will not be voluntarily supplied. We warn parties now that the Commission will not tolerate dilatory tactics in response to reasonable discovery requests designed to elicit relevant evidence and that appropriate disciplinary action will be taken against counsel if such tactics are utilized. A refusal to voluntarily supply information will be treated as an objection to request for discovery. Responses should be served upon all parties of record, and 10 copies of those responses should be concurrently filed with the Commission.

The original and copies of all documents in this proceeding should be filed directly with the Section of Finance, Office of Proceedings, Interstate Commerce Commission, Room 5417.

We will hold an oral evidentiary hearing in this proceeding.

On January 6, 1981, a prehearing conference will be conducted to discuss, among other things, disputes concerning the discovery and production of information. Administrative Law Judge Joseph R. Nacy, who has been designated to conduct the evidentiary portion of these proceedings, will preside. The conference will begin at 9:30 a.m. in Hearing Room B at the Interstate Commerce Commission, 12th Street and Constitution Avenue NW., Washington, D.C.

Any interlocutory appeals from rulings by the Judge will be considered by Division 2. Such appeals must be filed within 5 days after the date on which the ruling appealed from was made. Replies must be filed within 3 days after the appeal is filed.

By statute, the evidentiary phase of the proceeding must be concluded by October 15, 1982. The initial decision will be waived, and the determination of the merits of the applications will be made in the first instance by the entire Commission under 49 U.S.C. 11345.

It is ordered:

1. The applications in Finance Dockets 30,000 and 30,000 (Sub-10) are accepted for consideration.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on October 15, 1980.

Decided: October 9, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam. Vice Chairman Gresham not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-32310 Filed 10-14-80; 11:28 am]

BILLING CODE 7035-01-M

NATIONAL COMMISSION ON SOCIAL SECURITY

Notice of Meeting

October 7, 1980.

The National Commission of Social Security will hold a public meeting in the Grand Canyon Room of the Hyatt Regency Hotel at 400 New Jersey Avenue, N.W, Washington, D.C., on October 31 and November 1, 1980. The purpose of the meeting is to discuss drafts of the final report of the Commission.

The meeting will begin each day at 9:00 a.m. and continue until Commission business is completed, but no later than 5:00 p.m. The meeting will be open to the public, in accordance with the Federal Advisory Committee Act.

Additional information about the meeting may be obtained from the Commission office: Room 125-Pension Building, 440 G Street, N.W., Washington, D.C. 20218; Phone: (202) 376-2622.

Francis J. Crowley,

Executive Director.

[FR Doc. 80-31918 Filed 10-14-80; 8:45 am]

BILLING CODE 6820-AC-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Chemistry; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Chemistry.

Date and time: November 6-7, 1980; 9:00 AM to 5:00 PM each day.

Place: Room 338, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

Type of meeting: Part Open—Open November 6—9:00 AM to 5:00 PM. Open November 7—9:00 AM to 12:00 PM. Closed November 7—1:00 PM to 5:00 PM.

Contact person: Dr. Richard D. Nicholson, Division of Chemistry Natioanl Science Foundation, Washington, D.C. Telephone (202) 632-4262.

Summary minutes: May be obtained from the contact person at the above address.

Purpose of committee: To provide advice and recommendations concerning NSF support for research in chemistry.

Agenda: Open—November 6, 9:00 AM to 5:00 PM and November 7, 9:00 AM to 12:00 PM. General discussion of the current status and future plans of the Chemistry Division. Closed—November 7, 1:00 PM to 5:00 PM to review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such

determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

October 9, 1980.

[FR Doc. 80-32044 Filed 10-14-80; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Earth Sciences, Geology, Geophysics, Geochemistry and Petrology Subcommittees; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting.

Name: Advisory Committee for Earth Sciences (Geology, Geophysics, Geochemistry and Petrology Subcommittees).

Date and time: November 6-7, 1980; 8:30 a.m. to 5:00 p.m. each day.

Place: The National Science Foundation, Room 643, 1800 G Street, NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Robin Brett, Division Director, Earth Sciences, Room 602, National Science Foundation, Washington, D.C. 20550, Telephone (202) 357-7958.

Purpose of committee: To provide advice and recommendations concerning support for research in Earth Sciences.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 522b(c), Government in the Sunshine Act.

Authority: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

October 9, 1980.

[FR Doc. 80-32045 Filed 10-14-80; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee on Condense Matter Sciences of the Advisory Committee for Materials Research; Amendment to Notice of Meeting

The Subcommittee on Condense Matter Sciences of the Advisory Committee for Materials Research is holding a meeting in Washington, D.C. on October 27 and 28, 1980.

The meeting notice is being amended to include an additional session on October 26 from 7:30 p.m. to approximately 10:00 p.m. This session will be held at the National Science Foundation, 1800 G Street, NW., Washington, D.C., Room 540.

The purpose of this additional session is to discuss other Federal agency support of solid state physics.

For futher information, please call Dr. Lewis H. Nosanow at (202) 357-9787. The notice for this meeting originally appeared in the **Federal Register** on Wednesday, September 24, 1980, Vol. 45, No. 187, page 63400.

M. Rebecca Winkler,

Committee Management Coordinator.

October 9, 1980.

[FR Doc. 80-32090 Filed 10-14-80; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee for Law and Social Sciences of the Advisory Committee for Social and Economic Science; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting;

Name: Subcommittee on Law and Social Sciences of the Advisory Committee for Social and Economic Science.

Date and time: November 13 and 14, 1980, 9:00 am to 5:00 pm, each day.

Place: Room 421, National Science Foundation, 1800 G Street, NW Washington, DC 20550,

Type of meeting: Closed—9:00 am to 5:00 pm, November 13 and 14, 1980.

Contact person: Dr. Felice J. Levine, Program Director, Law and Social Sciences, Room 312, National Science Foundation, Washington, DC 20550, Telephone (202) 357-9567.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Law and Social Sciences.

Agenda: Closed—to review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

October 9, 1980.

[FR Doc. 80-32043 Filed 10-14-80; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee for Ocean Sciences Research Advisory Committee for Ocean Sciences; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting;

Name: Subcommittee for Ocean Sciences Research.

Date and time: November 10 and 11, 1980, 9:00 am to 6:00 pm each day.

Place: Rooms 536, 628, 642, and 643, National Science Foundation, 1800 G Street, NW., Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. Robert E. Wall, Head, Oceanography Section, Room 611, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357-7924.

Purpose of meeting: To provide advice and recommendations concerning support for research in Oceanography.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92643. The Committee Management Officer was delegated the authority to make such determination by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

October 9, 1980.

[FR Doc. 80-32089 Filed 10-14-80; 8:45 am]

BILLING CODE 7555-01-M

POSTAL RATE COMMISSION

[Docket No. MC76-5]

Basic Mail Classification Reform Schedule, 1976

October 6, 1980

Notice is hereby given that pursuant to the "Presiding Officer's Notice Postponing Hearing", dated September 30, 1980, the hearing heretofore scheduled to be held on October 3, 1980,

is postponed and is rescheduled to be held on November 12, 1980, at 9:30 a.m., Hearing Room, Postal Rate Commission, 2000 L Street, N.W., Suite 500, Washington, D.C.

David F. Harris,

Secretary.

[FR Doc. 80-31925 Filed 10-14-80; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 17198; SR-CBO-80-1]

Chicago Board Options Exchange, Inc.; Order Disapproving Proposed Rule Change

October 7, 1980.

I. Introduction

On July 8, 1980, the Commission instituted proceedings pursuant to Section 19(b)(2) of the Securities Exchange Act of 1934 ("Act") [1] to determine whether to diaspprove a proposed rule change (SR-CBOE-80-1) filed by the Chicago Board Options Exchange, Incorporated ("CBOE") LaSalle at Jackson, Chicago, Illinois 60607, which would restructure the CBOE disciplinary process.[2] The proposed rule change was adopted by membership petition, over the opposition of the CBOE Board of Directors. According to the CBOE Market Maker Association ("Association"), the proponent of the proposal, the proposed modifications are designed to improve the exchange's judicial procedures to bring them into conformity with the law and Commission regulations. The Association also states that the proposals are designed to reduce the number of enforcement actions brought for violations of CBOE rules, in particular, the rules respecting position limits and off-floor trades by market makers.[3] The CBOE Board of Directors unanimously opposed the proposal on the grounds that adoption would result in unnecessary delay and expense in the resolution of disciplinary matters, as well as instability and lack of continuity in the disciplinary process.[4] The proposal was approved by a membership vote at a special meeting held on December 19, 1979.

After considering the proposed rule change together with all comments and submissions filed with the Commission,[5] the Commission is unable to conclude, for the reasons discussed below, that the proposed rule change is consistent with Sections 6(b)(1), 6(b)(6), 19(g)(1) and 19(h)(4) of the Act. Accordingly, the proposed rule change must be disapproved.

II. Summary of Proposed Rule Change

a. Bifurcation of BCC Functions

The proposal would remove the existing authority of the CBOE Business Conduct Committee ("BCC") to initiate formal disciplinary actions, and would vest that authority in a new Complaint Committee ("CC"), composed of at least seven persons, whose sole function would be to determine whether or not probable cause exists to issue a statement of charges and, if so, to issue the formal charges.[6] Respondents would be entitled to an oral hearing before the CC, with the right to present evidence and to be represented by counsel.[7] If a statement of charges is issued by the CC, a second evidentiary hearing would be held, this time before the BCC, to determine whether a violation has occurred and whether to accept offers of settlement.

The proposal would eliminate the current ability of the BCC to hold hearings by a panel of its members and require the BCC to hold hearings with a full committee.[8] Action taken by the BCC would require the vote of a majority of its members.[9] Similar requirements would be applicable to the CC.[10]

b. Composition and Method of Selection of BCC and CC Members

Eligibility for membership on the BCC and CC would be limited to members and Registered Options Principals ("ROP") associated with members.[11] Thus, the current practice of having a public representative or an officer of the CBOE on the BCC would be discontinued. The proposal also would provide for the annual election of BCC and CC members by the CBOE membership. Candidates for election to either committee would be selected by the CBOE Nominating Committee and additional candidates could be nominated by a petition signed by 100 members.[12] Eligibility for BCC membership would be limited to members or ROPs who are not serving on the Board of Directors and who had not served on the Appeals Committee [13] or the Complaint Committee during the preceding two years. Similarly, a candidate for the CC could not be serving on the Board of Directors nor have been a member of the BCC or the Appeals Committee during the preceding two years.

c. Attorney's Fees

The proposal would authorize the BCC, in its discretion, to award to a respondent the payment of reasonable expenses and attorneys fees if the BCC finds that there was no reasonable basis to support the charge brought against the respondent, or that a charge was frivolous, was brought for the purpose of harassing the respondent or otherwise was brought in bad faith, or was substantially duplicative of other charges brought against the respondent.[14]

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[1] 15 U.S.C. § 78s(b)(2).

[2] Notice of the commencement of the proceeding was given by the issuance of a Commission release, Securities Exchange Act Release No. 16968 (July 8, 1980) and by publication in the **Federal Register**, 45 FR 47287 (July 14, 1980). Interested persons were invited to submit written data, views and arguments, as well as rebuttals to any such submission.

[3] *See* Exhibit 3 to the CBOE's Form 19b-4A, File No. SR-CBOE-80-1.

[4] *See* letter dated December 5, 1979, from Walter E. Auch, Chairman of the Board, and Edward F. Neild, Chairman of the Executive Committee, to the CBOE membership. Exhibit 4 to CBOE Form 19b-4A, File No. SDR-CBOE-80-1.

[5] These documents include the material prepared by the CBOE Market Maker Association contained in Exhibits 3 and 4 to the CBOE's Form 19b-4A; a memorandum dated August 13, 1980, which contains a summary of a July 25, 1980 meeting between Gene Carasick, Assistant Director, Division of Market Regulation, and representatives of the CBOE Market Makers Association concerning the proposal; a written submission from the CBOE staff dated September 15, 1980; and a written submission from the Market Maker Association dated September 23, 1980. All documents were placed and make available in the Commission's public file (File No. SR-CBOE-80-1).

[6] Proposed Rule 2.11.

[7] In addition, respondents would be afforded the right to submit a written statement to the CC in opposition to the recommendation of the CBOE staff (proposed amendment to Rule 17.5); a procedure which CBOE already permits with respect to the current BCC at the propable cause stage of the disciplinary process.

[8] The minimum number of BCC members would be increased from four to seven.

[9] Proposed amendment to Rule 17.5.

[10] *Id.*

[11] Proposed Rules 2.5 and 2.11.

[12] Proposed Rules 2.5 and 2.11.

The Nominating Committee presently has responsibility for selecting candidates for the Board of Directors and all other special and standing committees of the CPOE. It is composed of seven CBOE members: six members of the Nominating Committee are elected by the membership and one member is appointed by the Chairman of the Executive Committee with approval of the Board of Directors. CBOE Constitution, Article IV, Sections 4.1 and 4.3.

[13] The Appeals Committee currently has responsibility for conducting hearings and reviews with respect to member grievances against the CBOE relating solely to non-disciplinary matters. The Appeals Committee is composed of 10 individuals: nine CBOE members and one member of the Board of Directors selected by the Chairman of the Executive Committee with the approval of the Board. CBOE Rule 2.11.

[14] Proposed amendment to Rule 17.8.

d. Review by Appeals Committee

The rule filing would divest the Board of Directors of its authority to review decisions of the BCC, either on its own motion or on petition by a respondent. The proposal would place such authority in the Appeals Committee [15] whose decision would be final.[16]

e. Ex Parte Communications

The rule filing provides that during the pendency of a disciplinary proceeding, "no person who is not a member of the BCC, the Board or the Appeals Committee shall make or knowingly cause to be made to any person who is not a member of the BCC, the Board, or the Appeals Committee an ex parte communication relevant to the merits of the proceedings." [17] Thus, the proposal would preclude all ex parte communications between CBOE staff members regarding the merits of any pending disciplinary proceeding, but would not preclude ex parte communications between the CBOE staff and the BCC, the Board or the Appeals Committee.

f. Miscellaneous Amendments

Other significant modifications to the CBOE disciplinary process that would be effected by the proposal include: (i) a requirement that any determination by the BCC that a member has committed a violation be based on clear and convincing evidence;[18] and, (ii) the imposition of a three year statute of limitations for all disciplinary proceedings, except actions for theft, embezzlement, fraud, or manipulation.[19]

III. Summary of Submissions Received [20]

The CBOE Market Maker Association stated that one of the concerns which prompted the proposal is its belief that a disproportionately large number of disciplinary actions are brought by the CBOE against its floor members, particularly market makers, when compared to those brought by the American Stock Exchange and New York Stock Exchange against their respective floor members. The Association also stated its belief that CBOE staff resources are unduly directed towards market maker violations and that off-floor violations are not prosecuted as vigorously.

More specific concerns expressed by the Market Maker Association include: the CBOE's schedule of fines for position limit violations is too rigid; the potential respondent is not informed of the nature of the charges being investigated until issued by the BCC and is not permitted to be present before the BCC when the CBOE staff presents its recommendations as to whether to issue charges; while the CBOE now permits a potential respondent to file a written submission with the BCC arguing why he should not be named in a statement of charges, only sworn testimony taken by the CBOE staff may be submitted; [21] respondents are not permitted to be present when the CBOE staff presents offers of settlement to the BCC [22]; if an offer of settlement is rejected by the BCC, the respondent is not informed of the reasons for the rejection; and appeals from decisions of the BCC are heard by an Appeals Committee of the Board of Directors, composed of three Board members, and the entire Board will see only this committee's recommendaton, unless a Board member specifically requests to see the record.

IV. Discussion

Section 19(b)(2) of the Act requires the Commission to approve a proposed rule change of an exchange if it finds that the proposal is consistent with the applicable requirements of the Act and the rules and regulations thereunder. The Commission must disapprove a proposed rule change if it is unable to make such a finding.

In its order instituting this proceeding, the Commission set forth the following potential grounds for disapproval of the proposed rule change under the Act: (1) Section 6(b)(1),[23] which provides that an exchange must be so organized and have the capacity to carry out the purposes of the Act, and to comply and to enforce compliance by its members and associated persons with the provisions of the Act, the rules and regulations thereunder, and the rules of the exchange; (2) Section 6(b)(6),[24] which requires that exchange rules must provide that its members and associated persons shall be appropriately disciplined for violations of the Act, the rules and regulations thereunder, and the rules of the exchange; (3) 6(b)(7) which requires that Exchange rules must provide fair procedures for the disciplining of members and persons associated with members;[25] (4) Section 19(g)(1) [26] which requires exchanges to enforce compliance by its members and associated persons with the Act, the rules and regulations thereunder and exchange rules; and (5) Section 19(h)(4)(A),[27] which empowers the Commission to remove from office any officer or director of an exchange for failure, without reasonable justification, to enforce compliance with the Act, the rules thereunder and the rules of the exchange.

While a self-regulatory organization enjoys flexibility under the Act to structure its disciplinary procedures, the Commission is unable to find that the proposed rule change is consistent with the requirements of the Act and, therefore, must disapprove the proposed rule change. Indeed, it appears to the Commission that the cumulative effect of the proposed amendments would be to undermine significantly the CBOE's ability to enforce compliance with the Act and Commission and exchange rules, in derogation of its ability to discharge its statutory responsibilities.

The Commission has concluded that certain of the provisions of the proposed rule change regarding the procedures to be followed by the BCC and CC would substantially impair the administration of the CBOE disciplinary process. First, the proposal to preclude both the BCC and CC from acting by a subcommitte of their members, because of the potential difficulty in scheduling hearings at times convenient to all committee members, would likely result in fewer hearings and undue delays in the resolution of disciplinary matters. Second, the proposal to afford respondents the right to present evidence and witnesses at the CC hearing, which is convened solely to determine whether probable cause exists to issue formal charges, as well as at the BCC hearing, would result in a respondent effectively obtaining two hearings on the merits—a right not even provided a defendant in a criminal

[15] Proposed amendment to Rule 17.8.

[16] Of course, a respondent wishing further review could file a petition for review with the Commission under Section 19(d)(2) of the Act.

[17] Proposed amendment to Rule 17.11.

[18] Proposed amendment to Rule 17.5.

[19] Proposed amendment to Rule 17.2.

[20] The only comments regarding the proposal received during the period provided for public comment were conveyed by the Market Maker Association to Gene Carasick, Assistant Director, Division of Market Regulation, at a meeting in Chicago on July 25, 1980. A summary of the Market Maker Association's comments was placed in the Commission's public file. Subsequent to the expiration of the comment period the CBOE staff filed a written submission which reiterated statements previously made by the CBOE Board and staff which were incorporated as part of the rule filing and the Market Maker Association filed a written submission which substantially reiterated the statements previously made by representatives of the Market Maker Association at the July 25 meeting and in previous material prepared by the Association that was incorporated as part of the CBOE's rule filing. See note 5 supra.

[21] Exhibit 4 to the CBOE's 19b–4A which states that the Executive Committee, on September 14, 1979, had granted this right to respondents, does not indicate that the written submission is limited to sworn testimony.

[22] Exhibit 4 to the CBOE's 19b–4A states that the Executive Committee recently granted this right to respondents.

[23] 15 U.S.C. 78f(b)(1).

[24] 15 U.S.C. 78f(b)(6).

[25] 15 U.S.C. 78f(b)(7).

[26] 15 U.S.C. 78s(g)(1).

[27] 15 U.S.C. 78s(h)(4)(A).

action. The Commission cannot conclude that it is either necessary or appropriate to permit a member to obtain a full adjudicatory hearing at both of these stages of the disciplinary process. Nor does the Commission believe that an adjudicatory hearing at the probable cause stage would enhance the procedural fairness of the disciplinary process, particularly since the CBOE permits a potential respondent to make a written submission to the BCC at the probable cause stage setting forth reasons why he should not be charged. Not only would these proposed amendments not provide any significant enhancement of procedural safeguards, but the Commission has concluded that these provisions will likely result in unnecessary delay and expense in the resolution of CBOE disciplinary matters. Accordingly, on balance, the Commission is unable to find that these provisions are consistent with Sections 6(b)(1), 6(b)(6) and 19(g)(1) of the Act.

The Commission is concerned that other provisions, by excluding the CBOE Board of Directors from any meaningful role in the disciplinary process, would undermine the ability of the CBOE Board of Directors effectively to enforce compliance with the Act, the rules thereunder and CBOE rules, as contemplated by Section 19(h)(4) of the Act. The annual electon of CC and BCC members by the CBOE membership, taken together with the elimination of the authority of the Executive Committee Chairman to remove disciplinary committee members and the elimination of the authority of the Board to review BCC decisions, would preclude any oversight by the Board to ensure that committee members discharge their responsibilities. Members of the BCC currently are selected by the Board[28] which, as such, has a responsibility to ensure enforcement of the provisions of the Act, the rules thereunder and exchange rules. Thus, the Board has a duty to select persons to serve on disciplinary committees who are likely to discharge their responsibilities in a fair and impartial manner and to remove members who do not.

These provisions would preclude the CBOE Board from taking steps to ensure that the members of the CC and BCC discharge their obligations. In order for the Board to carry out its responsibilities under the Act, however, it must retain some measure of control over the exchange disciplinary process to ensure that individuals serving on disciplinary panels responsibly discharge their obligations. The Commission believes that the elimination of the Board's authority in this regard would impede the CBOE's ability to enforce compliance with the Act, the rules thereunder and exchange rules, and to ensure that members who violate the provisions are appropriately disciplined. In addition, it would be virtually impossible for the Board to discharge its responsibilities under the Act. In light of the above, the Commission is unable to conclude that the provisions requiring that committee members be elected annually by the membership and limiting the authority of the Board of Directors and the Chairman of the Executive Committee are consistent with Sections 6(b)(1), 6(b)(6), 19(g)(1) and 19(h)(4) of the Act.

The Commission has concluded that other provisions would erect procedural hurdles that would undermine the effectiveness of the CBOE disciplinary process and, at the same time, are not necessary to ensure procedural fairness to respondents in CBOE disciplinary matters. First, the BCC would be required to apply a clear and convincing standard of evidence in all disciplinary proceedings. The Commission, however, currently applies that standard only in proceedings involving fraud, pending a final determination by the Supreme Court in *Steadman* v. *Securities and Exchange Commission*,[29] as to the appropriate standard of proof in administrative proceedings brought by the Commission for violations of the anti-fraud provisions of the federal securities law. The Commission applies the lesser, preponderance of the evidence standard for all other administrative proceedings. Thus, the proposed rule change would result in the CBOE applying a more rigorous standard of proof in disciplinary proceedings brought to enforce exchange rules and the federal securities laws than the commission applies in its review of self-regulatory organization disciplinary actions or in its own administrative proceedings brought to enforce the federal securities laws, at least with respect to proceedings that do not involve the anti-fraud provisions.[30]

As a result, the Commission would be forced to expend its already limited resources to investigate and bring its own proceedings for violations of the securities laws and regulations that were not prosecuted successfully by the exchange because of the imposition of the stricter standard of proof.[31] This result is inconsistent with the statutorily prescribed scheme of self-regulation under which self-regulatory organizations have primary responsibility to enforce compliance with the securities laws by disciplining their members and associated persons. Accordingly, the Commission is unable to conclude that this proposal is consistent with Sections 6(b)(1), 6(b)(6) and 19(g)(1) of the Act.

Second, the proposed three year statute of limittions for the initiation of disciplinary actions would require the Commission to assume sole responsibility for enforcing violations discovered subsequent to the expiration of the statute of limitations, and, therefore, also is inconsistent with the CBOE's primary responsibility to govern its membership under Sections 6(b)(1), 6(b)(6) and 19(g)(1) of the Act. Moreover, as a general policy matter, because self-regulatory organization disciplinary actions, like Commission enforcement actions, are remedial in nature and are brought in the public interest, the Commission believes that there should be no statute of limitations for the prosecution of such violations, regardless of their nature.[32] The Commission's authority under Section 19(e)(1)(B) of the Act to cancel, reduce or require remission of any sanction which it determines to be excessive or oppressive provides sufficient protection against unfairness that might result from the initiation of actions that have been unreasonably delayed.

Finally, while the proposal was intended to prohibit *ex parte* communications between the CBOE

[28] The commission notes that while the CBOE currently permits a public representative to sit on its BCC, the proposal would preclude a public representative from sitting on either the CC or BCC.

[29] 603 F.2d 1126 (5th Cir. 1978). There is a split of authority on whether the Commission must apply a clear and convincing standard of proof in its administrative proceedings involving allegations of violations of the anti-fraud provisions of the federal securities laws. *Compare Collins Securities Corporation* v. *Securities and Exchange Commission*, 562 F.2d 820 (D.C. Cir. 1977) with *Steadman* v. *Securities and Exchange Commission, supra*. The Supreme Court has granted *Certiorari* in *Steadman* to decide this question. 48 U.S.L.W. 3693 (April 29, 1980).

[30] Moreover, for the reasons set forth in the Commission's brief in the *Steadman* case, the Commission believes that the preponderance of the evidence standard, which is the standard best calculated to arrive at correct factual determinations, is the appropriate standard of proof in proceedings brought to enforce the securities laws.

[31] The Commission also might find it necessary to bring proceedings under Section 21(d) to enforce the exchange's rules.

[32] The Act does not expressly provide a statute of limitations for actions brought under its provisions with the exception of private actions brought under Sections 9 and 18 (15 U.S.C. 78 1, r), which provide that a private action must be brought within one year of discovery of the facts constituting the violation and within three years after such violation occurred.

staff and the Board of Directors, the Appeals Committee or the BCC, its language would instead prohibit all *ex parte* communications between CBOE staff members regarding pending disciplinary proceedings. Such a provisions would effectively preclude the CBOE staff from conducting an investigation. Consequently, the Commission has determined that this proposal is inconsistent with Sections 6(b)(1), 6(b)(6) and 19(g)(1) of the Act.[33]

V. Conclusions

For the reasons set forth above, the Commission has concluded that the proposed rule change would substantially diminish the effectiveness of the CBOE disciplinary program and would impede the ability of the CBOE and its Board of Directors and officers to discharge their responsibilities under the Act. Accordingly, the Commission is unable to conclude that the proposed rule change is consistent with Sections 6(b)(1), 6(b)(6), 19(g)(1) and 19(h)(4) of the Act.

The Commission believes that while the CBOE Market Maker Association may have intended the proposed rule change to remedy a number of legitimate concerns, those objectives cannot be achieved, consistent with the Act, by making it procedurally difficult or otherwise discouraging the CBOE from enforcing its rules and the federal securities laws. While certain portions of the proposed rule change if viewed in isolation may in fact represent acceptable changes to the CBOE disciplinary process, the conclusions that the Commission has reached today reflect a Commission judgment that the overall effect of the instant proposals, as filed, would be to substantially reduce the effectiveness of a heretofore effective CBOE disciplinary program. The Commission encourages the proponents of the rule proposal to meet with the CBOE staff to address its legitimate concerns in a more constructive manner.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (SR–CBOE–80–1) to modify the CBOE disciplinary process, be, and hereby is, disapproved.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-31971 Filed 10-14-80; 8:45 am]

BILLING CODE 8010-01-M

[33] While the CBOE and the Market Maker Association were informed of the unintended effect of this provision, it was not amended to reflect its true intent, and, thus, must be considered by the Commission as submitted.

[Rel. No. 11388; 812-4743]

Institutional Liquid Assets, Salomon Brothers, The First National Bank of Chicago; Filing of Application Pursuant to Sections 6(c) and 17(b) of the Act Requesting an Order of Exemption From Sections 12(d)(3), 13(a)(3), 15(a), 15(c) and 17(c) of the Act, and Pursuant to Section 17(d) of the Act and Rule 17d–1 Thereunder for an Order Permitting Joint Transactions, and Order Granting Such Relief on a Temporary Basis

October 7, 1980.

Notice is hereby given that Institutional Liquid Assets ("ILA"), 8700 Sears Tower, Chicago, Illinois 60606, a money market fund registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, Salomon Brothers ("Salomon"), One New York Plaza, New York, New York 10004, administrator and distributor for ILA, and The First National Bank of Chicago ("Bank"), One First National Plaza, Chicago, Illinois 60670, investment adviser to ILA (collectively, "Applicants") filed an application on October 6, 1980, and an amendment thereto on October 7, 1980, requesting an order: (1) pursuant to Sections 6(c) and 17(b) of the Act exempting Applicants from the provisions of Sections 12(d)(3), 13(a)(3), 15(a), 15(c) and 17(a) of the Act to the extent necessary to permit certain transactions, and (2) pursuant to Section 17(d) of the Act and Rule 17d–1 thereunder permitting certain joint transactions. The application further requests that such order be made effective as of the date of the filing of the application, on a temporary basis, pending issuance of a permanent order following appropriate notice and opportunity for hearing. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that ILA invests in money market instruments and that it offers shares of beneficial interest ("units") in two separate series of portfolios, the Prime Obligations Portfolio and the Government Portfolio. According to the application, ILA is designed as an investment vehicle for institutional investors with temporary cash balances which seek the yield available on money market instruments, while maintaining maximum liquidity and a constant net asset value per unit. The application states that, under the Act, portfolio instruments of an investment company must be valued with reference to market factors unless the Commission, by order, permits the instruments to be valued by another method. On August 8, 1979, ILA received an order of the Commission (Investment Company Act Release No. 10824) ("Release No. 10824") permitting, subject to conditions, the use of the amortized cost method of valuation in determining its net asset value per unit for purposes of sales and redemptions. In connection with the granting of that order, ILA's Trustees agreed to a variety of conditions which, *inter alia*, require certain monitoring and review procedures to insure that the net asset values per unit of ILA's portfolios not deviate from the $1.00 amortized cost prices per unit to such an extent, in view of all of the circumstances, so as to render the continued use of amortized cost valuation inappropriate.

The application states that, as of September 30, 1980, and October 3, 1980, the dollar-weighted average portfolio maturity of the Government Portfolio was 76 and 73 days, respectively. It is further stated that, on the afternoon of October 2, 1980, the Bank informed ILA that the net asset value per unit for the Government Portfolio, when determined with reference to current market factors, was $.9928. As of October 3, 1980, the net asset value per unit, using available market quotations, had increased to $.9930. The Bank advised ILA that, in its view, the good faith fair valuation of the Government Portfolio, at that time, called for the use of market values for all assets. Applicants state that upon becoming aware of the situation they began to develop a program ("Program") to assure that ILA would continue to be able to value its securities on an amortized cost basis and that it would be in a position to restructure it investments and to maintain liquidity. ILA, Salomon and the Bank believe that the Program, which is summarized below, is designed to accomplish those goals. However, the Commission expresses no opinion as to the adequacy of the Program.

Pursuant to the Program, on October 6, 1980, ILA sold securities held by its Government Portfolio as follows: (1) Salomon purchased securities from ILA at their amortized cost value of approximately $228.5 million, which value is approximately $700,000 in excess of the October 3, 1980, market based value of such securities, and (2) ILA sold in the market securities with an amortized cost value of $215.4 million. The Bank estimates that such value is approximately $998,000 in excess of the market based value of such instruments. Accordingly, the Bank has made a

payment to ILA of $1 million from past advisory fees. Effective October 3, 1980, Salomon and the Bank waived the entire amount of their administration and investment advisory fees until further notice. Also pursuant to the Program, on October 6, 1980, Salomon extended to ILA a put option ("Put") entitling ILA to sell any or all of the securities held by the Government Portfolio as of the opening of business on that day to Salomon at the amortized cost value of such securities. The Put is accompanied by a letter of credit in favor of ILA in the amount of $5 million issued by Morgan Guaranty Trust Company of New York. The Put may be exercised by ILA only at such time as its net asset value per unit, using available market quotations, is less than $.9950 and only to such extent as is necessary to increase ILA's net asset value per unit to $.9950, using available market quotations for all assets. ILA will not place a dollar value on the Put. In order to effectuate the Program in compliance with the Act and the rules thereunder, Applicants have requested an order of the Commission exempting Applicants from certain provisions of the Act and permitting certain transactions.

Section 12(d)(3) of the Act, in pertinent part, makes it unlawful for any registered investment company to purchase or otherwise acquire any security issued by any person who is a broker, a dealer, or who is engaged in the business of underwriting. Applicants state that because Salomon is a broker and a dealer, and is engaged in the business of underwriting, the receipt by ILA of the Put could be deemed to be inconsistent with Section 12(d)(3) of the Act. Section 13(a)(3) of the Act, in pertinent part, provides that a registered investment company shall not, unless authorized by the vote of the majority of its outstanding voting securities, deviate from any investment policy which is changeable only if authorized by shareholder vote, or deviate from any policy recited in its registration statement pursuant to Section 8(b)(3) of the Act. ILA policies which are changeable only with unit holder approval include: (1) a policy of investing the assets of the Government Portfolio only in U.S. Government securities, (2) a policy precluding investing in puts, and (3) a policy precluding the purchase of securities issued by any person employing as an officer of ILA (the president and a vice president of ILA are officers of Salomon).

Section 15(a) of the Act, in general, makes it unlawful for any person to serve or to act as investment adviser of a registered investment company, except pursuant to a written contract, which contract has been approved by the vote of a majority of the outstanding voting securities of such registered company, and precisely describes all compensation to be paid thereunder. In addition, Section 15(c) of the Act, in pertinent part, makes it unlawful for any registered investment company to enter into, renew, or perform any contract or agreement whereby a person undertakes regularly to serve or act as investment adviser of such company unless the terms of such contract or agreement have been approved by the vote of a majority of directors who are not parties to such contract or agreement or interested persons of any such party, cast in person at a meeting called for the purpose of voting on such approval. The advisory agreement between the Bank and ILA prohibits portfolio securities of ILA from being purchased from or sold to Salomon. Accordingly, Applicants state that the receipt, and any exercise, of the Put by ILA, the sale of any portfolio securities to Salomon, and the payment and fee waiver by the Bank, could be considered to be inconsistent with Sections 15(a) and 15(c) of the Act.

Section 6(c) of the Act provides that the Commission, upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes thereof, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Accordingly, Applicants have requested exemptions from the provisions of Sections 12(d)(3), 13(a)(3), 15(a) and 15(c) of the Act, to the extent necessary to permit the transactions set forth above.

Section 17(a) of the Act, in pertinent part, provides that it shall be unlawful for any affiliated person of a registered investment company knowingly to sell or to purchase from such registered company any security or other property. Applicants state that the issuance and any compliance with the terms of the Put, as well as the purchase by Salomon of the portfolio securities, could be considered to be in violation of Section 17(b) of the Act. Section 17(b) of the Act provides that the Commission, upon application, shall exempt a proposed transaction from the provisions of Section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company involved and with the general purposes of the Act. Accordingly, Applicants have requested an order, pursuant to Section 17(b) of the Act, granting an exemption from the provisons of Section 17(a) to permit the issuance and exercise of the Put, and to permit the sale of portfolio securities to Salomon.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide, in part, that it is unlawful for an affiliated person of a registered investment company, acting as principal, to effect any transaction in which such investment company is a joint participant without the permission of the Commission. Rule 17d-1 provides, in part, that in passing upon applications for orders granting such permission, the Commission will consider (1) whether the participation of the investment company in such transaction on the basis proposed is consistent with the provisions, policies and purposes of the Act, and (2) the extent to which such participation is on a basis different from or less advantageous than that of other participants. Applicants state that one or more of the aspects of the Program described above could be considered to be a joint enterprise, a joint arrangement or profit-sharing plan. Therefore, they have requested an order permitting the transactions.

ILA states that its Trustees have approved the Program by a majority vote thereof, and that those Trustees not present at the meeting have approved the program in principle. ILA represents that at such time as the Put becomes exercisable, the Trustees of ILA shall have discretion whether to exercise that Put consistent with condition 2(c) of the order of the Commission permitting ILA's use of amortized cost valuation (Release No. 10824). The Trustees of ILA will conduct a thorough review of the events which resulted in a deviation between the market based net asset value per unit of the Government Portfolio and its $1.00 amortized cost price per unit exceeding ½ of 1% with a view to determining the causes and responsibility, if any, therefor, and whether additional procedures are appropriate under the circumstances. In addition, ILA has undertaken to take such action, if any, in addition to the Program, as may be required by condition 2(c) of Release No. 10824. Applicants represent that no Applicant has waived any of the rights which it

may have against any of the other Applicants by reason of participating in or accepting the benefits of the Program, the filing of the application or the receipt of any order in connection therewith. Finally, Salomon and the Bank represent that ILA is under no obligation of any kind to them by reason of participating in or accepting the benefits of the Program, the filing of the application or the receipt of any order issued in connection therewith. Applicants state that, based on the foregoing actions, undertakings, and representations, they believe that the standards set forth in Sections 6(c) and 17(b) of the Act and Rule 17d-1 thereunder have been satisfied.

The matter has been considered, and it is found, on the basis of the information stated in the application, that it is appropriate to issue the orders requested by Applicants immediately, on a temporary basis, in view of the circumstances facing ILA and the adverse consequences that might be experienced by investors in ILA if the Commission did not issue the requested orders. It should, however, be noted that the Commission makes no finding as to whether the Program, and the transactions contemplated by Applicants, are satisfactory responses to ILA's situation so as to justify its continued use of amortized cost valuation. In addition, the Commission by its action on this application shall not be precluded from taking such other actions with respect to Applicants and their affiliated persons as the Commission may deem to be approrpiate. The issuance of the orders is merely intended to permit Applicants to take certain extraordinary actions which appear to be in the interests of investors. Accordingly,

It is ordered, pursuant to Section 6(c) of the Act, that the exemption from the provisions of Sections 12(d)(3), 13(a)(3), 15(a) and 15(c) of the Act, to the extent requested, be and hereby is granted on a temporary basis;

It is further ordered, pursuant to Section 17(b) of the Act, that the transactions be and hereby are exempted from the provisions of Section 17(a) of the Act on a temporary basis;

It is further ordered, pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder, that the transactions be and hereby are permitted on a temporary basis;

It is further ordered, that each of the above orders shall be effective as of 9:00 a.m., E.D.S.T., October 6, 1980, and that such temporary orders remain in effect only until such time as the Commission shall by order (1) terminate such temporary orders after notice and opportunity for hearing, or (2) terminate such temporary orders by the issuance of a permanent order on this matter.

Notice is further given that any interested person may, not later than October 27, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application on a permanent basis will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc.80–31972 Filed 10–14–80; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–17199; File No. SR–MSRB–80–9]

Municipal Securities Rulemaking Board; Proposed Rule Changes; Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 1, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

Statement of the Terms of Substance of the Proposed Rule Changes

The Municipal Securities Rulemaking Board (the "Board") is filing herewith proposed amendments to rule A–13 (hereinafter sometimes referred to as the "proposed rule changes"). The text of the proposed rule changes is as follows:* Rule A–13. Underwriting Assessment for Municipal Securities Brokers and Municipal Securities Dealers.

(a) Assessment Rate. In addition to the fees prescribed by other rules of the Board, each municipal securities broker and municipal securities dealer shall pay a fee to the Board equal to [.001% ($.01 per $1,000)] *.003% ($.03 per $1,000)* of the par value of all municipal securities which are purchased from an issuer by or through such municipal securities broker or municipal securities dealer, whether acting as principal or agent, as part of a new issue which has an aggregate par value of $1,000,000 or more and which has a final stated maturity of not less than two years from the date of the securities; provided, however, that if such municipal securities broker or municipal securities dealer is a member of a syndicate of similar account formed for the purchase of such securities, such fee shall be calculated on the basis of the participation of such municipal securities broker or municipal securities dealer in the syndicate or similar account. Such fee must be received at the office of the Board of Washington, D.C. not later than 30 calendar days following the date of settlement with the issuer. In the event a syndicate or similar account has been formed for the purchase of the securities, the fee shall be paid by the managing underwriter on behalf of each participant in the syndicate or similar account.

(b)–(c).—No change.

(d) Effective Date. *The fee prescribed in paragraph (a) shall be payable with respect to any new issue of municipal secutities which a municipal securities broker or municipal securities dealer shall have contracted on or after October 1, 1980 to purchase from an issuer.* Anything herein to the contrary notwithstanding, [the fee prescribed in paragraph (a)] *a fee calculated at the rate of .001% ($.01 per $1,000)* shall be payable with respect to any new issue of municipal securities which a municipal securities broker or municipal securities dealer shall have a contracted on or before December 31, 1979 to purchase from an issuer [, including issues] which [have] *has* an aggregate par value of less than $1,000,000. [The provisions of paragraph (c) shall apply only to new issues of municipal securities which a municipal securities broker or municipal securities dealer shall have contracted on or after January 1, 1980 to purchase from an issuer.]

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* *Italics* indicate new language; [brackets] indicate deletions.

(e).—No change.

Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule changes is as follows:

Purpose of Proposed Rule Changes

Rule A–13 requires each municipal securities broker and municipal securities dealer to pay to the Board a fee based on its placements of new issue municipal securities. The purpose of the fee is to provide a continuing source of revenue to defray the costs and expenses of operating the Board and administering its activities.

Municipal securities brokers and municipal securities dealers are required to pay the underwriting assessment fee on all new issues purchased by or through them which have an aggregate par value of $1,000,000 or more and a final stated maturity of not less than two years from the date of the securities. Prior to the proposed rule changes, the fee was calculated at the rate of $.01 per $1,000 of the par value of such securities. The proposed rule changes modify rule A–13 to provide that the fee payable with respect to new issues which a municipal securities broker or municipal securities dealer has contracted on or after October 1, 1980 to purchase from an issuer shall be calculated at the rate of $.03 per $1,000. Based upon projections of the Board's revenues and expenses, this change is necessary to permit the Board to continue its activities without incurring a deficit.

At the time of its adoption in January 1976, rule A–13 established an underwriting assessment fee equal to $.05 per $1,000. Revenues collected while this fee was in effect substantially exceeded the Board's expenditures for the same period of time, creating a substantial fund balance. Since then the Board has, by setting lower assessment fees, gradually reduced the fund balance. The Board reduced the fee to $.03 per $1,000 in November 1976 and to $.02 in June 1977. In lowering the rate to its present level of $.01 per $1,000 in November 1977, the Board recognized that, at such level, revenues collected would be substantially less than its annual expenditures and that eventually the assessment rate would have to be increased. As of September 30, 1980 the fund balance had been reduced to approximately $160,000 and, based upon its projections of underwriting volume, the Board has concluded that unless the assessment fee is increased at this time the Board will incur a deficit during the current fiscal year. The Board expects that by imposing a fee of $.03 per $1,000 it will not be necessary to increase the fee again this fiscal year.

Basis Under the Act for Proposed Rule Changes

The Board has adopted the proposed rule changes pursuant to sections 15B(b)(2)(I) and 15B(b)(2)(J) of the Securities Exchange Act of 1934, as amended (the "Act"). Section 15B(b)(2)(J) of the Act authorizes and directs the Board to adopt rules providing for the assessment of municipal securities brokers and municipal securities dealers to defray the costs and expenses of operating and administering the Board. Section 15B(b)(2)(I) authorizes and directs the Board to adopt rules providing for the operation and administration of the Board.

Comments Received From Members, Participants, and Others on Proposed Rule Changes

Comments have not been solicited or received on the proposed rule changes.

Burden on Competition

The Board does not believe that the proposed rule changes will impose any burden on competition. The increased underwriting assessment fee contemplated by the proposed rule changes, sice it is based on a fixed percentage of the aggregate par value of new issue securities placed, will have an equal impact on all participants in the municipal securities industry who buy long-term new issues for their own account or on behalf of others.

The foregoing rule changes have become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule changes, the Commission may summarily abrogate such rule changes if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

October 7, 1980.

[FR Doc. 80–31970 Filed 10–14–80; 8:45 am]

BILLING CODE 8010–01–M

[File No. 1–6981]

National Education Corporation Capital Stock, No Par Value; Application To Withdraw From Listing and Registration

October 8, 1980.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The capital stock of National Education Corporation (the "Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8–A which became effective on August 21, 1980, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on the Amex and the NYSE, and believes that dual listing would fragment the market for its stock.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before October 30, 1980, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information

submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-32077 Filed 10-14-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17202; (SR-OCC-79-8)]

Options Clearing Corp. (OCC); Order Approving Proposed Rule Change

October 8, 1980.

On December 12, 1979, OCC filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b-4 thereunder, a proposed rule change extending from 3:30 p.m. to 7:00 p.m. the deadline for filing exercise notices with OCC on regular trading days, and permitting clearing members to revoke or modify exercise notices until 7:00 p.m. on the day those notices are submitted to OCC.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 16438, December 19, 1979), and by publication in the **Federal Register** (44 FR 76901, December 28, 1979). No written comments were received by the Commission.

The Commission find that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and in particular, the requirements of Section 17A of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-32078 Filed 10-14-80; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 05/05-0096]

Heizer Capital Corp.; License Surrender

Notice is hereby given that Heizer Capital Corporation, 20 North Wacker Drive, Chicago, Illinois 60606 has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). Heizer Capital Corporation was licensed by the Small Business Administration on April 29, 1974.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on September 30, 1980, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 7, 1980.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 80-32080 Filed 10-14-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0401]

Heller Capital Services, Inc.; Issuance of a License To Operate as a Small Business Investment Company

On June 2, 1980, a Notice was published in the **Federal Register** (45 FR 37321) stating that Heller Capital Services, Inc., 200 Park Avenue, New York, New York 10017, had filed an application with the Small Business Administration pursuant to § 107.102 of the SBA Rules and Regulations governing small investment companies (13 CFR 107.102 (1980)), for a license to operate as a small business investment company.

Interested parties were given until the close of business June 17, 1980, to submit their comments. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA on September 19,1980, issued License No. 02/02-0401 to Heller Capital Services, Inc., pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 7, 1980.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 80-32081 Filed 10-14-80; 8:45 am]

BILLING CODE 8025-01-M

Region II Advisory Council, Public Meeting; Correction

See also **Federal Register** 45 FR 65101, published October 1, 1980. The Small Business Administration Region II Advisory Council, located in the geographical area of New York, New York, will hold a public meeting at 2:00 p.m. on Wednesday, October 22, 1980, in Room 1400, U.S. Federal Building, 26 Federal Plaza, New York, New York, 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 Andrew P. Lynch, Acting District Director, U.S. Small Business Administration, 26 Federal Plaza, New York, New York 10278—(212) 264-1318.

Dated: October 9, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-32082 Filed 10-14-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-0195]

San Jose Capital Corp.; Application for Approval of Conflict-of-Interest Transaction Between Associates

Notice is hereby given that San Jose Capital Corporation (SJC), 130 Park Center Plaza, San Jose, California 95113, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration pursuant to Section 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004(1980)) for approval of a conflict of interest transaction.

SJC proposes to invest $100,000 in Systel Corporation, 20370 Town Center Lane, Cupertino, California 95014. The investment comes within the restraints of Section 107.1004 of the Regulations because officers, directors and shareholders of SJC together own 34.26 percent of the total outstanding stock of Systel. Officers and directors of SJC and Systel are H. Bruce Furchtenicht and B. J. Moore.

Notice is hereby given that any person may, not later than October 30, 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 Cupertino, California area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 8, 1980.

Peter F. McNeish,

Acting Assoicate Administrator for Investment.

[FR Doc. 80-32079 Filed 10-14-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/332]

Advisory Committee on Historical Diplomatic Documentation; Meeting

The Advisory Committee on Historical Diplomatic Documentations will meet on November 13, 1980, at 1:00 p.m. in Room 1105 of the Department of State. Another meeting will begin at 8:30 a.m. on November 14 in the same room.

The Advisory Committee advises the Bureau of Public Affairs, and in particular the Office of the Historian, concerning problems connected with preparation of the documentary series entitled Foreign Relations of the United States and other responsibilities of that Office. Of particular importance are editorial and publishing practice and questions related to declassification of official records as specified in Executive Order 12065 (June 28, 1978).

In accordance with Section 10(d) of the Advisory Committee Act (Pub. L. 92-463) it has been determined that certain discussions during the meeting will necessarily involve consideration of matters recognized as not subject to public disclosure under 5 U.S.C. 552b (c)(1), and that the public interest requires that such activities be withheld from disclosure. The meeting will therefore be closed when such discussions take place, at 830 a.m., Friday, November 14.

Persons wishing to attend the meeting should come before 1:00 p.m. on November 13 to the Diplomatic Entrance of the Department of State at 22nd and C Streets, N.W., Washington, D.C. They will be escorted to room 1105 and at the conclusion of the meeting back to the Diplomatic Entrance.

Questions concerning the meeting should be directed to David F. Trask, Executive Secretary, Advisory Committee on Historical Diplomatic Documentation, Department of State, Office of the Historian, Washington, D.C. 20520; telephone (202) 632-8888.

David F. Trask,

Executive Secretary.

September 26, 1980.

[FR Doc. 80-31921 Filed 10-14-80; 8:45 am]

BILLING CODE 4710-11-M

[Public Notice CM-8/329]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting on October 23 of the Working Group on Transborder Data Flows of the Advisory Committee on International Investment, Technology, and Development. The Working Group will meet from 10:00 a.m.-12:00 p.m. The meeting will be held in Room 1207 of the State Department, 2201 C Street, N.W., Washington, D.C. 20520. The meeting will be open to the public. Please use the "C" Street entrance to the State Department building.

The purpose of the meeting will be to present the U.S. delegation's assessment of the results of the OECD High Level Meetings on Information, Computers and Communications Policies for the 1980s, scheduled to be held on October 6-8 in Paris.

Requests for further information on the meeting should be directed to Philip T. Lincoln, Jr., Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632-2728.

Members of the public wishing to attend the meeting must contact Mr. Lincoln's office in order to arrange entrance to the State Department building.

The Chairman of the Working Group, will as time permits, entertain oral comments from members of the public attending the meeting.

Dated: October 1, 1980.

Philip T. Lincoln, Jr.,

Executive Secretary.

[FR Doc. 80-31924 Filed 10-14-80; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/331]

Overseas School Advisory Council; Meeting

The Overseas Schools Advisory Council, Department of State, will hold its annual meeting on Wednesday, December 17, 1980, 9:30 a.m., in conference Room 1406, Department of State building, Washington, D.C.

Agenda items scheduled for discussion are as follows:

I. Welcome and Introduction of Members and Other Participants
II. Greetings from the Department of State
III. Status Report of 1979/1980 Program
IV. Review of Recommendations of the Executive Committee Meeting of June 17, 1980
V. Summary of Council Activities
VI. Participation of U.S. Corporations' and Foundations' Overseas Representatives on School Boards
VII. Results of Surveys and Local Fund-Raising Activities Organized by Overseas Schools and Regional School Associations
VIII. Council Communications with U.S. Corporations and Foundations Relating to Schools' Needs
IX. Other Business

For purposes of fulfilling building security, members of the public desiring to attend the meeting should call Ms. Judy Knott, Office of Overseas Schools, Department of State, Washington, D.C., Area Code 703-235-9600, prior to December 17. The public may participate in discussions at the Chairman's instructions.

Dated: September 28, 1980.

Ernest N. Mannino,

Executive Secretary, Overseas Schools, Advisory Council.

[FR Doc. 80-31922 Filed 10-14-80; 8:45 am]

BILLING CODE 4710-01-M

[Public Notice CM-8/330]

Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Notice of Meeting

The Department of State announces that Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on October 22, 1980 at 10:30 a.m. in Room 856, of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. This Study Group deals with U.S. Government regulatory aspects of international telegraph and telephone operations and tariffs.

The Study Group will discuss international telecommunications questions relating to telegraph, telex, new record services, data transmission and leased channel spacing in order to develop U.S. positions to be taken at international CCITT meetings, and particularly to advise the United States delegation to the forthcoming November Plenary Assembly of the CCITT.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Requests for further information should be directed to Arthur L. Freeman,

State Department, Washington, D.C. 20520, telephone (202) 632-3405.

Arthur L. Freeman,

Director, Office of International Communications Policy.

September 25, 1980.

[FR Doc. 80-31923 Filed 10-14-80; 8:45 am]

BILLING CODE 4710-07-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee; Additional Articles Being Considered for Possible Duty Modification

SUMMARY: This Publication Gives Notice of Additional Articles Which May be Considered in International Trade Negotiations.

I. Articles Which May be Considered in Trade Negotiations

In conformity with section 131(a) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2151(a)), notice is hereby given of additional articles which may, during the course of international trade negotiations, be considered for reduction under the authority contained in section 124 of the Trade Act (19 U.S.C. 2134 and 2119). This notice supplements the notice which appeared in the **Federal Register** of August 8, 1980.

A. *Lists of Articles Which May be Considered in Trade Negotiations*

The articles included in the following items of the Tariff Schedules of the United States (TSUS) will be considered for reduction to the extent permitted by section 124 of the Trade Act:

TSUS item: 117.65, 117.70, 140.38, 165.30, 176.29, 176.30, 437.30, 514.61, 514.65, 514.81, 515.24, 545.11, 606.64, 687.58, 741.15.

The Tariff Schedules of the United States Annotated (1980) is for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 and is also available for inspection at any field office of the U.S. Customs Service or the Department of Commerce. A list giving informal abbreviated descriptions of the articles contained in the TSUS items identified in this notice is available upon written request from the Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative, Executive Office of the President, 1800 G Street, N.W., Room 735, Washington, D.C. 20506.

Articles included in this notice may be reserved from negotiations or may be subject to smaller tariff reductions than those authorized by section 124 of the Trade Act.

II. Supplemental Notices

From time to time as may be appropriate, other notices may be published for the purpose of informing the public of proposed actions under the Trade Act not announced in this notice.

III. Public Hearings

Section 133 of the Trade Act (19 U.S.C. 2153) requires that the President afford an opportunity for any interested person to present his or her views concerning any United States or foreign tariff concession, modification or continuance which should be offered or sought by the United States, any nontariff barrier to trade or any other matter relevant to proposed trade agreements. These hearings, to be held by the Office of the United States Trade Representative through the Trade Policy Staff Committee, in accordance with section 133 of the Trade Act, will open at 10 a.m., EST, on November 5, 1980, and will continue November 6, 7 and 10, 1980, if required. They will be held in Washington, D.C., New Executive Office Building, entrance on Seventeenth Street between Pennsylvania Avenue and H Street, N.W., Room 2010 on November 5 and 6 and in Room 2008 on November 7 and 10. Further information on these hearings can be found in the **Federal Register** of August 28, 1980.

IV. Advice of the International Trade Commission

On behalf of the President and in accordance with section 131(a) of the Trade Act the International Trade Commission is being furnished with the list of articles published in this notice for the purpose of securing from the Commission its advice on the probable economic effect on United States industries producing like or directly competitive articles and on consumers, with respect to the articles listed in paragraph I:A above, of the reduction of United States duties by the maximum amount permissible under section 124 of the Trade Act.

Ann H. Hughes,

Chairman, Trade Policy Staff Committee.

[FR Doc. 80-31969 Filed 10-14-80; 8:45 am]

BILLING CODE 3190-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 201
Wednesday, October 15, 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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FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of agency meeting.

Pursuant to subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at 10:30 a.m. on Friday, October 10, 1980, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider certain recommendations with respect to the initiation of administrative enforcement proceedings against certain insured banks. The names and locations of the banks are authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

In calling the meeting, the Board determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. Lewis G. Odom, Jr., acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: October 10, 1980.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-1888-80 Filed 10-10-80; 4:00 pm]
BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of agency meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, October 20, 1980, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9), (A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Application for Federal deposit insurance:

Buffalo Bank, a proposed new bank, to be located at the intersection of Highways 65 and 32, Buffalo, Missouri, for Federal deposit insurance.

Aplications for Federal deposit insurance and for consent to establish a branch:

First East Savings Bank, Lynn, Massachusetts, an operating noninsured mutual savings bank, for Federal deposit insurance and for consent to establish a branch at 441 Main Street, Melrose, Massachusetts.

Territorial Bank, a proposed new bank, to be located at 7355 North Oracle Road, Tucson, Arizona, for Federal deposit insurance, and for consent to establish a branch at North Oracle Road and Giaconda Way, Tucson, Arizona.

Applications for consent to establish a branch:

United Savings Bank, Mutual, Salem, Oregon, for consent to establish a branch at 263 High Street, S.E., Salem, Oregon.

Bank Leumi Trust Company of New York, New York (Manhattan), New York, for consent to establish a branch at 1103-05 Old Country Road, Plainview, New York.

Applications for consent to merge and establish branches:

The Saver's Bank A Mutual Savings Bank, Littleton, New Hampshire, an insured mutual savings bank, for consent to merge, under its charter and title, with White Mountain Bank and Trust Company, Gorham, New Hampshire, and for consent to establish the sole office of White Mountain Bank and Trust Company as a branch of the resultant bank.

Bank of Central Pennsylvania, Montoursville, Pennsylvania, an insured State nonmember bank, for consent to merge, under its charter and title, with The Grange National Bank of Lycoming County at Hughesville, Hughesville, Pennsylvania, and for consent to establish the sole office of The Grange National Bank of Lycoming County at Hughesville as a branch of the resultant bank.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,483-L—First State Bank of Northern California, San Leandro, California.
Case No. 44,492-L—Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.
Case No. 44,494-NR—United States National Bank, San Diego, California.
Case No. 44,504-L—American Bank & Trust, Orangeburg, South Carolina.
Case No. 44,517-L—Northern Ohio Bank, Cleveland, Ohio.
Memorandum and Resolution re: Northern Ohio Bank, Cleveland, Ohio.

Appeals, pursuant to the Freedom of Information Act, from the Corporation's earlier denials of requests for records (three appeals).

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

Reports of committees and officers:

Memorandum re: Reports Required Under Delegated Authority—Foreclosure Bids.

Report of the Office of Corporte Audits regarding the liquidation of Bank of Lake Helen, Lake Helen, Florida, dated June 24, 1980.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle. L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: October 10, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1889–80 Filed 10–14–80; 8:45 am]

BILLING CODE 6714–01–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of agency meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, October 20, 1980, to consider the following matters:

Disposition of minutes of previous meetings.

Memorandum and Resolution re: Proposed amendment to the Corporation's bylaws regarding authority to withdraw funds in the General Fund Account.

Recommendation regarding renewal of a lease for lodging for Training Center students.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: October 10, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1890–80 Filed 10–10–80; 3:55 pm]

BILLING CODE 6714–01–M

4

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE.

MEETING: Public/private sector task force.

DATE AND TIME:

Thursday, October 23, 1980, 8:30 a.m.–5 p.m.
Friday, October 24, 1980, 8:30 a.m.–3 p.m.

PLACE: Room S–207, United States Capitol.

STATUS: Open.

MATTERS TO BE DISCUSSED:

Review of Agenda.
Summary of Meeting 5.
Appointment of Editorial Committee.
Discussion of Draft Report.
Discussion and Vote on Principles 1, 2, and 3.
Discussion and Vote on Principles 4, 5, and 6.
Discussion and Vote on Principles 7 and 8.
Discussion and Vote on Recommendations Related to Principles 1, 2, 3, 4, 5, 6, 7, and 8.

Dated: October 9, 1980.

Ruth L. Tighe,

Research Associate, NCLIS.

[S–1887 Filed 10–10–80; 2:20 pm]

BILLING CODE 7527–01–M

federal register

Wednesday
October 15, 1980

Part II

Department of the Interior

Bureau of Land Management

Grazing Administration and Trespass on Public Lands; Amendments to Grazing Regulations

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 4100, 4110, 4120, 4130, 4140, 4150, 4160 and 4170

Grazing Administration and Trespass on Public Land; Amendments to Grazing Regulations

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking updates the policy for making grazing use adjustments and makes editorial amendments to and clarifies the intent of the present regulations. These proposed changes are a result of experience gained from working with the existing regulations for two years. The intended effect of these regulations is to improve the management of the public rangelands for all multiple use values.

DATE: Comments by December 1, 1980.

ADDRESSES: Any comments or inquiries should be addressed to: Director (650), Bureau of Land Management, 1800 C Street, NW, Washington, D.C. 20240. These comments will be available for inspection in room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.) on work days.

FOR FURTHER INFORMATION CONTACT: Paul Leonard, (202) 343–5841.

SUPPLEMENTARY INFORMATION: The changes proposed in these amendments to the regulations are part of a continuing effort by the Bureau of Land Management to clarify and reform the policies and procedures by which it manages the Nation's public rangelands.

The first step in this process was the publication in November 1979 of a draft statement of rangeland management policy for public review. The document, the first such comprehensive statement of rangeland management in 20 years, was designed to set in motion a series of public discussions to explore procedures for more effectively and equitably managing public rangelands. The urgency of this policy review was underscored by the fact that the bureau is preparing 144 EIS's on livestock grazing covering 170 million acres of public land, pursuant to the National Environmental Policy Act and the results of the *NRDC v. Morton* suit. Meetings and workshops were held with livestock operators, environmental and conservation groups, State officials, and other concerned individuals in an effort to design policies and procedures for adjusting livestock use that both ensure protection for the basic soil-vegetation resource and provide for the interests and needs of livestock operators and other users of rangeland resources. One of the principal results of these discussions was a general recognition that the Bureau's regulations for adjusting livestock use in accordance with changes in available forage needed to be revised to (1) provide for more meaningful consultation with affected operators and other interested parties; (2) phase decisions into effect over a period of time sufficient to permit monitoring; (3) provide for modification of such decisions on the basis of the results of monitoring studies; and (4) ensure more complete and effective public involvement.

The current regulations on grazing administration were published as final rulemaking on July 5, 1978 (43 FR 29058). They were amended in July and August 1980, to (1) provide for the consultation and cooperation required by the Public Rangelands Improvement Act of 1978, (2) provide for the placement of reductions in grazing use in suspended preference", and (3) expand the conditions under which exchange-of-use grazing agreements are authorized.

The amendments in this proposed rulemaking are the result of intensive public involvement in the refinement of a policy for adjusting livestock use on the public rangelands. They are designed to ensure that future decisions on livestock use are made in a manner that is fair and equitable to all users of the public rangelands, that ensures a maximum degree of public involvement and review, that provides for decisions to be based on the best scientific information available at the time of each decision, and that furthers the Nation's overall objective of increasing the productivity of the public rangelands. The changes proposed here also bring the procedures for grazing administration by the bureau of Land Management more closely in line with those of the U.S. Forest Service.

Other changes proposed in this rulemaking reflect a need, after over two years of operating experience with the current regulations, to clarify intent or eliminate gaps or weaknesses. Few of these changes constitute significant amendments. The amendments related to changes in available forage and resulting adjustments in livestock grazing, however, do constitute a significant change in policy and the manner in which the policy will be implemented.

The following discussion summarizes the proposed changes and provides a rationale for each proposed change.

Definitions

The separate definition for the term "range betterment" is deleted because of the confusion between the use of the terms "range betterment" and "range improvement". The definition of the term "range improvement" is modified to be consistent with its definition in the Public Rangelands Improvement Act of 1978 and includes "range betterment".

The term "suspension" is modified and a definition of the term "suspended preference" is added. both amendments reflect the change in policy that led to the final rulemaking published on July 11, 1980 (45 FR 53154), providing for suspension rather than cancellation of grazing preferences when the authorized grazing use exceeds the amount of forage available.

Transfer of Grazing Preferences

Current regulations require that grazing preferences be canceled if the transferee fails to comply with the provisions relating to filing of applications for transfers. Under these regulations, several instances have occurred in which mandatory cancellation was not equitable to the parties involved and served no useful purpose. the proposed rulemaking permits the authorized officer to use discretion in determining whether cancellation is warranted.

Changes in Available Forage

Four changes to the present regulations are proposed. First, before decisions either to decrease or increase livestock grazing use are issued, the authorized BLM officer will consult with affected parties, including the permittees or lessees, State officials, and other interests, such as wildlife or conservation groups to discuss the results of the Bureau's inventory, planning and EIS processes for individual allotments and the changes in livestock use, if any, that are being considered.

Second, decisions on increases and decreases in livestock grazing use will normally become effective at the beginning of the grazing season following the consultation process. Decisions will be phased in three increments over a 5-year period, with the first increment sufficient to ensure a vegetation response. Livestock grazing decisions that are based upon the 3-year phasing provided in the current regulations may be converted to the 5-year phasing process when the next grazing adjustment is taken, unless one of the exceptions to the 5-year process specified in section 4110.3-2(d) and described below applies. However, the

total phase-in period will not exceed 5 years from the effective date of the original decision.

Third, the proposed regulations provide for adjustments to be completed in less than five years under one of three conditions. The period may be reduced if the authorized officer, the operator, and other affected interests agree to a shorter timetable. It may be reduced if, in the language of the 1980 Interior appropriations Act, such a reduction is needed "to sustain resource productivity"—that is, if the authorized officer determines that failure to implement the decision in less than five years would cause significant and long-term resource damage. And finally, the adjustment may be taken in less than five years if it is 15 percent or less. This 15 percent threshold was part of the grazing regulations before 1978 and is included again principally to simplify the administration of minor adjustments. Comments on this threshold are invited.

Fourth, the authorized officer will have the authority to amend the original decision if monitoring information indicates rangeland conditions are not improving at the anticipated rate—or that they are improving faster than anticipated—and that the original decision should be adjusted accordingly. However, if a decision is modified based on monitoring, the authorized livestock grazing use will be brought into balance with the updated allocation of forage for livestock by the conclusion of the 5-year period specified in the original decision.

The Bureau will ensure public involvement throughout the decisionmaking process—in the inventory, planning, impact assessment, and implementation. Shortly after release of the final Grazing Environmental Impact Statement (EIS), the BLM District Manager will issue a Rangeland Management Program Document (RMPD) that describes the grazing capacity determined in the EIS for each allotment in the context of the overall land-use plan. The RMPD will outline how the initial and subsequent grazing decisions will be made, including: The grazing systems developed or proposed, the improvement work projected, and the monitoring program to be conducted.

Following consultation with all interested parties, but before proposed adjustment decisions become effective, the District Manager will publish an RMPD update describing grazing capacity determinations made for each allotment in the planning and EIS process and outlining agreements that have been reached between BLM, livestock operators and other affected interests on the schedule of adjustments (where necessary) and the rational for individual decisions for all allotments, including those where no agreements were reached. The first RMPD update also will inclue a full description of the management program to be carried out in the EIS area and how anticipated increases in available forage will be allocated among uses. This will provide assurances that increases in forage will be equitably shared among uses and will relieve users of another later round of controversy. Projections on increases in forage and future allocation among users will be made through the land use plan.

RMPD updates will be published periodically and widely distributed to all interested parties. Updates issued in years when adjustments are to be made for that EIS area will include discussion of any new agreements reached, allotment management plans developed, the results of monitoring and decisions to be amended based on the monitoring data, and progress made toward meeting management objectives.

The purpose of the RMPD update is to provide a vital assurance to all interested parties that adjustment decisions being made are based on the current condition of the rangeland. It will enable all users to examine the decisions reached at the areawide EIS-level, rather than forcing them to follow individual allotment by allotment decisions, and will provide a clear public record for which the Bureau and users can be held accountable. If—for whatever reason—the Bureau fails to conduct monitoring studies and the operator can prove that significant improvement of range condition has occurred, the operator may appeal the third or fifth year adjustment by submitting an appropriate application through the annual application/authorization process. Under existing procedures, the operator may apply for grazing privileges annually and, if his request is denied in whole or in part, may appeal the rejected application through an administrative appeals process. This procedure continues under the new policy. Similarly, existing regulations provide for appeal by other affected interests and the new regulations in no way abridge those provisions either for initial or ameded decisions.

Other Terms and Conditions

This section is expanded to clarify the intent of the present regulations to provide the authority to include in grazing permits or leases specific terms or conditions which provide for proper management of livestock grazing use to meet the specific needs of an allotment. The terms and conditions listed in the proposed rulemaking have commonly been used to provide for these specific localized needs.

Emergency Modifications in Livestock Use and Closures to Livestock Use

The proposed rulemaking adds the procedures for making temporary modifications in authorized grazing use as an alternative to the present provision for outright closure in cases of drought, fire or similar emergency. This proposed rule permits the authorized officer to work with permittees and lessees in taking the action most appropriate to the local situation.

Range Improvements

A new paragraph in the proposed rulemaking will clarify that an authorization to install, construct or maintain a range improvement does not convey any right, title or interest which the United States holds in any lands or resources. The proposed change also makes it clear that, under a range improvement permit, the permittee or lessee gains title only to removable range improvements and not to permanent range improvements that become a part of the land itself, such as a reservior or land treatment project.

Grazing Permits or Leases

Repetitive wording is eliminated and a new paragraph added which recognizes the priority given by section 15 of the Taylor Grazing Act for the leasing of public lands for grazing purposes to those who own or control property contiguous to the lands to be grazed.

Payment of Fees

The proposed rulemaking adds the failure to make timely payment of grazing fees as a reason for which the authorized officer may cancel the privilege of being billed at the end of the grazing season for grazing use based on the actual amount of grazing use which has been reported by the permittee or lessee.

The rationale for after-the-fact billing is valid only if the permittee or lessee cooperates in both promptly reporting actual grazing use and then promptly paying the bill for grazing use based on that report.

Acts Prohibited on the Public Lands

The proposed rulemaking makes it clear that allowing livestock or indigenous animals on, or driving them across, public land without an appropriate permit or lease or in violation of any term or condition of the permit or lease is prohibited.

Settlement of Unauthorized Grazing Use

The proposed rulemaking provides clearer authority to withhold a grazing authorization or to cancel or suspend an existing grazing authorization if the operator refuses to pay for unauthorized grazing use.

Closure To Control Unauthorized Grazing Use

A provision is proposed to authorize the closure of an area in which unauthorized grazing by a particular kind or class of livestock is occuring. Such closures shall not exceed 12 months. The intent of this provision is to provide a workable operating procedure in those situations where there is a chronic problem with unauthorized grazing use and where the livestock in violation can be readily distinguished from those authorized to graze on the area. This will aid in preventing unauthorized grazing use by those who are not permittees or lessees because the procedural time for taking remedial action is greatly reduced.

Final Decisions

The proposed rulemaking amends provisions in the current regulations to more clearly specify the conditions for placing decisions in full force and effect. Decisions which may be placed in full force and effect include: (1) Those required by the Federal Land Policy and Management Act of 1976, i.e., where allotment management plans are not necessary, or, if needed, have not yet been implemented, and a re-examination of the range indicates that a modification of a grazing permit of lease is required; (2) those closures or modifications in grazing use required because of emergency conditions; (3) those closures made for the purpose of controlling unauthorized grazing use; or (4) where needed for the orderly administration of the range or the protection of resouce values.

Orderly administration of the range could, for example, include situations where—

(1) all members of a group of operators should be treated alike, i.e., in common use allotments where all but one operator are agreeable to a management program;

(2) rangelands are managed as ephemeral or annual rangeland with no predetermined stocking level and grazing is allowed only when growth of forage plants occurs or utilization levels are used to determine when grazing use of such ranges should be extended or terminated;

(3) range improvements must be completed in a specific sequence in several allotments, e.g., a water pipeline servicing several allotments, and the level of grazing use or existing patters of use in one or more of the allotments would not permit prudent investment in the improvement;

(4) special project funding is directed by Congress or the administration; or

(5) forage or water is not available due to fire, drought, insects, floods and other disasters.

The protection of resource values could, for example, necessitate a full force and effect decision where—

(1) utilization of key forage species by grazing animals significantly exceeds the biological limit to sustain these species and long term damage or loss of the forage plants would result if prompt action is not taken to modify grazing use;

(2) the trend in range condition is significantly declining in relation to management goals with no probable change in trend unless prompt action is taken;

(3) prompt action is needed to arrest accelerated erosion resulting from grazing which is causing a continual decline in site productivity and/or is causing measurable deterioration of water quality or other serious resource damage, either on- or off-site; or

(4) livestock grazing use is threatening other significant resources, such as the habitat of threatened or endangered species, significant cultural properties, and/or critical habitat for wildlife.

The purpose of the change is to summarize in one place the conditions under which decisions may be placed in full force and effect. The only addition to the current regulations is the inclusion of decisions related to closure to control unauthorized grazing use. The effective date for implementing a full force and effect decision will be specified in the decision and, in accordance with a legal opinion from the Office of the Solicitor of the Department of the Interior, may be either a specific calendar date (month, day, and year) or the date on which the administrative appeals process is completed. The general pattern will be to tie the effective date for implementing a full force and effect decision to specific criteria which will require an analysis of resource conditions or a need for orderly administration of the public rangelands, such as, in the case of common use areas, any need to adjust all affected use in a consistent, coordinated manner.

The 1980 Appropriation Act for the Department of the Interior limits to 10 percent any reduction in grazing use that may be implemented in any one year if the operator appeals the full force and effect decision. This limitation has not been included in these proposed regulation amendments because it is uncertain whether the Appropriations Act for fiscal year 1981 will include such a limitation. The application of these regulations must, of course, be consistent with any Congressional legislation, and action by Congress may result in further changes to these provisions.

The proposed rulemaking would also specifically authorize the issuance of amended decisions where changing conditions or new information warrants adjustment in existing decisions.

Violation of Federal or State Laws or Regulations

Existing regulations provide for a penalty if—(1) a violation of Federal or State laws or regulations affects public lands administered by the Bureau of Land Management; (2) the violation is related to grazing use authorized by permit or lease; and (3) the permittee or lessee is convicted or otherwise found in violation by a court. The proposed rulemaking would add "or by final determination of any agency charged with the administration of the conservation or environmental laws where no further appeals are outstanding." A number of Federal and State laws provide for agency administrative determination of a violation, which may then be appealed to a court. However, if no appeal is made to a court, the agency determination is the final action and may warrant a penalty.

Other Changes

A number of editorial changes are proposed to correct obvious errors in existing regulations or to modify wording of the regulations to make them easier to read or understand.

The principal author of this proposed rulemaking is David Little of the Division of Rangeland Management, Bureau of Land Management, assisted by the Office of Legislation and Regulatory Management.

It is hereby determined that the publication of this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is not required.

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

Under the authority of the Taylor Grazing Act of 1934, as amended (43 U.S.C. 315, 315(a)–315(r)), Section 4 of the Act of August 28, 1937 (43 U.S.C. 1181(d)), and the Federal Land Policy and Management Act of 1976, as amended by the Public Rangelands Improvement Act of 1978, (43 U.S.C. 1701 et seq.), it is proposed to amend Part 4100, Subchapter D, Chapter II of Title 43 of the Code of Federal Regulations as set forth below:

1. Section 4100.0–5 is amended by revising existing paragraphs (y) and (cc); deleting existing paragraph (w); redesignating existing paragraphs (x) through (bb) as paragraphs (w) through (aa) respectively; and inserting a new paragraph (bb) to read as follows:

§ 4100.0–5 Definitions.

* * * * *

(y) "Range improvement" means any activity on or relating to rangelands designed to improve production of forage, change vegetation composition, control pattern of use, provide water, stabilize soil and water conditions, and enhance habitat for livestock, fish, wildlife, and wild horses and burros. This definition includes the term "range betterment".

* * * * *

(bb) "Suspended preference" means that portion of a grazing preference which has been suspended and for which active grazing use will not be reauthorized until forage is permanently available and allocated for livestock grazing use.

(cc) "Suspension" means temporarily withholding, in whole or in part, grazing use authorized under a grazing permit or lease as a result of—

(1) Noncompliance with the regulations of this part;

(2) A temporary action for the proper management of the public lands; or

(3) A grazing preference exceeding the amount of available forage allocated for livestock.

2. Section 4110.2–3 is amended by revising paragraph (f) to read as follows:

§ 4110.2–3 Transfer of grazing preference.

* * * * *

(f) Failure of the transferee to comply with the regulations of this section may result in the cancellation of the grazing preference.

3. Section 4110.3–1 is amended by adding paragraph (d) to read as follows:

§ 4110.3–1 Additional forage.

* * * * *

(d) Additional forage may be allocated for use by livestock on a permanent basis only when monitoring studies have confirmed that it is permanently available. After consultation with affected permittees or lessees and other affected interests, the authorized officer may provide that increases in livestock grazing use be phased in over a period not to exceed 5 years with the full increase coming in the last year.

4. Section 4110.3–2 is amended by revising paragraph (c) and adding paragraphs (d) and (e) to read as follows:

§ 4110.3–2 Decrease in forage.

* * * * *

(c) Suspensions under paragraph (b) of this section shall be implemented over a 5-year period, with an initial reduction taken on the effective date of the decision and the balance taken in the third and fifth years following the effective date of the decision, except as provided in paragraph (d) of this section. Prior to issuing the decision, the authorized officer shall consult with permittees and lessees and other affected interests including, but not limited to, State officials and wildlife and conservation interests. In allotments containing more than one permittee or lessee, the suspension shall be equitably apportioned by the authorized officer or as agreed to among the permittees or lessees and the authorized officer.

(d) The authorized officer shall schedule suspensions under paragraph (b) of this section over a period of less than 5 years if, after consultation with the affected permittees or lessees and other affected interests—

(1) An agreement is reached to implement the suspension in less than 5 years;

(2) The authorized officer determines that the suspension is required within less than 5 years to sustain resource productivity, i.e., to protect the resource from substantial and long-term damage; or

(3) The total scheduled suspension is 15 percent or less of the authorized active grazing use for the previous year.

(e) The authorized officer may determine, on the basis of monitoring data collected since the effective date of the initial decision following the EIS, that the amount of any subsequent incremental suspension under paragraph (b) of this section should be modified (either increased or decreased). In such cases, he may, after full consultation with permittees and lessees and other affected interests, issue an amended decision which shall adhere to the schedule in the original decision.

5. Section 4110.5 is amended by revising paragraph (a) to read as follows:

§ 4110.5 Conflicting applications.

* * * * *

(a) Historical use of the public lands (see § 4130.2(e));

* * * * *

6. Section 4120.2–2 is revised in its entirety to read as follows:

§ 4120.2–2 Other terms and conditions.

The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving objectives identified in land use plans, provide for proper range management, or assist in the orderly administration of the public rangelands. This may include, but is not limited to—

(a) The class of livestock that will graze on an allotment;

(b) The breed of livestock in allotments within which two or more permittees or lessees are authorized to graze;

(c) Authorization to use, and directions for the placement of, supplemental feed, including salt, for livestock on the public lands;

(d) A requirement that permittees or lessees, operating under a grazing permit or lease not incorporating an allotment management plan, submit within 15 days after completing their annual grazing use, or as otherwise specified in the permit or lease, a report of the actual livestock grazing use made;

(e) The kinds of indigenous animals authorized to graze under specific terms and conditions;

(f) Provision for livestock grazing to be temporarily delayed or discontinued to provide for the reproduction, establishment or restoration of vigor of plants, or to prevent compaction of soils, such as where delay of spring turnout is required because of weather conditions; and

(g) The percentage of public land use determined by the proportion of livestock forage available on public lands within the allotment compared to the total amount available from both public lands and those owned or controlled by permittee or lessee.

7. Section 4120.3 is revised in its entirety to read as follows:

§ 4120.3 Emergency modifications and closures to livestock use.

When the authorized officer determines that the soil, vegetation, or other resources on the public lands require protection because of emergency conditions such as drought, fire or similar emergencies, action shall be taken either to close allotments or portions of allotments to grazing by any kind of livestock or to modify authorized grazing use.

(a) Notices of closure and decisions requiring modification of authorized grazing use shall be issued as final decisions which are placed in full force and effect under § 4160.3(c) of this title; and shall—

(1) State the reasons for the action;

(2) Specify the period of time during which the closure or modification will remain in effect;

(3) Describe the resource conditions that must be present before the regularly authorized grazing use may resume;

(4) Be served personally or by certified mail to those who are authorized to graze livestock on the allotments affected;

(5) Require all owners of livestock affected to remove such livestock or modify grazing use as specified in the decision; and

(6) In the case of a closure, be published in the local newspaper(s) and be posted at the county courthouse and post office near the public land involved.

(b) The authorized officer shall modify grazing use authorizations as required by actions taken under paragraph (a) of this section.

(c) The authorized officer may, as provided under § 4150.5 of this title, impound, remove, and dispose of any livestock found in violation of a closure or modification of grazing use required under paragraph (a) of this section.

8. Section 4120.6–1 is amended by redesignating existing paragraph (d) as paragraph (e) and inserting a new paragraph (d) to read as follows:

§ 4120.6–1 Conditions for range improvements.

* * * * *

(d) A range improvement permit or cooperative agreement does not convey to the permittee or cooperator right, title, or interest in any lands or resources held by the United States.

* * * * *

9. Section 4120.6–3 is Revised to read as follows:

§ 4120.6–3 Range improvement permits.

Any permittee or lessee may apply for a range improvement permit to install, use, maintain, and/or modify range improvements that are needed to achieve management objectives within his designated allotment. The permittee or lessee shall agree to provide full funding for construction, installation, modification, or maintenance. Such range improvement permits are issued at the discretion of the authorized officer. The permittee or lessee shall have title to removable range improvements authorized under range improvement permits.

10. Section 4130.2 is amended by revising paragraphs (d)(2), (d)(2)(v), (d)(3) and (e)(3); and adding a new paragraph (e)(4) to read as follows:

§ 4130.2 Grazing permits and leases.

* * * * *

(d) * * *

(2) Exceptions to the issuance of a grazing permit or lease for a term of 10 years shall be made on a case-by-case basis. In determining whether the interest of sound land management warrants the issuance of a grazing permit or lease for less than 10 years, the following are elements that the authorized officer shall consider:

* * * * *

(v) Whether significant adverse environmental impacts will result from issuance of a grazing permit or lease for a term of 10 years;

* * * * *

(3) Grazing permits or leases shall be modified, suspended, or canceled as required by land use planning decisions.

* * * * *

(e) * * *

(3) The permittee or lessee accepts the terms and conditions to be included in the new permit or lease by the authorized officer; and

(4) The base property offered by a grazing lessee is contiguous to the public lands to be grazed.

11. Section 4130.5–1 is amended by revising paragraph (e) to read as follows:

§ 4130.5–1 Payment of fees.

* * * * *

(e) Fees are due upon issuance of the billing notice and must be paid in full prior to grazing use except where an allotment management plan has been incorporated in a grazing permit or lease. In such cases a billing notice based on actual use may be issued at the end of the grazing period or year, or a billing notice based on the normal operation may be issued prior to the grazing period or year followed by an adjusted billing notice based on actual use after grazing use has been completed.

If an actual use report is not submitted, the amount due will be based on grazing use at the upper limit of flexibility specified in the allotment management plan. Actual use billing privileges shall be cancelled by the authorized officer where the permittee or lessee fails or refuses to—(1) submit a timely actual use report; or (2) make timely payment upon issuance of a billing notice based upon an actual use report or, if the actual use report has not been submitted, the upper level of flexibility specified in the allotment management plan. The permittee or lessee, however, is not relieved of the responsibility for submitting an actual use report under § 4120.2–3(e).

* * * * *

12. Section 4140.1 is amended by revising paragraphs (b)(1) and (b)(12) to read as follows:

§ 4140.1 Acts prohibited on public lands.

* * * * *

(b * * *

(1) Allowing livestock on or driving livestock across these lands—

(i) Without a permit, lease or other grazing use authorization;

(ii) In violation of the terms and conditions of a permit, lease, or other grazing use authorization including, but not limited to, livestock in excess of the number authorized;

(iii) In an area or at a time different from that authorized, or

(iv) Failing to comply with a requirement under § 4120.4(d) of this title.

* * * * *

(12) Allowing privately owned or controlled indigenous animals on or driving them across these lands—

(i) Without a permit, lease or other grazing use authorization;

(ii) In violation of the terms and conditions of a permit, lease, or other grazing use authorization including, but not limited to, animals in excess of the number authorized;

(iii) In an area or at a time different from that authorized, or

(iv) Failing to comply with a requirement under § 4150.3 of this title.

13. Section 4150.3 is amended by revising paragraph (c) to read as follows:

§ 4150.3 Settlement.

* * * * *

(c) Violators shall not be authorized to make grazing use on the public lands or other lands administered by the Bureau of Land Management until any amount found to be due the United States under this section has been paid. The authorized officer may take action under §§ 4160.1–2 or 4160.5, of this title, to cancel or suspend grazing authorizations or to deny approval of applications for grazing use until such amounts have been paid.

14. Subpart 4150 is amended by adding a new § 4150.6 to read as follows:

* * * * *

§ 4150.6 Closure to control unauthorized grazing use.

To control unauthorized grazing use, the authorized officer may temporarily

close allotments or portions of allotments to grazing by any kind or class of livestock for a period not to exceed 12 months. The action taken by the authorized officer shall be specified in a written notice of closure which shall—

(a) State why the allotments, or portions of allotments, are being closed;

(b) Specify the kind or class of livestock to which the areas are closed;

(c) Specify the period for which the areas will be closed;

(d) Be published in the local newspaper(s);

(e) Be posted at the county courthouse and at a post office near the public land area involved;

(f) Be delivered personally or by certified mail to those who are authorized to graze livestock on the allotments affected;

(g) Be issued as a final decision in full force and effect under § 4160.3(c); and

(h) Require all owners of livestock affected thereby to remove such livestock in accordance with provisions of the notice. The authorized officer may proceed to impound, remove, and dispose of any livestock found in violation of the closing notice after the closure date specified in the notice in accordance with §§ 4150.5–2 through §§ 4150.5–5 of this title.

15. Section 4160.3 is amended by revising paragraph (c), and adding new paragraphs (d) and (e) to read as follows:

§ 4160.3 Final decisions.

* * * * *

(c) A period of 30 days after receipt of the final decision is provided for filing an appeal. Decisions that are appealed shall be suspended pending final action. Where the appeal is concerned with the grazing use to be granted under the current application, an applicant who was granted grazing use in the preceding year may continue at that level of use pending final action on the appeal. However, if the authorized officer places the final decision in full force and effect, as provided in paragraph (d) of this section, it shall take effect on the date specified, regardless of appeal.

(d) A decision shall be placed in full force and effect on the date specified by the authorized officer if it would—

(1) Make an emergency modification in livestock use or close an area to livestock use under § 4120.3 of this title;

(2) Close an area to unauthorized grazing use under § 4150.6 of this title;

(3) Modify the terms and conditions of a permit or lease under § 4120.2–1(b) of this title; or

(4) Be required for the orderly administration of the range or the protection of resource values.

(e) A final decision may be amended by the authorized officer based upon information collected subsequent to the original decision. (See § 4110.3–2(e) of this title.) In such cases, the provisions for proposed decisions, protest, final decisions, and appeals of the change shall apply in the same manner as the original decision.

16. Section 4160.5 is revised to read as follows:

§ 4160.5 Show cause.

Whenever it appears to the authorized officer that disciplinary action is advisable because a permittee or lessee has willfully or repeatedly violated provisions of this part, the authorized officer shall serve a show cause notice on the permittee or lessee, or the operator's agent, or both, by certified mail or personal delivery and shall notify any lienholder of record. The show cause notice shall state the alleged violation and refer to the specific terms, conditions, and/or provisions of these regulations alleged to have been violated. As applicable, the notice shall state the amount due under §§ 4130.5–1 or 4150.3 of this title. The show cause notice shall cite the permittee or lessee to appear before an administrative law judge at a designated time and place, in accordance with § 4.470 of this title, to show cause why the grazing use authorized under his/her grazing permit or grazing lease should not be suspended in whole or in part or why his/her grazing permit or grazing lease and grazing preference should not be canceled in whole or in part under § 4170.1–1 of this title.

17. Section 4170.1–1 is revised to read as follows:

§ 4170.1–1 Penalty for violations.

(a) The authorized officer may withhold issuance of a grazing permit or lease, or suspend the grazing use authorized under a grazing permit or lease, in whole or in part, or cancel a grazing permit or lease and grazing preference, or a free use grazing permit or other grazing authorization, in whole or in part, under subpart 4160 of this title, for violation by a permittee or lessee of any of the provisions of this part;

(b) The authorized officer shall suspend the grazing use authorized under a grazing permit, in whole or in part, or shall cancel a grazing permit or lease and grazing preference, in whole or in part, under subpart 4160 of this title for repeated willful violation by a permittee or lessee of § 4140.1(b)(1) of this title.

(c) Whenever a nonpermittee or nonlessee violates § 4140.1(b) of this title and has not made satisfactory settlement under § 4150.3 of this title the authorized officer shall refer the matter to proper authorities for appropriate legal action by the United States against the violator.

18. Section 4170.1–3 is amended by revising paragraph (c) to read as follows:

§ 4170.1–3 Federal or State laws or regulations.

* * * * *

(c) The permittee or lessee has been convicted of or otherwise found to be in violation of any of these laws or regulations by a court or by final determination of any agency charged with the administration of the conservation or environmental laws where no further appeals are outstanding.

Guy R. Martin,

Assistant Secretary of the Interior.

October 8, 1980.

[FR Doc. 80–31889 Filed 10–14–80; 8:45 am]

BILLING CODE 4310–84–M

federal register

Wednesday
October 15, 1980

Part III

Environmental Protection Agency

National Emission Standards for Hazardous Air Pollutants; Test Methods

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[AR-FRL 1553-6]

National Emission Standards for Hazardous Air Pollutants; Test Methods; Revisions and Addition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and notice of public hearing.

SUMMARY: The purpose of this action is to propose revisions to Methods 101 and 102 for chlor-alkali plants and to propose Method 111 for sewage sludge incinerators. On April 6, 1973 (38 FR 8820), the Environmental Protection Agency promulgated national emission standards for hazardous air pollutants asbestos, beryllium, and mercury. An appendix to the regulation contained Methods 101 and 102, which prescribed testing and analytical procedures for mercury emissions. Since their promulgation, the test methods have been evaluated by EPA at chlor-alkali plants and sewage sludge incinerators. Several modifications and clarifications to the procedures were found to be necessary to improve the precision and accuracy of the method. Some of these changes, coupled with the low mercury levels in the effluent of the sewage sludge incinerators, indicated the need for a new method for this source. Methods 101 and 102 are also revised to make them consistent with the latest revisions to Method 5 (42 FR 41754) of 40 CFR Part 60—Appendix A, since many parts of the methods are similar.

DATES: *Comments.* Comments must be received (in duplicate if possible) on or before December 15, 1980.

Public Hearing. A public hearing will be held on November 6, 1980 (about 30 days after proposal) beginning at 9:00 a.m.

Request to Speak at Hearings. Persons wishing to present oral testimony must contact EPA by October 30, 1980 (1 week before hearing).

ADDRESSES: *Comments.* Comments should be submitted (in duplicate if possible) to the Central Docket Section (A-130), Attention: Docket Number A-79-45, U.S. Environmental Protetion Agency, 401 M Street, S.W., Washington, D.C. 20460.

Public Hearing. The public hearing will be held at Emission Measurement Lab, RTP, NC. Persons wishing to present oral testimony should notify Ms. Deanna Tilley, Standards Development Branch (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5421.

Docket. Docket Number A-79-45, containing material relevant to this rulemaking, is located in the U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. The docket may be inspected between 8 a.m. and 4 p.m. on weekdays, and a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Shigehara (MD-19), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-2237.

SUPPLEMENTARY INFORMATION: Changes common to Methods 101 and 102 are formatted to make the methods consistent with Method 5 of 40 CFR Part 60. These methods are quite similar, and Method 5 is now widely used. Having Methods 101 and 102 make reference to Method 5 and to each other shortens the methods considerably. Specific changes to Method 101 are as follows:

1. An aliquot of the collected sample is diluted with 5 percent sulfuric acid solution instead of 0.1 M iodine monochloride. This step removes the cause of nonreproducible blanks and calibration shifts and also removes the need to neutralize the sample with 10 N sodium hydroxide before analysis.

2. Construction details of the aeration and optical cells are provided in the method. This design prevents the loss of mercury between the time that the reducting agent is added and the aeration bottle is attached to the aeration system.

3. Further details are given to prevent condensation of water and mercury in the aeration system.

4. When a filter is used ahead of the impingers, a wire-screen filter support is used instead of a glass frit support to avoid the loss of mercury in the frit.

Method 111 for sewage sludge incinerators is required because, for accurate analysis, the iodine monochloride concentration in the aeration system cannot exceed 0.0001 M, as higher concentrations inhibit the reduction of mercury. This restriction, coupled with the low mercury levels present in the samples taken from the effluent of sewage sludge incinerators, caused the revised Method 101 to be unsuitable for most sewage sludge incinerator stack samples. Thus, a new method that uses potassium permanganate as the collecting liquid is being proposed.

(Secs. 112, 114, and 301(*a) of the Clean Air Act as amended (42 U.S.C. 7412, 7414, and 7601(a))

Dated: October 6, 1980.

Douglas M. Costle,

Administrator.

It is proposed that 40 CFR Part 61, Appendix B—Test Methods, be amended by revising Methods 101 and 102 and by adding Method 111 as follows:

1. By revising Methods 101 and 102 of Appendix B—Test Methods as follows:

Appendix B—Test Methods

Method 101. Determination of Particulate and Gaseous Mercury Emissions from Chlor-Alkali Plants—Air Streams

1. *Applicability and Principle.*

1.1 Applicability. This method applies to the determination of particulate and gaseous mercury (Hg) emissions from chlor-alkali plants and other sources (as specified in the regulations), where the carrier-gas stream in the duct or stack is principally air.

1.2 Principle. Particulate and gaseous Hg emissions are withdrawn isokinetically from the source and collected in acidic iodine monochloride (ICl) solution. The Hg collected (in the mercuric form) is reduced to elemental Hg, which is then aerated from the solution into an optical cell and measured by atomic absorption spectrophotometry.

2. *Range and sensitivity.*

2.1 Range. After initial dilution, the range of this method is 0.5 to 120 μg Hg/ml. The upper limit can be extended by further dilution of the sample.

2.2 Sensitivity. The sensitivity of this method depends on the recorder/spectrophotometer combination selected.

3. *Interfering Agents.*

3.1 Sampling. SO_2 reduces ICl and causes premature depletion of the ICl solution.

3.2 Analysis. ICl concentrations greater than 10^{-4} molar inhibit the reduction of the Hg(II) ion in the aeration cell. Condensation of water vapor on the optical cell windows causes a positive interference.

4. *Precision and Accuracy.*

The following estimates are based on collaborative tests, wherein 13 laboratories performed duplicate analyses on two Hg-containing samples from a chlor-alkali plant and on one laboratory-prepared sample of known Hg concentration. The concentrations ranged from 2 to 65 μg Hg/ml.

4.1 Precision. The estimated within-laboratory and between-laboratory

standard deviations are 1.6 and 1.8 μg Hg/ml, respectively.

4.2 Accuracy. The participating laboratories that analyzed a 64.3-μg Hg/ml (in 0.1 M ICl) standard obtained a mean of 63.7 μg Hg/ml.

5. *Apparatus.*

5.1 Sampling Train. A schematic of the sampling train is shown in Figure 101–1; it is similar to the Method 5 train. The sampling train consists of the following components:

5.1.1 Probe Nozzle, Pitot Tube, Differential Pressure Gauge, Metering System, Barometer, and Gas Density Determination Equipment. Same as Method 5, Sections 2.1.1, 2.1.3, 2.1.4, 2.1.8, 2.1.9, and 2.1.10, respectively.

5.1.2 Probe Liner. Borosilicate or quartz glass tubing. The tester may use a heating system capable of maintaining a gas temperature of 12 ± 14°C (248 ± 25°F) at the probe exit during sampling to prevent water condensation.

Note.—Do not use metal probe liners.

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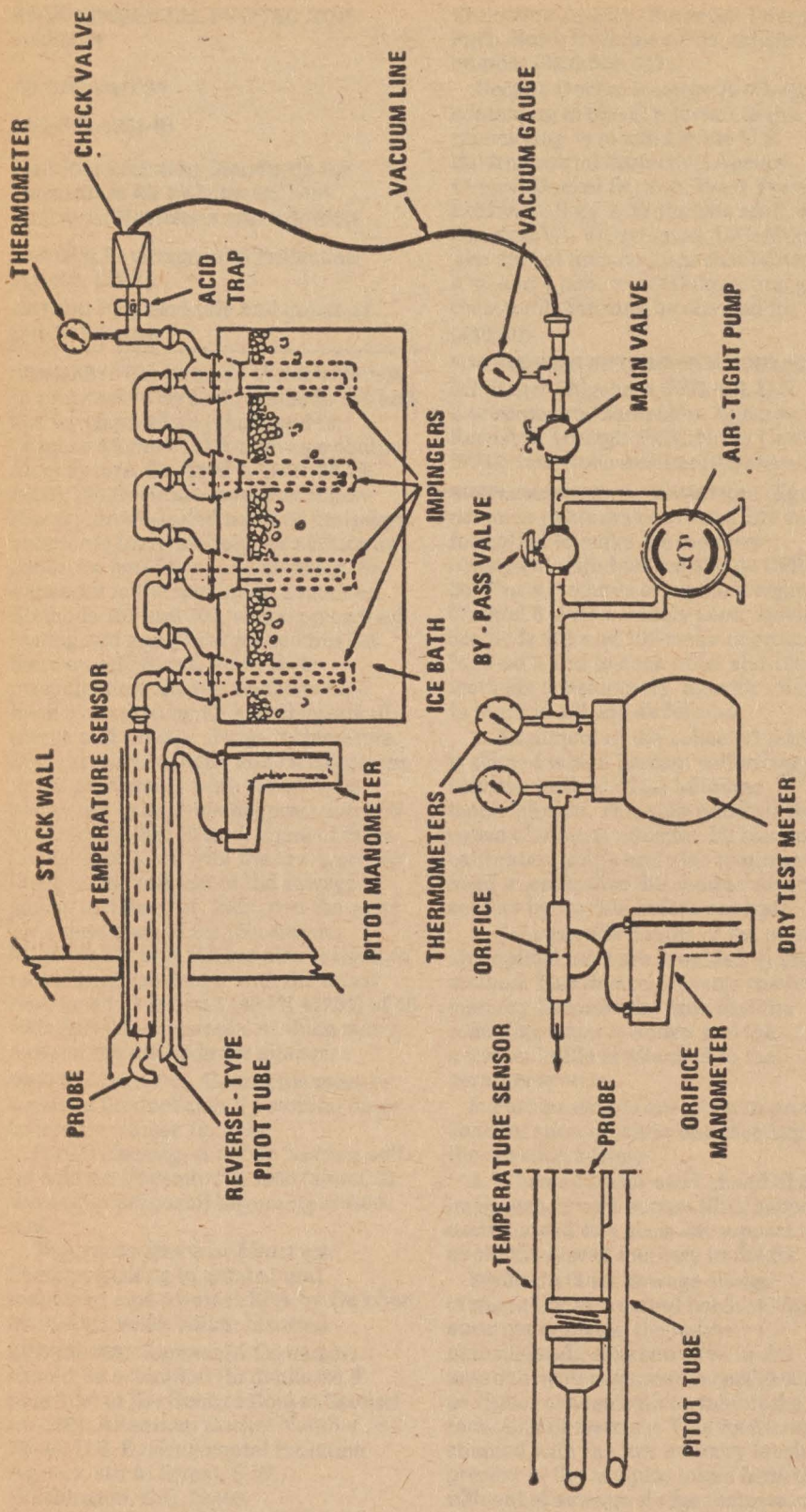


Figure 101-1 Mercury sampling train.

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5.1.3 Impingers. Four Greenburg-Smith impingers connected in series with leak-free ground glass fittings or any similar lead-free noncontaminating fittings. For the first, third, and fourth impingers, the tester may use impingers that are modified by replacing the tip with a 13-mm-ID (0.5-in.) glass tube extending to 13 mm (0.5 in.) from the bottom of the flask.

5.1.4 Acid Trap. Mine Safety Appliances [1] Air Line Filter, Catalogue Number 81857, with acid absorbing cartridge and suitable connections, or equivalent.

5.2 Sample Recovery. The following items are needed:

5.2.1 Glass Sample Bottles. Leakless, with Teflon-lined caps, 1000- and 100-ml.

5.2.2 Graduated Cylinder. 250-ml.

5.2.3 Funnel and Rubber Policeman. To aid in transfer of silica gel to container; not necessary if silica gel is weighed in the field.

5.2.4 Funnel. Glass, to aid in sample recovery.

5.3 Sample Preparation and Analysis. The following equipment is needed:

5.3.1 Atomic Absorption Spectrophotometer. Perkin-Elmer 303, or equivalent, containing a hollow-cathode mercury lamp and the optical cell described in section 5.3.2.

5.3.2 Optical Cell. Cylindrical shape with quartz end windows and having the dimensions shown in Figure 101–2. Wind the cell with approximately 2 meters of 24-guage nichrome heating wire, and wrap with asbestos insulation tape or equivalent; do not let the wires touch each other.

BILLING CODE 6560-01-M

[1] Mention of trade names or specific products does not constitute endorsement by the U.S. Environmental Protection Agency

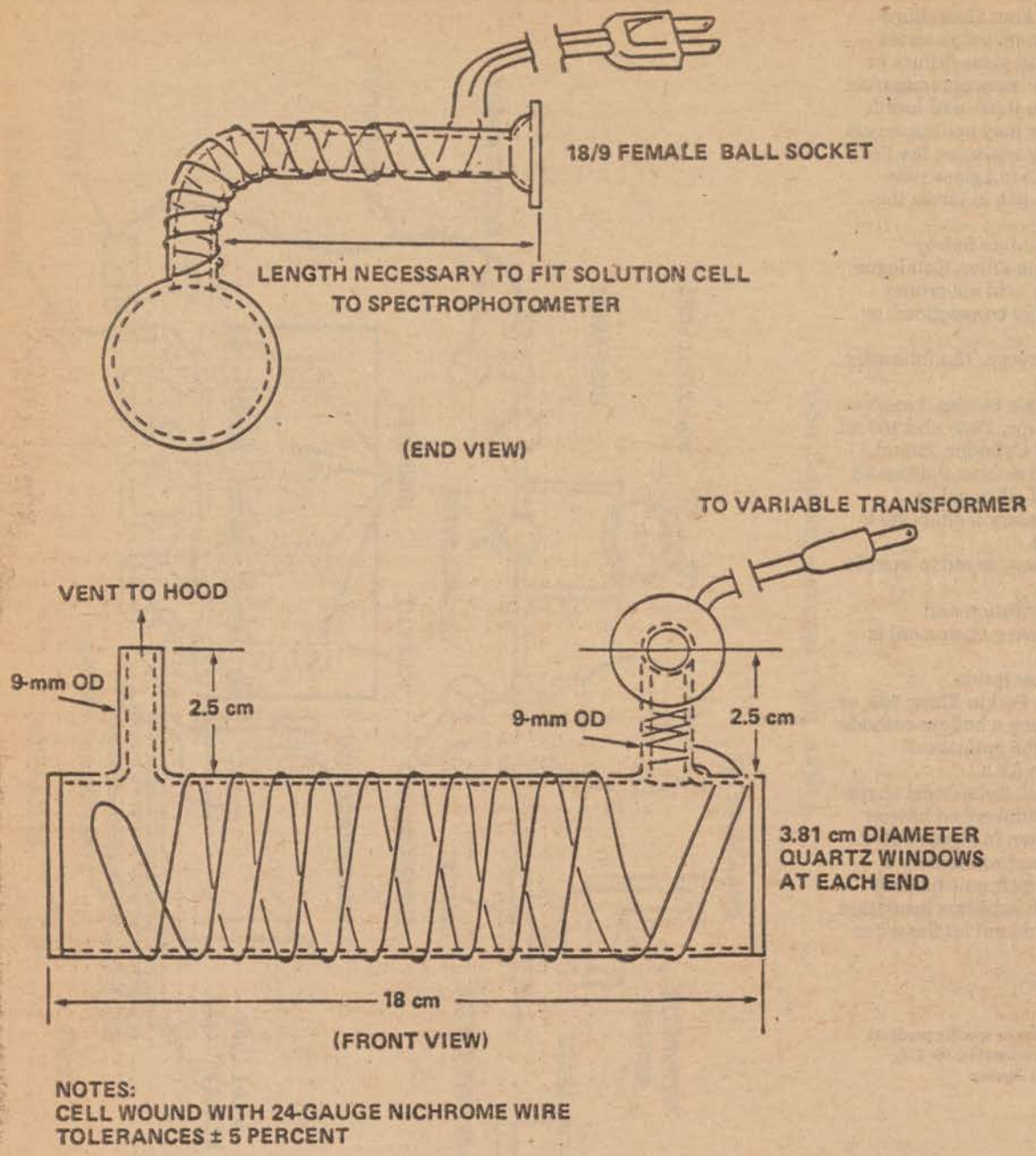


Figure 101-2. Optical cell.

BILLING CODE 6560-01-C

5.3.3 Aeration Cell. Constructed according to the specifications in Figure 101–3. Do not use a glass frit as a substitute for the blown glass bubbler tip shown in Figure 101–3.

5.3.4 Recorder. Matched to output of the spectrophotometer described in section 5.3.1.

5.3.5 Variable Transformer. To vary the voltage on the optical cell from 0 to 40 volts.

5.3.6 Hood. For venting optical cell exhaust.

5.3.7 Flow Metering Valve.

5.3.8 Flow Meter, Rotameter or equivalent, capable of measuring a gas flow of 1.5 liters/min.

5.3.9 Nitrogen/Cylinder. Equipped with a single-stage regulator.

5.3.10 Connecting Tubing. Use glass tubing (ungreased ball- and socket-connections are recommended) for all tubing connections between the solution cell and the optical cell; do not use Tygon tubing, other types of flexible tubing, or metal tubing as substitutes. The tester may use Teflon, steel, or copper tubing between the nitrogen tank and flow metering valve (5.3.7), and Tygon, gum, or rubber tubing between the flow metering valve and the aeration cell.

5.3.11 Flow Rate Calibration Equipment. Bubble flow meter or wet test meter for measuring a gas flow rate of 1.5 ± liters/min.

5.3.12 Volumetric Flasks. Class A with penny head standard taper stoppers; 100-, 250-, 500-, and 1000-ml.

5.3.13 Volumetric Pipets. Class A; 1-, 2-, 3-, 4-, and 5-ml.

5.3.14 Graduated Cylinder. 50-ml.

5.3.15 Magnetic Stirrer. General-purpose laboratory type.

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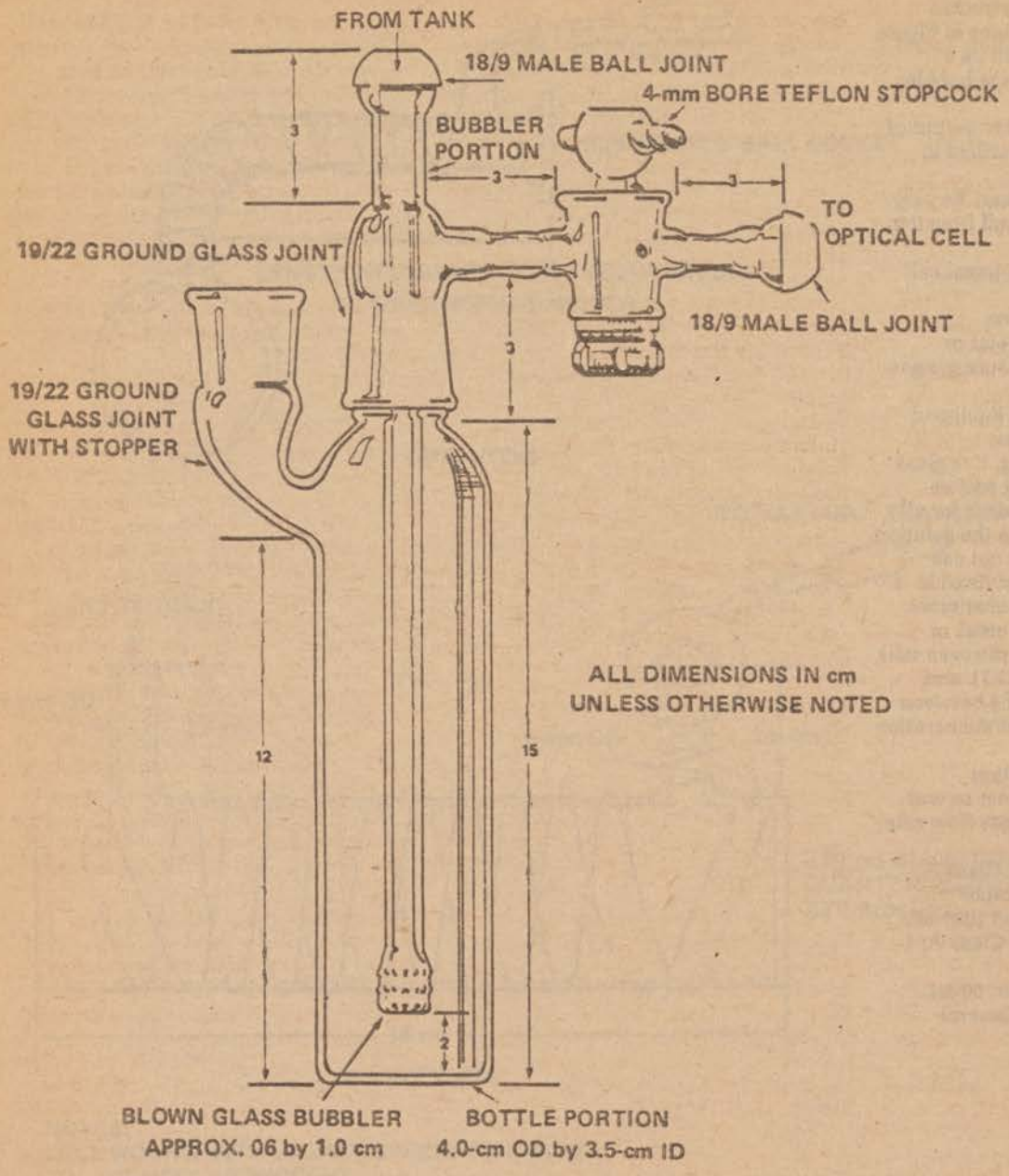


Figure 101-3. Aeration cell.

BILLING CODE 6560-01-C

5.3.16 Magnetic Stirring Bar. Teflon-coated.

5.3.17 Balance. Capable of weighing to ±0.5 g.

6. *Reagents.*

Use ACS reagent-grade chemicals or equivalent, unless otherwise specified.

6.1 Sampling and Recovery. The reagents used in sampling and recovery are as follows:

6.1.1 Water. Deionized distilled, meeting STM Specifications for Type I Reagent Water-ASTM Test Method D 1193–72. If high concentrations of organic matter are not expected to be present, the analyst may eliminate the $KMnO_4$ test for oxidizable organic matter. Use this water in all dilutions and solution preparations.

6.1.2 Nitric Acid (HNO_3), 50 Percent (V/V). Mix equal volumes of concentrated HNO_3 and deionized distilled water.

6.1.3 Silica Gel. Indicating type, 6– to 16–mesh. If previously used, dry at 175°C (350°F) for 2 hrs. The tester may use new silica gel as received.

6.1.4 Potassium Iodide (KI) Solution, 25 Percent. Dissolve 250 g of KI in deionized distilled water and dilute to 1 liter.

6.1.5 Iodine Monochloride (ICl) Stock Solution, 1.0 M. to 800 ml of 25 percent KI solution, add 800 ml of concentrated hydrochloric acid (HCl). Cool to room temperature. With vigorous stirring, slowly add 135 g of potassium iodate (KIO_3) and stir until all free iodine has dissolved. A clear orange-red solution occurs when all the KIO_3 has been added. Cool to room temperature and dilute to 1800 ml with deionized distilled water. Keep the solution in amber glass bottles to prevent degradation.

6.1.6 Absorbing Solution, 0.1 M ICl. Dilute 100 ml of the 1.0 M ICl stock solution to 1 liter with deionized distilled water. Keep the solution in amber glass bottles and in darkness to prevent degradation. This reagent is stable for at least 2 months.

6.2 Sample Preparation and Analysis. The reagents needed are listed below:

6.2.1 Tin(II) Solution. Prepare fresh daily and keep sealed when not being used. Completely dissolve 20 g of tin(II) chloride (or 25 g of tin(II) sulfate) crystals (Baker Analyzed reagent grade or any other brand that will give a clear solution) in 25 ml of concentrated HCl. Dilute to 250 ml with deionized distilled water. Do not substitute HNO_3, H_2SO_4, or other strong acids for the HCl.

6.2.2 Mercury Stock Solution, 1 mg Hg/ml. Completely dissolve 0.1354 g of mercury (II) chloride in 75 ml of deionized distilled water. Add 10 ml of concentrated HNO_3, and adjust the volume to exactly 100 ml with deionized distilled water. Mix thoroughly. This solution is stable for at least 1 month.

6.2.3 Sulfuric Acid, 5 Percent (V/V). Dilute 25 ml of concentrated H_2SO_4 to 500 ml with deionized distilled water.

6.2.4 Intermediate Mercury Standard Solution, 10 μg Hg/ml. Prepare fresh weekly. Pipet 5.0 ml of the mercury stock solution (6.2.2) into a 500–ml volumetric flask and add 20 ml of the 5 percent H_2SO_4 solution. Dilute to exactly 500 ml with deionized distilled water. Thoroughly mix the solution.

6.2.5 Working Mercury Standard Solution, 200 ng Hg/ml. Prepare fresh daily. Pipet 5.0 ml from the "Intermediate Mercury Standard Solution" (6.2.4) into a 250-ml volumetric flask. Add 10 ml of the 5 percent H_2SO_4 and 2 ml of the 0.1 M ICl absorbing solution taken as a blank (7.2.5) and dilute to 250 ml with deionized distilled water. Mix thoroughly.

7. *Procedure.*

7.1 Sampling. Because of the complexity of this method, testers should be trained and experienced with the test procedures to assure reliable results. Since the amount of Hg that is collected generally is small, the method must be carefully applied to prevent contamination or loss of sample.

7.1.1 Pretest Preparation. Follow the general procedure given in Method 5, section 4.1.1, except omit the directions on the filter.

7.1.2 Preliminary Determinations. Follow the general procedure given in Method 5, section 4.1.2, except as follows: Select a nozzle size based on the range of velocity heads to assure that it is not necessary to change the nozzle size in order to maintain isokinetic sampling rates below 28 liters/min (1.0 cfm).

Obtain samples over a period or periods that accurately determine the maximum emissions that occur in a 24-hr period. In the case of cyclic operations, run sufficient tests for the accurate determination of the emissions that occur over the duration of the cycle. A minimum sample time of 2 hrs. is recommended. In some instances, high Hg or high SO_2 concentrations make it impossible to sample for the desired minimum time. This is indicated by reddening (liberation of free iodine) in the first impinger. In these cases, the tester may divide the sample run into two or more subruns to insure that the absorbing solution is not depleted.

7.1.3 Preparation of Sampling Train. Clean all glassware [probe, impingers, and connectors] by rinsing with 50 percent HNO_3, tap water, 0.1 M ICl, tap water, and finally deionized distilled water. Place 100 ml of 0.1 M ICl in each of the first three impingers. Take care to prevent the absorbing solution from contacting any greased surfaces. Place approximately 200 g of preweighed silica gel in the fourth impinger. The tester may use more silica gel, but should be careful to ensure that it is not entrained and carried out from the impinger during sampling. Place the silica gel container in a clean place for later use in the sample recovery. Alternatively, determine and record the weight of the silica gel plus impinger to the nearest 0.5 g.

Install the selected nozzle using a Viton A O–ring when stack temperatures are less than 260°C (500°F). Use an asbestos string gasket if temperatures are higher. See APT–0576[2] for details. Other connecting systems using either 316 stainless steel or Teflon ferrules may be used. Mark the probe with heat-resistant tape or by some other method to denote the proper distance into the stack or duct for each sampling point. Assemble the train as shown in Figure 101–1, using (if necessary) a very light coat of silicone grease on all ground glass joints. Grease only the outer portion (see APTD–0576) to avoid possibility of contamination by the silicone grease.

Note.—An empty impinger may be inserted between the third impinger and the silica gel to remove excess moisture from the sample stream.

After the sampling train has been assembled, turn on and set the probe, if applicable, at the desired operating temperature. Allow time for the temperatures to stabilize. Place crushed ice around the impingers.

7.1.4 Leak-Check Procedures. Follow the leak-check procedures outlined in Method 5, sections 4.1.4.1 (Pretest Leak Check), 4.1.4.2 (Leak Checks During Sample Run), and 4.1.4.3 (Post-Test Leak Check).

7.1.5 Mercury Train Operation. Follow the general procedure given in Method 5, section 4.1.5. For each run, record the data required on a data sheet such as the one shown in Figure 101–4.

7.1.6 Calculation of Percent Isokinetic. Same as Method 5, section 4.1.6.

7.2 Sample Recovery. Begin proper cleanup procedure as soon as the probe is removed from the stack at the end of the sampling period.

Allow the probe to cool. When it can be safely handled, wipe off any external

[2] Rom, Jerome, J. Maintenance, Calibration, and Operation of Isokinetic Source Sampling Equipment. U.S. Environmental Protection Agency. Research Triangle Park, NC. Publication No. APTD–0576. March 1972.

particulate matter near the tip of the probe nozzle and place a cap over it. Do not cap off the probe tip tightly while the sampling train is cooling. Capping would create a vacuum and draw liquid out from the impingers.

Before moving the sampling train to the cleanup site, remove the probe from the train, wipe off the silicone grease, and cap the open outlet of the probe. Be careful not to lose any condensate that might be present. Wipe off the silicone grease from the impinger. Use either ground-glass stoppers, plastic caps, or serum caps to close these openings.

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PLANT _____

LOCATION _____

OPERATOR _____

DATE _____

RUN NO. _____

SAMPLE BOX NO. _____

FILTER BOX NO. _____

METER ΔH@ _____

C FACTOR _____

PITOT TUBE COEFFICIENT, C_p _____

SCHEMATIC OF STACK CROSS SECTION

AMBIENT TEMPERATURE _____

BAROMETRIC PRESSURE _____

ASSUMED MOISTURE, % _____

PROBE LENGTH, m (ft) _____

NOZZLE IDENTIFICATION NO. _____

AVERAGE CALIBRATED NOZZLE DIAMETER, cm (in.) _____

PROBE HEATER SETTING* _____

LEAK RATE, m^3/min (cfm) _____

PROBE LINER MATERIAL _____

STATIC PRESSURE, mm Hg (in. Hg) _____

FILTER NO.* _____

TRAVERSE POINT NUMBER	SAMPLING TIME (θ), min.	VACUUM mm Hg (in. Hg)	STACK TEMPERATURE (T_S) °C (°F)	VELOCITY HEAD (ΔP_S)	PRESSURE DIFFERENTIAL ACROSS ORIFICE METER mm H_2O (in. H_2O)	GAS SAMPLE VOLUME m^3 (ft^3)	GAS SAMPLE TEMPERATURE AT DRY GAS METER		FILTER HOLDER* TEMPERATURE, °C (°F)	TEMPERATURE OF GAS LEAVING CONDENSER OR LAST IMPINGER, °C (°F)
							INLET °C (°F)	OUTLET °C (°F)		
TOTAL							Avg.	Avg.		
AVERAGE							Avg.			

*IF APPLICABLE

Fig. 101-4. Mercury field data.

BILLING CODE 6560-01-C

Transfer the probe and impinger assembly to a cleanup area that is clean, protected from the wind, and free of Hg contamination. The ambient air in laboratories located in the immediate vicinity of Hg-using facilities is not normally free of Hg contamination.

Inspect the train before and during assembly, and note any abnormal conditions. Treat the sample as follows:

7.2.1 *Container No. 1* (Impinger and Probe). Using a graduated cylinder, measure the liquid in the first three impingers to within ±1 ml. Record the volume of liquid present (e.g., see Figure 5–3 of Method 5). This information is needed to calculate the moisture content of the effluent gas. (Use only glass storage bottles and graduated cylinders that have been precleaned as in section 7.1.3.) Place the contents of the first three impingers into a 1000-ml glass sample bottle.

Taking care that dust on the outside of the probe or other exterior surfaces does not get into the sample, quantitatively recover the Hg (and any condensate) from the probe nozzle, probe fitting, and probe liner as follows: Rinse these components with two 50-ml portions of 0.1 M ICl. Next, rinse the probe nozzle, fitting and liner, and each piece of connecting glassware between the probe liner and the back half of the third impinger with a maximum of 400 ml of deionized distilled water. Add all washings to the 1000-ml glass sample bottle containing the liquid from the first three impingers.

After all washings have been collected in the sample container, tighten the lid on the container to prevent leakage during shipment to the laboratory. Mark the height of the liquid to determine later whether leakage occurred during transport. Label the container to clearly identify its contents.

7.2.2 *Container No. 2* (Silica Gel). Note the color of the indicating silica gel to determine whether it has been completely spent and make a notation of its condition. Transfer the silica gel from its impinger to its original container and seal. The tester may use as aids a funnel to pour the silica gel and a rubber policeman to remove the silica gel from the impinger. The small amount of particles that may adhere to the impinger wall need not be removed. Since the gain in weight is to be used for moisture calculations, do not use any water or other liquids to transfer the silica gel. If a balance is available in the field, weigh the spent silica gel (or silica gel plus impinger) to the nearest 0.5 g; record this weight.

7.2.3 *Container No. 3* (Absorbing Solution Blank). For a blank, place 50 ml of the 0.1 M ICl absorbing solution in a 100-ml sample bottle. Seal the container. Use this blank to prepare the working mercury standard solution (6.2.5).

7.3 Sample Preparation. Check the liquid level in each container to see whether liquid was lost during transport. If a noticeable amount of leakage occurred, either void the sample or use methods subject to the approval of the Administrator to account for the losses. Then follow the procedures below:

7.3.1 *Container No. 1* (Impinger and Probe). Carefully transfer the contents of Container No. 1 into a 1000-ml volumetric flask and adjust the volume to exactly 1000 ml with deionized distilled water.

7.3.2 Dilutions. Pipet 2 ml of the solution from 7.3.1 into separate 250-ml volumetric flasks. Add 10 ml of 5 percent H_2SO_4 to each flask and adjust the volumes to exactly 250 ml with deionized distilled water. These solutions are stable for at least 72 hr.

Note.—The dilution factor will be 250/2 for this solution.

7.4 Analysis. Calibrate the spectrophotometer and recorder and prepare the calibration curve as described in sections 8.1 to 8.4.

7.4.1 Mercury Samples. Repeat the procedure used to establish the calibration curve with appropriately sized aliquots (1 to 5 ml) of each of the diluted samples (from section 7.3.2) until two consecutive peak heights agree within ±3 percent of their average value. The peak maximum of an aliquot (except the 5-ml aliquot) must be greater than 10 percent of the recorder full scale. If the peak maximum of a 1.0-ml aliquot is off scale on the recorder, further dilute the original source sample to bring the Hg concentration in the calibration range of the spectrophotometer.

Run a blank and standard at least after every five samples to check the spectrophotometer calibration; recalibrate as necessary.

It is also recommended that at least one sample from each stack test be checked by the Method of Standard Additions to confirm that matrix effects have not interfered in the analysis.

7.4.2 *Container No. 2* (Silica Gel). Weigh the spent silica gel (or silica gel plus impinger) to the nearest 0.5 g using a balance. (This step may be conducted in the field.)

8. *Calibration and Standards.*

Before use, clean all glassware, both new and used, as follows: brush with soap and water, liberally rinse with tap water, soak for 1 hour in 50 percent HNO_3, and then rinse with deionized distilled water.

8.1 Flow Calibration. Assemble the aeration system as shown in Figure 101–5. Set the outlet pressure on the nitrogen cylinder regulator to a minimum pressure of 500 mm Hg (10 psi), and use the flow metering valve and a bubble flow meter or wet test meter to obtain a flow rate of 1.5 ± 0.1 liters/min through the aeration cell. After the flow calibration is complete, remove the bubble flow meter from the system.

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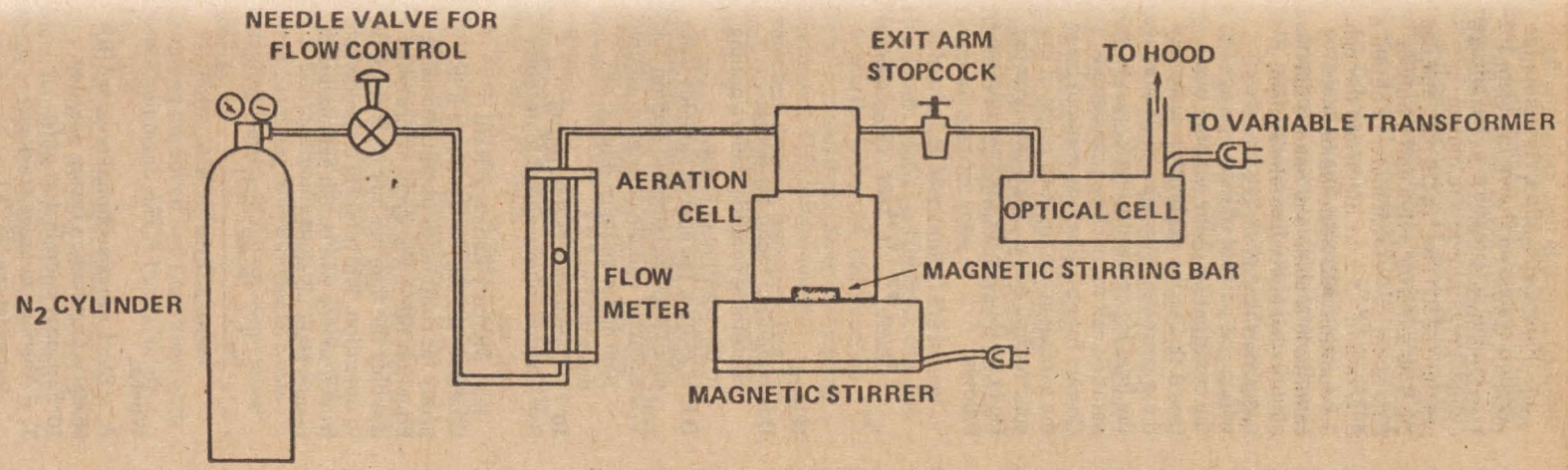


Figure 101-5. Schematic of aeration system.

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8.2 Optical Cell Heating System Calibration. Using a 50-ml graduated cylinder, add 50-ml of deionized distilled water to the bottle section of the aeration cell and attach the bottle section to the bubbler section of the cell. Attach the aeration cell to the optical cell; and while aerating at 1.5 liters/min, determine the minimum variable transformer setting necessary to prevent condensation of moisture in the optical cell and in the connecting tubing. (This setting should not exceed 20 volts.)

8.3 Spectrophotometer and Recorder Calibration. (Note: The temperature of the solution affects the rate at which elemental Hg is released from a solution and, consequently, it affects the shape of the absorption curve (area) and the point of maximum absorbance (peak height). Therefore, to obtain reproducible results, bring all solutions to room temperature before use.) Set the spectrophotometer wavelength at 253.7 nm, and make certain the optical cell is at the minimum temperature that will prevent water condensation. Then set the recorder scale as follows: Using a 50-ml graduated cylinder, add 50-ml of deionized distilled water to the aeration cell bottle and pipet 5.0 ml of the working mercury standard solution into the aeration cell.

Note.—Always add the Hg-containing solution to the aeration cell *after* the 50-ml of deionized distilled water.

Place a Teflon-coated stirring bar in the bottle. Before attaching the bottle section to the bubbler section of the aeration cell, make certain that (1) the aeration cell exit arm stopcock (Figure 101–3) is closed (so that Hg will not prematurely enter the optical cell when the reducing agent is being added) and (2) there is no flow through the bubbler. If conditions (1) and (2) are met, attach the bottle section to the bubbler section of the aeration cell. Pipet 5 ml. of stannous chloride solution into the aeration cell through the sidearm of the cell and immediately stopper the sidearm. Stir the solution for 15 sec, turn on the recorder, open the aeration cell exit arm stopcock, and then immediately initiate aeration with continued stirring. Determine the maximum absorbance of the standard and set this value to read 90 percent of the recorder full scale.

8.4 Calibration Curve. After setting the recorder scale, repeat the procedure in section 8.3 using 0.0-, 1.0-, 2.0-, 3.0-, 4.0-, and 5.0-ml aliquots of the working standard solution (final amount of Hg in the aeration cell is 0, 200, 400, 600, 800, and 1000 ng, respectively). Repeat this procedure on each aliquot size until two consecutive peaks agree within 3 percent of their average value. (Note: To prevent Hg carry-over from one sample to another, do not close the nitrogen tank valve and do not disconnect the aeration cell from the optical cell until the recorder pen has returned to the base line.) It should not be necessary to disconnect the aeration gas inlet line from the aeration cell when changing samples. After separating the bottle and bubbler sections of the aeration cell, place the bubbler section into a 600-ml beaker containing approximately 400-ml of deionized distilled water. Rinse the bottle section of the aeration cell with a stream of deionized distilled water to remove all traces of the tin(II) reducing agent. Also, to prevent the loss of Hg before aeration, remove all traces of the reducing agent between samples by washing with deionized distilled water. It will be necessary, however, to wash the aeration cell parts with concentrated HC1 if any of the following conditions occur: (1) a white film appears on any inside surface of the aeration cell, (2) the calibration curve changes suddenly, or (3) the replicate samples do not yield reproducible results.

Subtract the average peak height of the blank (0.0-ml aliquot)—which should be less than 2 percent of recorder full scale—from the averaged peak heights of the 1.0-, 2.0-, 3.0-, 4.0-, and 5.0-ml aliquot standards. If the blank absorbance is greater than 2 percent of full-scale, the probable cause is Hg contamination of a reagent or carry-over of Hg from a previous sample. Plot the corrected peak height of each standard solution versus the corresponding final total Hg weight in the aeration cell (in ng) and draw the best-fit straight line. This line should either pass through the origin or pass through a point no further from the origin than ± 2 percent of the recorder full-scale. If the line does not pass through or very near to the origin, check for nonlinearity of the curve and for incorrectly prepared standards.

8.5 Sampling Train Calibration. Calibrate the sampling train components according to the procedures outlined in the following sections of Method 5: Section 5.1 (Probe Nozzle), section 5.2 (Pitot Tube), section 5.3 (Metering System), section 5.4 (Probe Heater), section 5.5 (Temperature Gauges), section 5.7 (Barometer). Note that the leak-check described in section 5.6 of Method 5 applies to this method.

9. *Calculations.*

9.1 Dry Gas Volume. Using the data from this test, calculate $V_{m(std)}$, the dry gas sample volume at standard conditions (corrected for leakage, if necessary) as outlined in Section 6.3 of Method 5.

9.2 Volume of Water Vapor and Moisture Content. Using the data obtained from this test, calculate the volume of water vapor $V_{w(std)}$ and the moisture content B_{ws} of the stack gas. Use Equations 5–2 and 5–3 of Method 5.

9.3 Stack Gas Velocity. Using the data from this test and Equation 2–9 of Method 2, calculate the average stack gas velocity v_s.

9.4 Total Mercury. For each source sample, correct the average maximum absorbance of the two consecutive samples whose peak heights agree within ±3 percent of their average for the contribution of the solution blank (see 8.4). Use the calibration curve and these corrected averages, to determine the final Hg concentration $C_{Hg(AC)}$ in the aeration cell for each source sample. Correct for any dilutions made to bring the sample in the working range of the spectrophotometer. Then calculate the Hg in μg (M_{Hg}) in the original solution as follows:

$$m_{Hg} = \frac{C_{Hg(AC)}\ (D.F.)\ V_f\ 10^{-3}}{S} \qquad \text{Eq. 101-1}$$

Where:

D.F. = Dilution factor for the Hg-containing solution (before adding to the aeration cell; e.g.,

D.F. = 250/2 if the source samples were diluted as described in section 7.3.3.

V_f = Solution volume of original sample, 1000 ml for samples diluted as described in 7.2.1.

10^{-3} = Conversion factor, μg/ng.

S = Aliquot volume added to aeration cell, ml.

9.5 Mercury Emission Rate. Calculate the Hg emission rate R in g/day for continuous operations using Equation 101–2. For cyclic operations, use only the time per day each stack is in operation. The total Hg emission rate from a source will be the summation of results from all stacks.

$$R = K\frac{m_{Hg}\ v_s\ A_s\ (86{,}400 \times 10^{-6})}{[V_{m(std)} + V_{w(std)}](T_s/P_s)} \qquad \text{Eq. 101-2}$$

Where:

A_s = Stack cross-sectional area, m^2 (ft^2).

86,400 = Conversion factor, sec/day.

10^{-6} = Conversion factor, μg/g.

T_s = Absolute average stack gas temperature, °K (°R).

P_s = Absolute stack gas pressure, mm Hg (in. Hg).

K = 0.3858 °k/mm Hg for metric units.
= 17.64 °R in. Hg for English units.

9.6 Isokinetic Variation and Acceptable Results. Same as Method 5, sections 6.11 and 6.12, respectively.

9.7 Determination of Compliance. Each performance test consists of three repetitions of the applicable test method. For the purpose of determining compliance with an applicable national emission standard, use the average of the results of all repetitions.

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Method 102. Determination of Particulate and Gaseous Mercury Emissions From Chlor-Alkali Plants—Hydrogen Streams

1. *Introduction.*

Although similar to Method 101, Method 102 requires changes to accommodate the sample being extracted from a hydrogen stream. Conduct the test according to Method 101, except as shown below:

2. *Mercury Train Operation.*

2.1 Probe Heating System. Do not use, unless otherwise specified.

2.2 Glass Fiber Filter. Do not use, unless otherwise specified.

2.3 Safety Procedures. The sampler must conduct the source test under conditions of utmost safety, because hydrogen and air mixtures are explosive. Since the sampling train essentially is leakless, attention to safe operation can be concentrated at the inlet and outlet. If a leak does occur, however, remove the meter box cover to avoid a possible explosive. The following specific precautions are recommended:

2.3.1 Operate only the vacuum pump during the test. The other electrical equipment, e.g., heaters, fans, and timers, normally are not essential to the success of a hydrogen stream test.

2.3.2 Seal the sample port to minimize leakage of hydrogen from the stack.

2.3.3 Vent sampled hydrogen at least 3 m (10 ft) away from the train. This can be accomplished by attaching a 13-mm-ID (0.50-in.) Tygon [3] tube to the exhaust from the orifice meter.

Note.—A smaller ID tubing may cause the orifice meter calibration to be erroneous. Take care to ensure that the exhaust line is not bent or pinched.

2.4 Setting of Isokinetic Rates.

2.4.1 If a nomograph is used, take special care in the calculation of the molecular weight of the stack gas and in the setting of the nomograph to maintain isokinetic conditions during sampling (sections 2.4.1.1 through 2.4.1.3 below).

2.4.1.1 Calibrate the meter box orifice. Use the techniques described in APTD-0576 (see Citation 9 in section 10 of Method 101). Calibration of the orifice meter at flow conditions that simulate the conditions at the source is suggested. Calibration should either be done with hydrogen or with some other gas having a similar Reynolds Number so that there is similarity between the Reynolds Numbers during calibration and during sampling.

2.4.1.2 The nomograph described in APTD-0576 cannot be used to calculate the C factor because the nomograph is designed for use when the stack gas dry molecular weight is 29 ± 4. Instead, the following calculation should be made to determine the proper C factor:

$$C = 0.00154\ \Delta H@\ C_p^{\,2}\ T_m\ (P_s/P_m)\ \frac{(1 - B_{ws})^2}{(1 - B_{ws}) + 18\,B_{ws}/M_d}$$

Where:

$\Delta H@$ = Meter box calibration factor obtained in section 2.4.1.1, in. H_2O.

C_p = Pitot tube calibration coefficient, dimensionless.

T_m = Absolute temperature of gas at the orifice, °R.

P_s = Absolute pressure of stack gas, in. Hg.

P_m = Absolute pressure of gas at the meter, in. Hg.

B_{ws} = Fraction by volume of water vapor in the stack gas.

M_d = Dry molecular weight of stack gas, lb/lb-mole.

Note.—This calculation is left in English units, and is not converted to metric units because nomographs are based on English units.

2.4.1.3 Set the calculated C factor on the operating nomograph and select the proper nozzle diameter and K factor as specified in APTD–0576. If the C factor obtained in section 2.4.1.2 exceeds the values specified on the existing operating nomograph, expand the C

[3] Mention of trade names or specific products does not constitute endorsement by the U.S. Environmental Protection Agency.

scale logarithmically so that the values can be properly located.

2.4.2 If a calculator is used to set isokinetic rates, it is suggested that the isokinetic equation presented in Citation 17 in the Bibliography of Method 101 be used.

2.5 Sampling is Small (<12-in.-Diameter) Stacks. When the stack diameter (or equivalent diameter) is less than 12 inches, conventional pitot-tube probe assemblies should not be used. For sampling guidelines, see Citation 18 in the Bibliography of Method 101.

2. By adding Method 111 to Appendix B—Test Methods as follows:

Appendix B—Test Methods

* * * * *

Method 111. Determination of Particulate and Gaseous Mercury Emissions From Sewage Sludge Incinerators

Introduction

This method is similar to Method 101, except acidic potassium permanganate solution is used instead of acidic iodine monochloride for collection.

1. *Applicability and Principle.*

1.1 Applicability. This method applies to the determination of particulate and gaseous mercury (Hg) emissions from sewage sludge incinerators and other sources as specified in the regulations.

1.2 Principle. Particulate and gaseous Hg emissions are withdrawn isokinetically from the source and collected in acidic potasium permanganate ($KMnO_4$) solution. The Hg collected (in the mercuric form) is reduced to elimental Hg, which is then aerated from the solution into an optical cell and measured by atomic absorption spectrophotometry.

2. *Range and Sensitivity.*

2.1 Range. After initial dilution, the range of this method is 20 to 800 ng Hg/ml. The upper limit can be extended by further dilution of the sample.

2.2 Sensitivity. The sensitivity of the method depends on the recorder/spectrophotometer combination selected.

3. *Interfering Agents.*

3.1 Sampling. Excessive oxidizable organic matter in the stack gas prematurely depletes the $KMnO_4$ solution and thereby prevents further collection of Hg.

3.2 Analysis. Condensation of water vapor on the optical cell windows causes a positive interference.

4. *Precision.*

Based on eight paired-train tests, the within-laboratory standard deviation was estimated to be 4.8 μg Hg/ml in the concentration range of 50 to 130 μg Hg/m^3.

5. *Apparatus.*

5.1 Sampling Train and Sample Recovery. Same as Method 101, sections 5.1 and 5.2, respectively, except for the following variations:

5.1.1 Probe Liner. Same as Method 101, section 5.1.2, except that if a filter is used ahead of the impingers, the tester must use the probe heating system to minimize the condensation of gaseous Hg.

5.1.2 Filter Holder (Optional). Borosilicate glass with a rigid stainless-steel wire-screen filter support (do not use glass frit supports) and a silicone rubber or Teflon gasket, designed to provide a positive seal against leakage from outside or around the filter. The filter holder must be equipped with a filter heating system capable of maintaining a temperature around the filter holder of 120 ± 15°C (248 ± 25°F) during sampling to minimize both water and gaseous Hg condensation. The tester may use a filter in cases where the stream contains large quantities of particulate matter.

5.2 Analysis. The apparatus needed for analysis is the same as Method 101, section 5.3, except as follows:

5.2.1 Volumetric Pipets. Class A; 1-, 2-, 3-, 4-, 5-, 10-, and 20-ml.

5.2.2. Graduated cylinder. 25-ml.

5.2.3. Steam Bath.

6. *Reagents.*

Use ACS reagent-grade chemicals or equivalent, unless otherwise specified.

6.1 Sampling and Recovery. The reagents used in sampling and recovery are as follows:

6.1.1 Water. Deionized, distilled, meeting ASTM Specifications for Type I Reagent Water—ASTM Test Method D 1193–72. If high concentrations of organic matter are not expected to be present, the analyst may eliminate the $KMnO_4$ test for oxidizable organic matter. Use this water in all dilutions and solution preparations.

6.1.2 Nitric Acid (HNO_3), 50 Percent (V/V). Mix equal volumes of concentrated HNO_3 and dseionized distilled water.

6.1.3 Silica Gel. Indicating type, 6- to 16-mesh. If previously used, dry at 175°C (350°F) for 2 hr. The tester may use new silica gel as received.

6.1.4 Filter (Optional). Glass fiber filter, without organic binder, exhibiting at least 99.95 percent efficiency on 0.1 μm dioctyl phthalate smoke particles. The tester may use the filter in cases where the gas stream contains large quantities of particulate matter, but he should analyze blank filters for Hg content.

6.1.5 Sulfuric Acid (H_2SO_4), 10 Percent (V/V). Mix 100 ml of concentrated H_2SO_4 with 900 ml of deionized distilled water.

6.1.6 Absorbing Solution, 4 Percent $KMnO_4$ (W/V). Prepare fresh daily. Dissolve 40 g of $KMnO_4$ in sufficient 10 percent H_2SO_4 to make 1 liter. Prepare and store in glass bottles to prevent degradation.

6.2 Analysis. The reagents needed for analysis are listed below:

6.2.1 Tin(II) Solution. Prepare fresh daily and keep sealed when not being used. Completely dissolve 20 g of tin(II) chloride (or 25 g of tin(II) sulfate) crystals (Baker Analyzed [4] reagent grade or any other brand that will give a clear solution) in 25 ml of concentrated HCl. Dilute to 250 ml with deionized distilled water. Do not substitute HNO_3, H_2SO_4, or other strong acids for the HCl.

6.2.2 Sodium Chloride—Hydroxylamine Solution. Dissolve 12 g of soldium chloride and 12 g of hydroxylamine sulfate (or 12 g of hydroxylamine hydrochloride) in deionized distilled water and dilute to 100 ml.

6.2.3 Hydrochloric Acid (HCl), 8 N. Dilute 67 ml of concentrated HCl to 100 ml with deionized distilled water.

6.2.4 Nitric Acid, 15 Percent (V/V). Dilute 15 ml of concentrated HNO_3 to 100 ml with deionized distilled water.

6.2.5 Mercury Stock Stock Solution, 1 mg HG/ml. Completely dissolve 0.1354 g of mercury(ii) chloride in 75 ml of deionized distilled water. Add 10 ml of concentrated HNO_3, and adjust the volume to exactly 100 ml with deionized distilled water. Mix thoroughly. This solution is stable for at least 1 month.

6.2.6 Intermediate Mercury and Standard Solution, 10 μg Hg/ml. Prepare fresh weekly. Pipet 5.0 ml of the mercury stock solution (6.2.5) into a 500-ml volumetric flask and add 20 ml of 15 percent HNO_3 solution. Adjust the volume to exactly 500 ml with deionized distilled water. Thoroughly mix the solution.

6.2.7 Working Mercury Standard Solution, 200 ng Hg/ml. Prepare fresh daily. Pipet 5.0 ml from the "Intermediate Mercury Standard Solution" (6.2.6) into a 250-ml volumetric flask. Add 5 ml of 4 percent $KMnO_4$ absorbing solution and 5 ml of 15 percent HNO_3. Adjust the volume to exactly 250 ml with deionized distilled water. Mix thoroughly.

6.2.8 Potassium Permanganate, 5 Percent (W/V). Dissolve 5 g of $KMnO_4$

[4] Mention of trade names or specific products does not constitute endorsement by the U.S. Environmental Protection Agency.

in deionized distilled water and dilute to 100 ml.

6.2.9 Filter. Whatman No. 40 or equivalent.

7. *Procedure.*

7.1 Sampling. The sampling procedure is the same as Method 101, except for changes due to the use of $KMnO_4$ instead of ICl absorbing solution and the possible use of a filter. These changes are as follows:

7.1.1 Preliminary Determinations. The preliminary determinations are the same as that given in Method 101, section 7.1.2, except for the absorbing solution depletion sign. In this method, high oxidizable organic content may make it impossible to sample for the desired minimum time. This problem is indicated by the complete bleaching of the purple color of the $KMnO_4$ solution. In these cases, the tester may divide the sample run into two or more subruns to insure that the absorbing solution would not be depleted.

7.1.2 Preparation of Sampling Train. The preparation of the sampling train is the same as that given in Method 101, section 7.1.3, except for the cleaning of the glassware [probe, filter holder (if use), impingers, and connectors] and the charging of the first three impingers. In this method, clean all the glass components by rinsing with 50 percent HNO_3, tap water, 8 N HCl, tap water, and finally deionized distilled water. Then place 50 ml of 4 percent $KMnO_4$ in the first impinger and 100 ml in each of the second and third impingers.

If a filter is used, use a pair of tweezers to place the filter in the filter holder. Be sure to center the filter and place the gasket in proper position to prevent the sample gas stream from bypassing the filter. Check the filter for tears after assembly is completed. Be sure also to set the filter heating system at the desired operating temperature after the sampling train has been assembled.

7.1.3 Sampling Train Operation. In addition to the procedure given in Method 101, section 7.1.5, maintain a temperature around the filter (if applicable) of 120°±14°C (248°±25°F).

7.2 Sample Recovery. Begin proper cleanup procedure as soon as the probe is removed from the stack at the end of the sampling period. Allow the probe to cool. When it can be safely handled, wipe off any external particulate matter near the tip of the probe nozzle and place a cap over it. Do not cap off the probe tip tightly while the sampling train is cooling because the resultant vacuum would draw liquid out from the impingers.

Before moving the sample train to the cleanup site, remove the probe from the train, wipe off the silicone grease, and cap the open outlet of the probe. Be careful not to lose any condensate that might be present. Wipe off the silicone grease from the impinger. Use either ground-glass stoppers, plastic caps, or serum caps to close these openings.

Transfer the probe, impinger assembly, and (if applicable) filter assembly to a cleanup area that is clean, protected from the wind, and free of Hg contamination. The ambient air in laboratories located in the immediate vicinity of Hg-using facilities is not normally free of Hg contamination.

Inspect the train before and during assembly, and note any abnormal conditions. Treat the sample as follows:

7.2.1 *Container No. 1* (Impinger, Probe, and Filter Holder). Use a graduated cylinder; measure the liquid in the first three impingers to within ± 1 ml. Record the volume of liquid present (e.g., see Figure 5–3 of Method 5). This information is needed to calculate the moisture content of the effluent gas. (Use only graduated cylinder and glass storage bottles that have been precleaned as in section 7.1.2.) Place the contents of the first three impingers into a 1000-ml glass sample bottle.

Note.—If a filter is used, remove the filter from its holder, as outlined under "Container No. 3" below.

Taking care that dust on the outside of the probe or other exterior surfaces does not get into the sample, quantitatively recover the Hg (and any condensate) from the probe nozzle, probe fitting, probe liner and front half of the filter holder (if applicable) as follows: Rinse these components with a total of 250 to 400 ml of fresh 4 percent $KMnO_4$ solution. Add all washings to the 1000-ml glass sample bottle. Remove any residual brown deposits on the glassware using the minimum amount of 8 N HCl required and add this HCl rinse to this sample container.

After all washings have been collected in the sample container, tighten the lid on the container to prevent leakage during shipment to the laboratory. Mark the height of the fluid level to determine whether leakage occurs during transport. Label the container to clearly identify its contents.

7.2.2 *Container No. 2* (Silica Gel). Note the color of the indicating silica gel to determine whether it has been completely spent and make a notation of its condition. Transfer the silica gel from its impinger to its original container, and seal. The tester may use as aids a funnel to pour the silica gel and a rubber policeman to remove the silica gel from the impinger. It is not necessary to remove the small amount of particles that may adhere to the impinger wall and are difficult to remove. Since the gain in weight is to be used for moisture calculations, do not use any water or other liquids to transfer the silica gel. If a balance is available in the field, weigh the spent silica gel (or silica gel plus impinger) to the nearest 0.5 g; record this weight.

7.2.3 *Container No. 3* (Filter). If a filter was used, carefully remove it from the filter holder, place it in a 100-ml glass sample bottle, and add 20 to 40 ml of 4 percent $KMnO_4$. If it is necessary to fold the filter, be sure that the particulate cake is inside the fold. Carefully transfer to the 150-ml sample bottle any particulate matter and/or filter fibers that adhere to the filter holder gasket by using a dry Nylon bristle brush and/or a sharp-edge blade. Seal the container. Label the container to clearly identify its contents. Mark the height of the fluid level to determine whether leakage occurs during transport.

7.2.4 *Container No. 4* (Filter Blank). If a filter was used, treat an unused filter from the same filter lot used for sampling in the same manner as Container No. 3.

7.2.5 *Container No. 5* (Absorbing Solution Blank). For a blank, place 500 ml of 4 percent $KMnO_4$ absorbing solution in a 1000-ml sample bottle. Seal the container.

7.3 Sample Preparation. Check liquid level in each container to see if liquid was lost during transport. If a noticeable amount of leakage occurred, either void the sample or use methods subject to the approval of the Administrator to account for the losses. Then follow the procedures below.

7.3.1 *Containers No. 3 and No. 4* (Filter and Filter Blank). If a filter was used, place the contents, including the filter, of Containers No. 3 and No. 4 in separate 250-ml beakers and heat the beakers on a steam bath until most of the liquid has evaporated. Do not take to dryness. Add 20 ml of concentrated HNO_3 to the beakers, cover them with a glass, and heat on a hot plate at 70°C for 2 hrs. Remove from the hot plate and filter the solution through Whatman No. 40 filter paper. Save the filtrate for Hg analysis. Discard the filter.

7.3.2 *Container No. 1* (Impingers, Probe, and Filter Holder). Filter the contents of Container No. 1 through Whatman 40 filter paper to remove the brown MnO_2 precipitate. Wash the filter with 50 ml of 4 percent $KMnO_4$ absorbing solution and add this wash to the filtrate. Discard the filter. Combine the filtrates from Containers No. 1 and No. 3 (if applicable), and dilute to a

known volume with deionized distilled water. Mix thoroughly.

7.3.3 *Container No. 5* (Absorbing Solution Blank). Treat this container as described in section 7.3.2. Combine this filtrate with the filtrate from Container No. 4 and dilute to a known volume with deionized distilled water. Mix thoroughly.

7.4 Analysis. Calibrate the spectrophotometer and recorder and prepare the calibration curve as described in sections 8.1 to 8.4. Then repeat the procedure used to establish the calibration curve with appropriately sized aliquots (1 to 10 ml) of the samples (from sections 7.3.2 and 7.3.3) until two consecutive peak heights agree within ±3 percent of their average value. If the 10-ml sample is below the detectable limit, use a larger aliquot (up to 20 ml), but decrease the volume of water added to the aeration cell accordingly to prevent the solution volume from exceeding the capacity of the aeration bottle. If the peak maximum of a 1.0-ml aliquot is off scale, further dilute the original sample to bring the Hg concentration into the calibration range of the spectrophotometer. If the Hg content of the absorbing solution and filter blank is below the working range of the analytical method, use zero for the blank.

Run a blank and standard at least after every five samples to check the spectrophotometer calibration; recalibrate as necessary.

It is also recommended that at least one sample from each stack test be checked by the Method of Standard Additions to confirm that matrix effects have not interfered in the analysis.

8. *Calibration and Standards.*

Before use, clean all glassware, both new and used, as follows: Brush with soap and water, liberally rinse with tap water, soak for 1 hour in 50 percent of HNO_3, and then rinse with deionized distilled water.

8.1 Flow Calibration. Assemble the aeration system as shown in Figure 101–5 of Method 101. Set the outlet pressure on the nitrogen cylinder regulator to a minimum pressure of 500 mm Hg (10 psi), and use the flow metering valve and a bubble flow meter or wet test meter to obtain a flow rate of 1.5 ± 0.1 liters/min through the aeration cell. After the flow calibration is complete, remove the bubble flow meter from the system.

8.2 Optical Cell Heating System Calibration. Using a 25-ml graduated cylinder, add 25 ml of deionized distilled water to the bottle section of the aeration cell and attach the bottle section to the bubbler section of the cell. Attach the aeration cell to the optical cell; and while aerating at 1.5 liters/min, determine the minimum variable transformer setting necessary to prevent condensation of moisture in the optical cell and in the connecting tubing. (This setting should not exceed 20 volts.)

8.3 Spectrophotometer and Recorder Calibration.

Note.—The temperature of the solution affects the rate at which elemental Hg is released from a solution and, consequently, it affects the shape of the absorption curve (area) and the point of maximum absorbance (peak height). To obtain reproducible results, all solutions must be brought to room temperature before use.

Set the spectrophotometer wavelength at 253.7 nm and make certain the optical cell is at the minimum temperature that will prevent water condensation. Then set the recorder scale as follows: Using a 25-ml graduated cylinder, add 25 ml of deionized distilled water to the aeration cell bottle and pipet 5.0 ml of the working mercury standard solution into the aeration cell.

Note.—Always add the Hq-containing solution to the aeration cell *after* the 25 ml of deionized distilled water.

Place a Teflon-coated stirring bar in the bottle. Add 5 ml of the 4 percent $KMnO_4$ absorbing solution followed by 5 ml of 15 percent HNO_3 and 5 ml of 5 percent $KMnO_4$ to the aeration bottle and mix well. Now, attach the bottle section to the bubbler section of the aeration cell and make certain that (1) the aeration cell exit arm stopcock (Figure 101–3 of Method 101) is closed (so that Hg will not prematurely enter the optical cell when the reducing agent is being added) and (2) there is no flow through the bubbler. Add 5 ml of sodium chloride hydroxylamine in 1-ml increments until the solution is colorless. Now add 5 ml of tin(II) solution to the aeration bottle through the side-arm and immediately stopper the side-arm. Stir the solution for 15 sec, turn on the recorder, open the aeration cell exit arm stopcock, and immediately initiate aeration with continued stirring. Determine the maximum absorbance of the standard and set this value to read 90 percent of the recorder full scale.

8.4 Calibration Curve. After setting the recorder scale, repeat the procedure in section 8.3 using 0.0-, 1.0-, 2.0-, 3.0-, 4.0-, and 5.0-ml aliquots of the working standard solution (final amount of Hg in the aeration cell is 0, 200, 400, 600, 800, and 1000 ng, respectively). Repeat this procedure on each aliquot size until two consecutive peaks agree within 3 pecent of their average value.

Note.—To prevent Hg carryover from one sample to another, do not close the nitrogen tank valve and do not disconnect the aeration cell from the optical cell until the recorder pen has returned to the base line. It should not be necessary to disconnect the aeration gas inlet line from the aeration cell when changing samples. After separating the bottle and bubbler sections of the aeration cell, place the bubbler section into a 600-ml beaker containing approximately 400 ml of deionized distilled water and rinse the bottle section of the aeration cell with a stream of deionized distilled water to remove all traces of the tin(II) reducing agent. Also, to prevent the loss of Hg before aeration, remove all traces of the reducing agent between samples by washing with deionized distilled water. It will be necessary, however, to wash the aeration cell parts with concentrated HCl if any of the following conditions occur: (1) a white film appears on any inside surface of the solution cell, (2) the calibration curve changes suddenly, or (3) the replicate samples do not yield reproducible results.

Subtract the average peak height of the solution blank (0.0-ml aliquot)—which should be less than 2 percent of recorder full scale—from the averaged peak heights of the 1.0-ml, 2.0-ml, 3.0-ml, 4.0-ml, and 5.0-ml aliquot standards. If the blank absorbance is greater than 2 percent of full-scale, the probable cause is Hg contamination of a reagent or carry-over of Hg from a previous sample. Plot the corrected peak height of each standard solution versus the corresponding final total Hg weight in the aeration cell (in ng) and draw the best fit straight line. This line should either pass through the origin or pass through a point no further from the origin than ±2 percent of the recorder full scale. If the line does not pass through or very near to the origin, check for nonlinearity of the curve and for incorrectly prepared standards.

8.5 Sampling Train Calibraton. Calibrate the sampling train components according to the procedures outlined in the following sections of Method 5: section 5.1 (Probe Nozzle); section 5.2 (Pitot Tube); section 5.3 (Metering Sytem); section 5.4 (Probe Heater); section 5.5 (Temperature Gauges); section 5.7 (Barometer). Note that the leak check described in section 5.6 of Method 5 applies to this method.

9. *Calculations.*

9.1 Dry Gas Volume, Volume of Water Vapor and Moisture Content, Stack Gas Velocity, Isokinetic Variation and Acceptable Results, and Determination of Compliance. Same as Method 101, sections 9.1, 9.2, 9.3, 9.6, and 9.7, respectively, except use data obtained from this test.

9.2 Total Mercury. For each source sample, correct the average maximum absorbance of the two consecutive samples whose peak heights agreed within ± 3 percent of their average for the contribution of the field blank. Then

calculate the total Hg content in μg in each sample. Correct for any dilutions made to bring the sample into the working range of the spectrophotometer.

9.3 Mercury Emission Rate. Calculate the Hg emission rate R in g/day for continuous operations using Equation 111–1. For cyclic operations, use only the time per day each stack is in operation. The total Hg emission rate from a source will be the summation of results from all stacks.

$$R = \frac{K\, m_{Hg}\, v_s\, A_s\, (86{,}400 \times 10^{-6})}{[V_{m(std)} + V_{w(std)}]\,(T_s/P_s)} \qquad \text{Eq. 111-1}$$

Where:

m_{Hg} = Total Hg content in each sample, μg.

v_s = Average stack gas velocity, m/sec (fps).

A_s = Stack cross-sectional area, m^2 (ft^2).

86,400 = Conversion factor, sec/day.

10^{-6} = Conversion factor, μg.

$V_{m(std)}$ = Dry gas sample volume at standard conditions, corrected for leakage (if any), m^3 (ft^3).

$V_{w(std)}$ = Volume of water vapor at standard conditions, m^3 (ft^3).

T_s = Absolute average stack gas temperature, °K (°R).

P_s = Absolute stack gas pressure, mm Hg (in. Hg).

K = 0.3858 °K/mm Hg for metric units.
= 17.64 °R/in. Hg for English units.

10. *Bibliography.*

1. Same as Method 101, section 10.

2. Mitchell, W. J., M. R. Midgett, J. C. Suggs, and D. Albrinck. Test Methods to Determine the Mercury Emissions from Sludge Incineration Plants. U.S. Environmental Protection Agency. Research Triangle Park, North Carolina. Publication No. EPA–600/4–79–058. September 1979.

[FR Doc. 80–31822 Filed 10–14–80; 8:45 am]

BILLING CODE 6560–26–M

federal register

Wednesday
October 15, 1980

Part IV

Environmental Protection Agency

Carbon Tetrachloride; Pesticide Programs; Rebuttable Presumption Against Registration and Continued Registration of Certain Pesticide Products

ENVIRONMENTAL PROTECTION AGENCY

[PH FRL 1633-2; OPP-30000/35]

Carbon Tetrachloride; Pesticide Programs; Rebuttable Presumption Against Registration and Continued Registration of Certain Pesticide Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of rebuttable presumption against registration.

SUMMARY: Carbon tetrachloride (CCl_4) has been found to exceed certain risk criteria set forth in 40 CFR 162.11. This notice requests registrants and other interested persons to submit rebuttal as and other information on the presumption and to submit any other data on the risks and benefits of this pesticide chemical. This action is the first of several which will publicly report the Agency's progress in reviewing this chemical.

DATES: Rebuttal evidence and other information must be received on or before November 24, 1980.

COMMENTS: Written comments should be submitted to: Document Control Officer, Environmental Protection Agency, Office of Pesticides and Toxic Substances (TS-793), Room E-447, 401 M St. SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jeff Kempter, Environmenal Protection Agency, Special Pesticide Review Division (TS-791), Office of Pesticide Programs, RM. 711B, Crystal Mall No. 2, 401 M Street SW., Washington, D.C. 20460, (703-557-7460).

SUPPLEMENTARY INFORMATION: The Deputy Assistant Administrator, Office of Pesticide Programs, EPA, has determined that a rebuttal presumption exists against registration and continued registration of all pesticide products containing CCl_4.

Issuance of this RPAR means that potential adverse effects associated with the use of CCl_4 have been identified and will be examined further to determine if they do exist and, if so, whether they are unreasonable.

A position document on CCl_4 containing references, background information, and other material pertinent to the issuance of this notice has been prepared by the Agency and is published elsewhere in this issue of the **Federal Register**.

I. Regulatory Provisions

A. *General.* 40 CFR 162.11 issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136 *et seq.*), provides that a rebuttable presumption against registration shall arise if the Agency determines that a pesticide meets or exceeds any of the risk criteria relating to acute and chronic toxic effects set forth in 40 CFR 162.11(a)(3).

If it is determined that such a rebuttable presumption has arisen, the regulations require that the registrant be notified by certified mail and afforded an opportunity to submit evidence in rebuttal of the presumption. In addition, the Agency has determined that the public should also be given notice of the bases for the presumption to provide an opportunity for comment and to solicit additional information relevant to the presumption.

A notice of rebuttable presumption against registration is issued when the evidence related to risk meets the criteria set forth in 40 CFR 162.11(a)(3). It is emphasized that a notice of rebuttable presumption against registration and continued registration of a pesticide is not a notice of intent to cancel the registration of a pesticide, and may or may not lead to cancellation. The notice of intent to cancel is issued only after the risks and benefits of a pesticide are carefully considered and it is determined that the pesticide may generally cause unreasonable adverse effects to the environment.

All registrants and applicants for registration are invited pursuant to 40 CFR 162.11(a)(4) to submit evidence in rebuttal of the presumptions of chronic liver and kidney effects as listed in II. of this notices and, in the case of oncogenicity, to submit information which relates to the assessment of oncogenic risks as set forth in the Agency's Interim Procedures and Guidelines for Health Risk and Economic Impact Assessment of Suspected Carcinogens published in the **Federal Register** of May 25, 1976 (41 FR 21402). Registrants and other interested parties may submit for consideration data on benefits which they believe would justify registration or continued registration. In addition, any registrant may voluntarily petition the Agency to cancel a current registration pursuant to sec. 6(a)(1) of FIFRA.

B. *Rebuttal criteria.* 40 CFR 162.11(a)(4) provides that a registrant may rebut the presumption by sustaining the burden of proving:

(1) In the case of a pesticide presumed against pursuant to the acute toxicity or lack of emergency treatment criteria, "that when considered with the formulation, packaging, method of use, and proposed restrictions on the directions for use and widespread and commonly recognized practices of use, the anticipated exposure to an applicator or user and to local, regional, or national populations of nontarget organisms is not likely to result in any significant acute adverse effects" under 40 CFR 162.11(a)(4)(i);

(2) In the case of a pesticide presumed against pursuant to the chronic toxicity criteria, "that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accure to levels in man or the environment likely to result in any significant chronic adverse effects" under 40 CFR 162.11(a)(4)(ii); or

(3) In either case, that "the determination by the Agency that the pesticide meets or exceeds any of the criteria for risk was in error" under 40 CFR 162.11(a)(4)(iii).

C. *Benefits information.* In addition to submitting evidence to rebut the presumption of risk, 40 CFR 162.11(a)(5)(iii) provides that a registrant or applicant "may submit evidence as to whether the economic, social and environmental benefits of the use of the pesticide subject to the presumption outweigh the risk of use." If the risk presumptions are not rebutted, the benefit evidence submitted by registants, applicants and other interested persons will be considered by the Administrator determining the appropriate regulatory action.

Registrants, applicants, or other interested persons who desire to submit benefit information should consider submitting information on the following subjects along with any other relevant information they desire to submit:

1. Identification of the major use of the pesticide, such as on stored grains, including estimated quantities applied for those uses.

2. Identification of the minor use of the pesticide, including estimated quantities used by category such as household uses.

3. Identification of registered alternative products for the uses set forth in (1) and (2) above, including an estimate of their availability.

4. Determination of the change in costs to the user of providing equivalent pesticide treatment with any available substitute products or techniques.

5. Assessment of regulation impact upon user productivity (e.g., yield per acre and/or total output) from using available substitute pesticides or from using no other pesticides.

6. If the impacts upon either user costs or productivity are significant, a qualitative assessment of the regulation's impact on production of

major agricultural commodities and retail food prices of such commodities.

II. Presumptions

Registrations and applications for registration of pesticide products containing CCl_4 meet or exceed the 40 CFR 162.11(a)(3) risk criteria relating to oncogenicity and chronic liver and kidney effects. The Agency's basis for concluding that these risk criteria have been met or exceeded is set out in "CCl_4 Position Document 1" published elsewhere in this issue of the **Federal Register**. Information protected from disclosure pursuant to FIFRA Section 10 cannot be provided. Specific inquiries concerning the Position Document, as well as requests for access to these files, should be directed to Section Head, Jeff Kempter, Special Pesticide Review Division (TS-791), EPA, Rm 711B, Crystal Mall #2, 401 M St. SW, Washington, D.C. 20460 (703-557-7460).

A. *Oncogenicity.* 40 CFR 162.11(a)(3)(ii)(A) provides that a rebuttable presumption shall arise if a pesticide "[i]nduces oncogenic effects in experimental mammalian species or in man as a result of oral, inhalation or dermal exposure * * *." As a further clarification of the provision, the preamble to the Agency's Interim Procedures and Guidelines for Health Risk and Economic Impact Assessment of Suspected Carcinogens published in the **Federal Register** of May 25, 1976 (41 FR 21402) states that "a substance will be considered a presumptive cancer risk when it causes a statistically significant excess incidence of benign or malignant tumors in humans or animals."

On the basis of the scientific studies and information summarized in the Position Document, the Agency has concluded that this risk standard index has been exceeded by all registrations and applications for registration of pesticide products containing CCl_4, and that a rebuttable presumption against new or continued registration of such products has therefore arisen.

B. *Other chronic or delayed toxic effects.* 40 CFR 162.11(a)(3)(ii)(B) provides that a rebuttable presumption shall arise if a pesticide "[p]roduces any other chronic or delayed toxic effect in test animals at any dosage up to a level, as determined by the Administrator, which is substantially higher than that to which humans can reasonably be anticipated to be exposed, taking into account ample margins of safety * * *."

On the basis of health studies and exposure information summarized in the Position Document, the Agency has concluded that the risk indices for chronic liver effects and chronic kidney effects have been exceeded by all registrations and applications for registration of pesticide products containing CCl_4, and that a rebuttable presumption against new or continued registration of such products has therefore arisen.

III. Additional Grounds for Review

EPA is aware that some data have associated CCl_4 with mutagenic, teratogenic and fetotoxic effects. The data and analyses currently available relative to these effects are not the bases for the issuance of a rebuttable presumption at this time. The Agency, however, specifically solicits further evidence bearing on these possible adverse effects. All comments, information and related analysis received with respect to these potential adverse effects may serve as a basis for a supplemental RPAR and will, in any event, be included in the Agency's final decision on registering pesticides containing CCl_4.

IV. Rebuttal Submission Procedures

All registrants and applicants for registration listed following this announcement are being notified by certified mail of the rebuttable presumption existing against registration and continued registration of their products.

The registrants and applicants for registration will have 45 days from the date this notice is sent or until November 24, 1980, to submit evidence in rebuttal of the presumption. However, the Administrator may, for good cause shown, grant an additional 60 days during which such evidence may be submitted. Notice of such an extention, if granted, will appear in the **Federal Register.**

A registrant or applicant for registration may assert a business confidentiality claim covering part or all of the information submitted in rebuttal. This may be done by placing on the information a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise nonconfidential documents should be clearly marked.

If a confidentiality claim is asserted, the information covered by the claim will be disclosed by EPA only to the extent and by means of the procedures issued under 40 CFR Part 2, Subpart B published in the **Federal Register** of September 1, 1976 (41 FR 36906). If the information is not accompanied by a confidentiality claim at the time it is received, EPA will place it in the public comment file where it will be available for public inspection.

A registrant or applicant who asserts a confidentiality claim for some, but not all, of the information submitted in rebuttal should furnish two copies of the information to EPA. The first copy should contain all of the evidence submitted in rebuttal, with information claimed to be confidential clearly identified.

The second copy should be identical to the first except that all information claimed as confidential should be deleted. The second copy will be placed in the public comment file. The first copy will be treated in accordance with the procedures set out above.

V. Duty to Submit Information On Adverse Effects

Registrants are required by law to submit to EPA any additional information regarding adverse effects on man or the environment which comes to their attention at any time, pursuant to 6(a)(2) of FIFRA and 40 CFR 162.8(d). Registrants of carbon tetrachloride products must immediately submit any published or unpublished information, studies, reports, analyses, or reanalyses regarding any CCl_4 residues, adverse effects in animal species or humans, and claimed or verified accidents to humans, domestic animals, or wildlife which have not been previously submitted to EPA. Registrants should notify EPA of any studies currently in progress, their purpose, the protocol, the approximate completion date, and a summary of all results observed to date.

VI. Public Comments and Inspection

During the time allowed for submission of rebuttal evidence, specific comments on the presumptions set forth in this notice and on the material contained in the Position Document are solicited from the public. In particular, any documented episodes of adverse effects on humans or domestic animals, and information as to any laboratory studies in progress or completed should be submitted to EPA as soon as possible. Specifically, information on the fate and effects of CCl_4, its impurities, metabolites, and degradation products is solicited. Similarly, submission of any studies or comments on the benefits from the use of CCl_4 is requested. All comments and information received, as well as any other relevant information and analysis thereof which comes to the attention of the Agency, may serve as a basis for final determination pursuant to 40 CFR 162.11(a)(5).

All comments and information should be sent to the Document Control Officer at the address given above, if possible in

triplicate, to facilitate the work of the Agency and others interested in inspecting them. The comments and information should bear the identifying notation "OPP–30000/35". Comments received after the specified time will be considered only to the extent feasible, consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii).

Your cooperation is solicited in identifying any errors or omissions which may have been made in the following computer listing of registrants and products. Corrections to the listing may not necessarily by published in the **Federal Register**, but rather handled by mail with affected parties. Omissions will be corrected by notice in the **Federal Register.**

BILLING CODE 6560-32-M

REGISTRANT	*NAME AND ADDRESS*	
* 000052	WEST CHEMICAL PROD INC 8 FREER ST. LYNBROOK, NY. 11563	2127845800

********** PRODUCT NAME **********	*APDATE*	*PM*	*DATE*	*TOXICITY*
00006 WESTOFUME FUMIGANT	040748	16	0774	1
********** NUMBER OF PRODUCTS LISTED:				1

* 000148	THOMPSON-HAYWARD CHEMICAL COMPANY 5200 SPEAKER ROAD KANSAS CITY KS 66106	9133213131

********** PRODUCT NAME **********	*APDATE*	*PM*	*DATE*	*TOXICITY*
00097 DE-PESTER WEEVIL KILL	020764	16	0475	1
00143 DE PESTER FUMIGANT NO. 2	011764	16	0475	1
00195 SPOT FUMIGANT	101052	16	1274	1
00287 DE-PESTER GRAIN CONDITIONER AND WEEVIL KILLER	020464	16	0475	1
00339 DE PESTER SUPER FUMIGAS	020564	16	0375	1
00784 DE-PESTER FUMIGANT NO 1	020168	16	0875	1
00842 DE-PESTER FUMIGANT 82 FR	061168	16	0475	1
00889 T-H VAULT FUMIGANT	031670	16	0370	2
00991 T-H GRAIN FUMIGANT NO. 7 WEEVIL KILLER AND GRAIN CONDITIONER	042772	16	0472	1
********** NUMBER OF PRODUCTS LISTED:				9

* 000228	RIVERDALE CHEMICAL CO 220 E 17TH ST CHICAGO HEIGHTS IL 60411	3127562010

********** PRODUCT NAME **********	*APDATE*	*PM*	*DATE*	*TOXICITY*
00008 RIVERDALE FUMIGANT	012450	16	0667	2
********** NUMBER OF PRODUCTS LISTED:				1

REGISTRANT	*NAME AND ADDRESS*	
* 000337	LESTER LABORATORIES 2370 LAWRENCE STREET ATLANTA GA 30344	4047670277

********** PRODUCT NAME **********	*APDATE*	*PM*	*DATE*	*TOXICITY*
00016 BUG DEVIL FUMIGANT	102852	16	0467	2
	********** NUMBER OF PRODUCTS LISTED:			1

* 000402	HILL MANUFACTURING, INC 1500 JONESBORO RD SE ATLANTA GA 30315	4045228364

********** PRODUCT NAME **********	*APDATE*	*PM*	*DATE*	*TOXICITY*
00054 HILL'S HILCOFUME 75	090352	16	0971	1
	********** NUMBER OF PRODUCTS LISTED:			1

* 000413	BARTELS & SHORES CHEMICAL COMPANY 1400-02 ST LOUIS AVE KANSAS CITY, MO 64101

********** PRODUCT NAME **********	*APDATE*	*PM*	*DATE*	*TOXICITY*
00051 PIONEER BRAND GRAIN FUMIGANT	080163	16	0875	1
	********** NUMBER OF PRODUCTS LISTED:			1

* 000416	QUINN DRUG & CHEM COMPANY BOX 847 GREENWOOD MS 38930

********** PRODUCT NAME **********	*APDATE*	*PM*	*DATE*	*TOXICITY*
00048 GAR-BE-CIDE SPECIAL MILL SPRAY	091754	16	1067	3
	********** NUMBER OF PRODUCTS LISTED:			1

* 000449	TECHNE CORPORATION C/O REGULATORY AFFAIRS DEPT. FARMLAND IN8164596637 P. O. BOX 7305 KANSAS CITY, MO 64116

********** PRODUCT NAME **********	*APDATE*	*PM*	*DATE*	*TOXICITY*
00009 FIRE RETARDED MILLFUME NO. 1 GRAIN FUMIGANT WITH SULFUR DIOXIDE	070572	16	0772	1
00070 SURE DEATH BRAND MILLFUME "66"	082554	16	0672	1
00505 SURE DEATH BRAND MILLFUME NO. 2	031468	16	0368	2
	********** NUMBER OF PRODUCTS LISTED:			3

REGISTRANT	*NAME AND ADDRESS*	
* 000464	DOW CHEMICAL U S A AGRICULTURAL PRODUCTS DIV PO BOX 1706 MIDLAND MI 48640	5176361000

********** PRODUCT NAME **********		*APDATE*	*PM*	*DATE*	*TOXICITY*
00032	DOWFUME EB-15 INHIBITED	051666	16	1074	1
00034	DOWFUME 75	040248	16	0275	1
00097	DOWFUME EB-5 EFFECTIVE GRAIN FUMIGANT	013068	16	0168	1
00171	DOWFUME C	071056	16	0175	1
00181	SERFUME	011856	16	1074	1
00188	VERTIFUME	020375	16	0972	1
00193	DOWFUME F	071956	16	0268	1
00216	DOWFUME EB-59	080458	16	0375	2
00227	DOW VERTIFUME S	062659	16	0275	1

********** NUMBER OF PRODUCTS LISTED: 9

REGISTRANT	*NAME AND ADDRESS*	
* 000476	STAUFFER CHEMICAL COMPANY LABELING AND REGISTRATION DEPT 1200 SOUTH 47TH STREET RICHMOND CA 94804	4155449000

********** PRODUCT NAME **********		*APDATE*	*PM*	*DATE*	*TOXICITY*
00537	STAUFFER 80-20 GRAIN FUMIGANT	073052	16	0768	1
01112	F.I.A. "80-20" GRAIN FUMIGANT	082460	16	0468	1
01113	STAUFFER CHEMICALS F.I.A. "80-20" GRAIN FUMIGANT WITH SO2	062857	16	0579	1
01543	TRIFUME A GRAIN FUMIGANT	062861	16	0468	1

********** NUMBER OF PRODUCTS LISTED: 4

REGISTRANT	*NAME AND ADDRESS*	
* 000485	INDUSTRIAL FUMIGANT COMPANY 601 EAST 159TH ST. OLATHE, KS 66061	9137827600

********** PRODUCT NAME **********		*APDATE*	*PM*	*DATE*	*TOXICITY*
00007	INFUCO 80-20 WITH SO2 GRAIN FUMIGANT	011267	16	0168	2
00009	INFUCO 80-20 GRAIN FUMIGANT	030867	16	0775	1
00013	INFUCO BIN-FUME GRAIN FUMIGANT	050867	16	0968	2
00015	INFUCO 50-50 SPOT FUMIGANT	020168	16	0368	1
00016	INFUCO TWO-IN-ONE GRAIN FUMIGANT	040868	16	0568	2
00017	INFUCO FUMIGANT 75	102868	16	1168	1

********** NUMBER OF PRODUCTS LISTED: 6

* 000491	SELIG CHEMICAL INDUSTRIES THE DIV NATIONAL SERVICE INDUSTRIES 840 SELIG DR P.O. BOX 43106 ATLANTA GA 30336	4046919220

********** PRODUCT NAME **********		*APDATE*	*PM*	*DATE*	*TOXICITY*
00002	SELIG'S GRAINFUME	010648	16	1067	1
00047	SELIG'S SELCOFUME	072948	16	1167	1
00082	SOLIG'S GRAIN FUMIGANT NO. 15	011050	16	0168	2
00154	GRAINFUME MB	062260	16	1067	2
00190	SELIG'S GRAIN STORAGE FUMIGANT	073167	16	0767	2

********** NUMBER OF PRODUCTS LISTED: 5

* 000527	MIDLAND LABORATORIES, INC. A DIV. OF ROCHESTER GERMICIDE CO. 1430 LOCUST ST. / P.O. BOX 5196 DESMOINES, IA 50306	5152435928

********** PRODUCT NAME **********		*APDATE*	*PM*	*DATE*	*TOXICITY*
00011	GAS-O-CIDE	100369	16	0170	1

********** NUMBER OF PRODUCTS LISTED: 1

REGISTRANT *NAME AND ADDRESS*

* 000655 PRENTISS DRUG & CHEMICAL COMPANY INC
363 7TH AVE
NEW YORK NY 10001
2127366766

********** PRODUCT NAME **********

		APDATE	*PM*	*DATE*	*TOXICITY*
00624	PARSON LETHOGAS FUMIGANT	121179	16	0675	1

********** NUMBER OF PRODUCTS LISTED: 1

* 000677 DIAMOND SHAMROCK AGRICULTURAL CHEMICALS
A UNIT OF DIAMOND SHAMROCK CORP
1100 SUPERIOR AVE
CLEVELAND OHIO 44114
2166945000

********** PRODUCT NAME **********

		APDATE	*PM*	*DATE*	*TOXICITY*
00067	DIAMOND 75-25 GRAIN FUMIGANT	010456	16	0571	2

********** NUMBER OF PRODUCTS LISTED: 1

* 000728 SOUTHLAND PEARSON & CO
PO BOX 7151
MOBILE,AL 36607
2054568456

********** PRODUCT NAME **********

		APDATE	*PM*	*DATE*	*TOXICITY*
00019	PEARSON'S FUNIGRAIN P-75	011749	16	0169	2

********** NUMBER OF PRODUCTS LISTED: 1

* 000746 MFA OIL CO.
C/O IMPERIAL INC.
BOX 423
SHENANDOAH, IOWA 51601
7122462150

********** PRODUCT NAME **********

		APDATE	*PM*	*DATE*	*TOXICITY*
00093	M. F. A. INHIBITED 80-20 PLUS	060264	16	0770	1

********** NUMBER OF PRODUCTS LISTED: 1

* 000769 WOOLFOLK CHEMICAL WORKS, INC.
P.O. BOX 938
FT. VALLEY, GEORGIA 31030
9128255511

********** PRODUCT NAME **********

		APDATE	*PM*	*DATE*	*TOXICITY*
00070	DIWEEVIL	102650	16	1168	1

********** NUMBER OF PRODUCTS LISTED: 1

REGISTRANT	*NAME AND ADDRESS*	
* 000821	HAERTEL WALTER COMPANY 8719 LYNDALE AVE. SOUTH MINNEAPOLIS MN 55420	6128881162

********** PRODUCT NAME **********		*APDATE*	*PM*	*DATE*	*TOXICITY*
00002	TRI-X GARMENT FUMIGANT	111058	16	0571	1
********** NUMBER OF PRODUCTS LISTED:					1

* 000939	LEITTE E H COMPANY BOX 180 1060 6TH ST LAKE ELMO ST PAUL MN 55042				
********** PRODUCT NAME **********		*APDATE*	*PM*	*DATE*	*TOXICITY*
00025	LEITTE SPOTFUME 60	120158	16	0368	2
********** NUMBER OF PRODUCTS LISTED:					1

* 001015	DOUGLAS CHEMICAL COMPANY BOX 297 LIBERTY MO 64068				
********** PRODUCT NAME **********		*APDATE*	*PM*	*DATE*	*TOXICITY*
00010	DOUGLAS TETRAFUME WEEVIL KILLER & GRAIN CONDITIONER	041868	16	0468	2
00020	DOUGLAS TETRAKIL* WEEVIL KILLER AND GRAIN CONDITIONER	092459	16	1074	1
00022	DOUGLAS SUFFOKATO #3 GRAIN AND MILL SPOT FUMIGANT	010567	16	0468	2
00027	DOUGLAS TETRAKOTE LIQUID GRAIN PROTECTANT	121366	16	0767	2
00029	DOUGLAS TOPKOTE #77 INSECT KILLER	080257	16	0567	2
00033	PROTECKOTE	062459	16	0267	2
00036	DOUGLAS GRAINKOTE	030262	16	0767	2
00053	DOUGLAS PROTECKOTE	021467	16	0267	2
********** NUMBER OF PRODUCTS LISTED:					8

* 001111	HOCKWALDCHEM DIV OXFORD CHEM 275 VALLEY DR BRISBANE CA 94005				
********** PRODUCT NAME **********		*APDATE*	*PM*	*DATE*	*TOXICITY*
00132	FUMISOL	081072	16	0872	1
********** NUMBER OF PRODUCTS LISTED:					1

REGISTRANT	*NAME AND ADDRESS*	
* 001270	ZEP MANUFACTURING COMPANY ATTN: REGULATORY AFFAIRS 1310 SEABOARD INDUSTRIAL BLVD. NW ATLANTA,GEORGIA 30318	4043521680

********** PRODUCT NAME **********	*APDATE*	*PM*	*DATE*	*TOXICITY*
00164 ZEP-O-FUME GRAIN MILL FUMIGANT	020873	15	0273	1

********** NUMBER OF PRODUCTS LISTED: 1

REGISTRANT	*NAME AND ADDRESS*	
* 001325	WEIL CHEMICAL COMPANY 219 SCOTT STREET MEMPHIS, TN 38112	9013238504

********** PRODUCT NAME **********	*APDATE*	*PM*	*DATE*	*TOXICITY*
00022 HYDROCHLOR FUMIGANT	040153	16	0174	1
00051 HYDROCHLOR GF LIQUID GAS FUMIGANT	040868	16	0468	1

********** NUMBER OF PRODUCTS LISTED: 2

REGISTRANT	*NAME AND ADDRESS*	
* 001386	UNIVERSAL COOPERATIVES INC FARM CHEMICAL DIVISION 3001 METRO DR. SUITE 500 MINNEAPOLIS MN 55420	6128540800

********** PRODUCT NAME **********	*APDATE*	*PM*	*DATE*	*TOXICITY*
00463 UNICO PREMIUM GRAIN FUMIGANT	120364	16	0872	1

********** NUMBER OF PRODUCTS LISTED: 1

REGISTRANT	*NAME AND ADDRESS*	
* 001421	DETTELBACH CHEMICALS CORP 4181 PEACHTREE RD NE ATLANTA GA 30319	4042613640

********** PRODUCT NAME **********	*APDATE*	*PM*	*DATE*	*TOXICITY*
00097 GRAIN FUMIGANT	112866	16	1272	1
00164 CREST 15 GRAIN FUMIGANT	112068	16	1168	2

********** NUMBER OF PRODUCTS LISTED: 2

REGISTRANT	*NAME AND ADDRESS*	
* 001553	MOMAR INC PO BOX 19567 STATION N ATLANTA GA 30325	4043554580

********** PRODUCT NAME **********	*APDATE*	*PM*	*DATE*	*TOXICITY*
00014 MOMAR MILL-X FUMIGANT	062848	16	0767	2
00067 MOMAR GRAIN-GUARD GRAIN PROTECTANT IN LIQUID FORM	080968	16	0868	3
	********** NUMBER OF PRODUCTS LISTED:			2

* 001616	WARREN-DOUGLAS CHEMICAL COMPANY INC 3002 F ST OMAHA NE 68107	4027333266

********** PRODUCT NAME **********	*APDATE*	*PM*	*DATE*	*TOXICITY*
00004 WARLASCO GRAIN FUMIGANT NO. 3	072159	16	0767	1
	********** NUMBER OF PRODUCTS LISTED:			1

* 001629	WEEVIL-CIDE COMPANY A SUB RESEARD PRODS CO 411 NORTH 7TH ST P O BOX 1057 SALINA KS 67401	

********** PRODUCT NAME **********	*APDATE*	*PM*	*DATE*	*TOXICITY*
00001 WEEVIL-CIDE	072448	16	0375	1
00016 TOXI-FOG	082764	12	0375	3
	********** NUMBER OF PRODUCTS LISTED:			2

* 001645	KNOX CHEMICAL CO. 7625 PAGE BLVD. ST. LOUIS, MO. 63133	

********** PRODUCT NAME **********	*APDATE*	*PM*	*DATE*	*TOXICITY*
00012 FUME-O-DEATH GAS NO. 3	100252	16	0567	2
	********** NUMBER OF PRODUCTS LISTED:			1

* 001990	FARMLAND IND., INC. C/O REGULATORY AFFAIRS DEPT. P. O. BOX 7305 KANSAS CITY, MO 64116	8164596000

********** PRODUCT NAME **********	*APDATE*	*PM*	*DATE*	*TOXICITY*
00116 CO-OP ACTIVATED 80-20 GRAIN FUMIGANT FIRE INHIBITED	042059	16	0175	1
00184 COOP NEW ACTIVATE WEEVIL KILLER FUMIGANT	040767	16	0475	1
	********** NUMBER OF PRODUCTS LISTED:			2

REGISTRANT	*NAME AND ADDRESS*	
* 002169	PATTERSON CHEMICAL COMPANY INC 1400 UNION AVE KANSAS CITY, MO 64101	8168428211

********** PRODUCT NAME **********	*APDATE*	*PM*	*DATE*	*TOXICITY*
00092 PATTERSON'S WEEVIL KILLER	030270	16	0470	2
********** NUMBER OF PRODUCTS LISTED:				1

* 002217	PBI-GORDON CORPORATION 300 SO 3RD ST KANSAS CITY KS 66118	9133428780

********** PRODUCT NAME **********	*APDATE*	*PM*	*DATE*	*TOXICITY*
00108 914 WEEVIL KILLER AND GRAIN CONDITIONER	100361	16	0974	1
00139 STANDARD 75-25 FUMIGANT	092153	16	0268	2
********** NUMBER OF PRODUCTS LISTED:				2

* 002270	HUGE' COMPANY, INC., THE 7625 PAGE AVE ST. LOUIS, MO 63133	3147252555

********** PRODUCT NAME **********	*APDATE*	*PM*	*DATE*	*TOXICITY*
00005 EXCELCIDE EXCELFUME	120549	16	0363	1
********** NUMBER OF PRODUCTS LISTED:				1

* 002548	RESEARCH PRODUCTS COMPANY BOX 1057 SALINA KS 67401	9138252181

********** PRODUCT NAME **********	*APDATE*	*PM*	*DATE*	*TOXICITY*
00003 MAX SPOT KILL MACHINERY FUMIGANT	040350	16	0567	2
00013 MAX KILL 10 LIQUID GRAIN FUMIGANT	090665	16	1273	1
00022 MAX KILL HIGH LIFE LIQUID GRAIN FUMIGANT	090567	16	0874	1
00030 MAXKILL 75-25	022163	16	1075	1
00048 MAX KILL SPOT - 59 SPOT FUMIGANT FOR MILLS AND MILLING MACHINERY	062468	16	1274	1
********** NUMBER OF PRODUCTS LISTED:				5

REGISTRANT	*NAME AND ADDRESS*
* 002618	CHEMI SOL CHEM & SALES COMPANY P.O. BOX 1485 HUTCHINSON KS 67501

********** PRODUCT NAME **********	*APDATE*	*PM*	*DATE*	*TOXICITY*
00002 CHEMI-FUME FUMIGANT TYPE-B	080249	16	0371	1

********** NUMBER OF PRODUCTS LISTED: 1

REGISTRANT	*NAME AND ADDRESS*
* 002826	SIROTTA, BERNARD COMPANY, INC. 67 - 35TH STREET BROOKLYN, NY 11232

********** PRODUCT NAME **********	*APDATE*	*PM*	*DATE*	*TOXICITY*
00001 SIROTTA'S SIRCOFUME LIQUID FUMIGATING GAS	122849	16	1167	3

********** NUMBER OF PRODUCTS LISTED: 1

REGISTRANT	*NAME AND ADDRESS*	
* 002881	LYSTAD INC. BOX 1718 GRAND FORKS ND 58201	7017756283

********** PRODUCT NAME **********	*APDATE*	*PM*	*DATE*	*TOXICITY*
00021 EXTRAFUME	032061	16	0674	1

********** NUMBER OF PRODUCTS LISTED: 1

REGISTRANT	*NAME AND ADDRESS*	
* 002993	BRAYTON CHEMICALS INC P.O. BOX 437 WEST BURLINGTON, IA 52655	3197526324

********** PRODUCT NAME **********	*APDATE*	*PM*	*DATE*	*TOXICITY*
00007 BRAYTON 75-25 GRAIN FUMIGANT	091170	16	0970	1
00014 BRAYTON FLOUR EQUIPMENT FUMIGANT FOR BAKERIES	082770	16	0870	1
00023 BRAYTON EB-5 GRAIN FUMIGANT	012854	16	0870	1

********** NUMBER OF PRODUCTS LISTED: 3

REGISTRANT	*NAME AND ADDRESS*
* 003050	COYNE CHEMICAL COMPANY 2428 EAST 56TH STREET LOS ANGELES CA 90058

********** PRODUCT NAME **********	*APDATE*	*PM*	*DATE*	*TOXICITY*
00023 SPRAY-TROL BRAND INSECTICIDE FUMI-TROL	121273	16	1273	1

********** NUMBER OF PRODUCTS LISTED: 1

REGISTRANT	*NAME AND ADDRESS*						
* 003286	THE STAFFEL CO. P.O. BOX 2380 SAN ANTONIO TX 78298	5122275211					
	********** PRODUCT NAME **********			*APDATE*	*PM*	*DATE*	*TOXICITY*
08098	STAFFEL'S GRAIN FUMIGANT		TX	010176	16	0176	2
			********** NUMBER OF PRODUCTS LISTED:				1
* 003635	OXFORD CHEMICALS PO BOX 80202 ATLANTA GA 30366	4044521100					
	********** PRODUCT NAME **********			*APDATE*	*PM*	*DATE*	*TOXICITY*
00136	FUMISOL			062571	16	0971	1
			********** NUMBER OF PRODUCTS LISTED:				1
* 003886	FERGUSON FUMIGANTS 93 FORD LANE HAZELWOOD MO 63042						
	********** PRODUCT NAME **********			*APDATE*	*PM*	*DATE*	*TOXICITY*
00018	WACO-50			010774	16	0174	1
			********** NUMBER OF PRODUCTS LISTED:				1
* 004887	STEPHENSON CHEM COMPANY INC BOX 87188 COLLEGE PARK GA 30337	4047620194					
	********** PRODUCT NAME **********			*APDATE*	*PM*	*DATE*	*TOXICITY*
00057	STEPHENSON CHEMICALS STORED GRAIN FUMIGANT			112560	16	0972	1
00127	STEPHENSON SURE-GUARD BRAND LIQUID GRAIN PROTECTANT AND FUMIGANT			020971	16	0873	1
			********** NUMBER OF PRODUCTS LISTED:				2

REGISTRANT	*NAME AND ADDRESS*	
* 005382	VULCAN MATERIALS COMPANY CHEMICALS DIVISON 6200 SOUTHRIDGE ROAD WITCHITA KANSAS 67277	3165244211

********** PRODUCT NAME **********		*APDATE*	*PM*	*DATE*	*TOXICITY*
00001	VULCAN FORMULA 635 (FC-2) GRAIN FUMIGANT	081268	16	0868	2
00002	VULCAN FORMULA 72 GRAIN FUMIGANT	012767	16	0868	2
00004	FORMULA 815 (FC-3) GRAIN FUMIGANT	082957	16	0868	2
00006	FC-14 FORMULA 82-H GRAIN FUMIGANT 80-20 MIXTURE	082357	16	0868	2
00007	FC-7 GRAIN FUMIGANT	082057	16	0868	2
00009	(FC-13) MILL MACHINERY FUMIGANT	082157	16	0868	2
00011	(FC-4) SX GRAIN STORAGE FUMIGANT	082157	16	1068	2
00031	TERMINAL GRAIN FUMIGANT (FC-15)	032664	16	0868	2
	********** NUMBER OF PRODUCTS LISTED:				8

REGISTRANT	*NAME AND ADDRESS*
* 005440	CARDINAL CHEMICAL COMPANY 50 FRANCISCO ST. SAN FRANCISCO CA 94133

********** PRODUCT NAME **********		*APDATE*	*PM*	*DATE*	*TOXICITY*
00006	CARDINALFUME	020457	16	0872	1
00020	(FC-13) MILL MACHINERY FUMIGANT	092459	16	0872	1
00022	FORMULA 635 (FC-2) GRAIN FUMIGANT	100859	16	0872	1
	********** NUMBER OF PRODUCTS LISTED:				3

REGISTRANT	*NAME AND ADDRESS*
* 006152	ATOMIC CHEMICAL CO BOX 1111 SPOKANE WA 99210

********** PRODUCT NAME **********		*APDATE*	*PM*	*DATE*	*TOXICITY*
00005	DYNA FUME	022771	16	0271	1
00006	ISO-FUME	022771	16	0271	1
	********** NUMBER OF PRODUCTS LISTED:				2

REGISTRANT	*NAME AND ADDRESS*					
* 008590	AGWAY INC CHEMICAL DIVISION BOX 4933 SYRACUSE NY 13221	3154776172				
********** PRODUCT NAME **********				*APDATE*	*PM*	*DATE*	*TOXICITY*
00098 AGWAY SERAFUME				072167	16	0174	1
			********** NUMBER OF PRODUCTS LISTED:				1
* 010203	GRAIN CONDITIONERS INC 2622 POYDRAS ST NEW ORLEANS LA 70119					
********** PRODUCT NAME **********				*APDATE*	*PM*	*DATE*	*TOXICITY*
00001 GRAINEX NEW GRAIN FUMIGANT				091068	16	1068	1
			********** NUMBER OF PRODUCTS LISTED:				1
* 012472	CANLE M F & COMPANY 4511 N ST VINCENT ST TAMPA FL 33614					
********** PRODUCT NAME **********				*APDATE*	*PM*	*DATE*	*TOXICITY*
09339 ACRITET 34-66			FL	010176	16	0176	1
			********** NUMBER OF PRODUCTS LISTED:				1
* 021327	SOWECO, INC 411 SOUTH PARKER STREET AMARILLO TX 79106	8063728381				
********** PRODUCT NAME **********				*APDATE*	*PM*	*DATE*	*TOXICITY*
08145 LAVARACIDE 15 LIQUID GRAIN FUMIGANT			TX	010176	16	0176	1
			********** NUMBER OF PRODUCTS LISTED:				1
* 033161	BIG F INSECTICIDES INC P.O. BOX 22095 MEMPHIS, TN 38122					
********** PRODUCT NAME **********				*APDATE*	*PM*	*DATE*	*TOXICITY*
00002 BIG F "LGF" LIQUID GAS FUMIGANT				041974	16	0474	1
			********** NUMBER OF PRODUCTS LISTED:				1

REGISTRANT	*NAME AND ADDRESS*
* 036301	J-CHEM A DIV. OF FUMIGATORS, INC. 9100 BECKER -BOX 5421 HOUSTON, TX 77012

********** PRODUCT NAME **********		*APDATE*	*PM*	*DATE*	*TOXICITY*
00004	J-FUME-20	090675	16	1075	1
00005	J-FUME 80-20	102475	16	1075	1
00007	J-FUME-75	090675	16	1075	1
00008	J-FUME-C	090675	16	0975	1
04768	J-FUME 80-20 LIQUID GRAIN FUMIGANT	TX 010176	16	0176	1

********** NUMBER OF PRODUCTS LISTED: 5

* 040831	FALLS CHEMICALS INC P.O. BOX 2345 GREAT FALLS, MT 59403	4067616757

********** PRODUCT NAME **********		*APDATE*	*PM*	*DATE*	*TOXICITY*
00021	BEST 4 SERVIS BRAND 75-25 STANDARD FUMIGANT	040379	16	0467	3

********** NUMBER OF PRODUCTS LISTED: 1

* 042057	* **********

********** PRODUCT NAME **********		*APDATE*	*PM*	*DATE*	*TOXICITY*
00098	WASCO GRAIN FUMIGANT	030979	16	0875	1

********** NUMBER OF PRODUCTS LISTED: 1

* 043954	STEWART SANITARY SUPPLY CO., LTD. 6981 MARQUETT AVE. ST. LOUIS, MO. 63139

********** PRODUCT NAME **********		*APDATE*	*PM*	*DATE*	*TOXICITY*
00006	OKAY MOLE AND GOPHER FUMIGANT	031380	16	0767	3

********** NUMBER OF PRODUCTS LISTED: 1

BILLING CODE 6560-32-C

All written comments and information filed pursuant to this notice will be available for public inspection in the office of the Chemical Information Division Document Control Officer, Office of Pesticides and Toxic Substances (TS–793), EPA, Rm. E–447, 401 M St. SW., Washington, D.C. 20460 from 8:30 a.m. to 4 p.m. during normal working days. Interested persons are encouraged to take advantage of the opportunity to inspect Agency files during normal working hours. All of the information received may serve as a basis for final determination pursuant to 40 CFR 162.11(a)(5). The Agency does not plan to publish a summary of information received in the **Federal Register** at the close of the rebuttal period.

Dated: September 30, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-31807 Filed 10-14-80; 8:45 am]

BILLING CODE 6560-32-M

[PH FRL 1633-3; OPP-30000/35A]

Carbon Tetrachloride; Pesticide Programs; Rebuttable Presumption Against Registration and Continued Registration of Certain Pesticide Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Carbon Tetrachloride—Position Document 1.

SUMMARY: Carbon tetrachloride (CCl_4) has been found to exceed certain risk criteria set forth in 40 CFR 162.11. This notice provides the Position document 1 supporting the notice of rebuttable presumption against registration which is published elsewhere in this issue of the **Federal Register.** Registrants and other interested persons are requested to submit comments on the Position Document 1. This action is the first of several which will publicly report the Agency's progress in reviewing this chemical.

DATES: Rebuttal evidence and other information must be received on or before November 24, 1980.

COMMENTS: Written comments should be submitted to: document Control Officer, Environmental Protection Agency, Office of Pesticides and Toxic Substances (TS–793), Room E–447, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jeff Kempter, Environmental Protection Agency, Special Pesticide Review Division (TS–791), Office of Pesticide Programs, Rm. 711B, Crystal Mall #2, 401 M Street, SW., Washington, D.C. 20460 (703–557–7460).

SUPPLEMENTARY INFORMATION: Elsewhere in this issue of the **Federal Register** the notice of rebuttable presumption against registration has been issued. The Deputy Assistant Administrator, Office of Pesticide Programs, EPA, has determined that a rebuttal presumption exists against registration and continued registration of all pesticide products containing CCl_4.

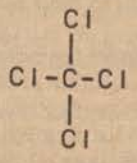
Issuance of this RPAR means that potential adverse effects associated with the use of CCl_4 have been identified and will be examined further to determine if they do exist and, if so, whether they are unreasonable.

A position document on CCl_4 containing references, background information, and other material pertinent to the issuance of the rebuttable presumption against registration action has been prepared by the Agency and is published in this notice.

Carbon Tetrachloride: Position Document 1; Background

A. Physical and Chemical Characteristic

1. *Nomenclature.* Carbon tetrachloride is a chlorinated hydrocarbon compound with the molecular formula CCl_4. Its structural formula is:



Other chemical names used by manufacturers are tetrachloro-methane, perchloromethane, benzinoform, and tetrachlorocarbon.

2. *Chemistry.* CCl_4, a colorless liquid at room temperature, is prepared commercially by interaction of carbon disulfide and cholorie with a catalyst or by the chlorination of methane or higher hydrocarbons at 250° to 400°C. It has a moderately strong ethereal odor similar to that of chloroform and is miscible with alcohol, ether, benzene, chloroform, solvent naptha, and most of the fixed and volatile oils. It is insoluble in water and in noncombustible.

CCl_4 has a molecular weight of 153.84, boiling point of 76.75°C, freezing point of −23°C, vapor pressure of 89.5 mm at 20°C, vapor density of 5.32 (air=1), and specific gravity of 1.585 at 25°C. One part per million (ppm) of CCl_4 is equivalent to 6.29 mg per cubic meter in air, and one mg/m^3 of CCl_4 is equivalent to 0.159 ppm.

B. Registered Products and Uses

1. *Products and production.* There are currently 128 Federal pesticide registrations, held by 56 registrants, and 3 state registrations of products containing CCl_4 as an active ingredient. In addition, CCl_4 is registered as an inert ingredient in 15 products. Most of the registered products are mixtures of CCl_4 and other active ingredients such as ethylene dibromide, sulfur dioxide, and carbon disulfide.

Records indicate that nearly one billion lbs. of CCl_4 are produced in the U.S. annually. NIOSH (1975) reports 997 million lbs. for 1973, Johns (1976) reports 932.7 million lbs. for 1976, and USEPA (1977) reports 932.7 million lbs. for 1977. In 1973, 95 percent of this production was used in the manufacture of fluorocarbons.

The remaining 5 percent, or 49.5 million lbs., was formulated into pesticidal products, metal degreasers, dry cleaning solvents, refrigerants, propellants, fire extinguisher solutions and semiconductors.

The major domestic formulators of carbon tetrachloride are:

i. Allied Chemical Corporation: Moundsville, West Virginia.

ii. Dow Chemical USA: Freeport, Texas; Pittsburgh, California; Plaquemine, Louisiana.

iii. E. I. du Pont de Nemours and Company Inc.: Corpus Christi, Texas.

iv. FMC Corporation: South Charleston, West Virginia.

v. Inland Chemical Corporation: Manati, Puerto Rico.

vi. Stauffer Chemical Company: Le Moyne, Alabama; Louisville, Kentucky; Niagara Falls, New York.

vii. Vulcan Materials Corporation: Geismar, Louisiana; Wichita, Kansas.

2. *Pesticidal active ingredient use pattern.* The primary pesticidal use of CCl_4 is as a component of mixtures applied as fumigants to control infestations of insects in 1) harvested grains throughout storage, transfer, milling, distribution, and processing phases, 2) stocks of seed grains, and 3) household and similar furnishings and fabrics which are based principally upon wool. The content of CCl_4 in most such mixtures ranges from about 22 percent to 94 percent. Carbon tetrachloride is a relatively inexpensive, non-flammable diluent for chemicals which are more highly active, but which embody serious fire and/or toxicity hazards. It can also enhance the penetration and diffusion of the gaseous

mixture throughout the mass of material being fumigated (Ludvik, 1980a).

Information indicates that CCl_4 is included in fumigant mixtures principally as a flame retardant rather than for pesticidal purposes (Ludvik, 1980a). It is used in grain fumigation principally because it is non-flammable in any concentration in air, and serves to reduce fire hazards of other fumigants such as ethylene dichloride, ethylene dibromide and carbon disulfide (Pierpont, 1979; Metcalf, Flint and Metcalf, 1962).

In 1977–78, 19,593,000 pounds of carbon tetrachloride fumigant formulations were applied to grains stored off-farm, while 8,607,000 pounds (annual averages) were applied to grains stored on the farm (Development Planning and Research associates, 1980).

Minor pesticidal uses of CCl_4 include spot fumigation of grain mill equipment to control red flour beetles, confused flour beetles, and other cereal pests; spot fumigation for bakery, brewery, nut processing, spice mill and feed mill equipment to control various insect infestations; fumigation of household contents such as clothes, furs, and carpets, to kill book lice, clothes moths, and carpet beetles; application as a rodenticide to kill gophers and moles. The registrations for household purposes cover use in commercial operations such as vault fumigation and fumigation in warehouses under cover. These formulations are neither intended nor registered for use by the individual homeowner.

3. *Tolerances.* No carbon tetrachloride residues were detected in grain fumigated with CCl_4-containing formulations in petitions submitted in 1956. The analytical method employed at that time for detection of CCl_4 had a sensititivy of 1 to 2 ppm and was based on colorimetric determination of residues by the Fujiwara reaction. It was therefore concluded from these 1956 studies that no CCl_4 residues were likely to reesult from fumigation of grain with CCl_4-containing pesticides. As a result, exemptions from tolerances were established in 40 CFR 180.1005 for use of CCl_4 after harvest on barley, corn, oats, popcorn, rice, rye, sorghum (milo) and wheat. These exemptions apply to the CCl_4 active ingredient in all post-harvest fumigants containing CCl_4 when applied to whole grains.

No tolerance limits were set, nor was an exemption from the requirement of a tolerance level was granted for carbon tetrachloride residues in corn grits and cracked rice used in the production of malted beverages. Conditions for the safe use of CCl_4 on these grains were established in 21 CFR 193.230, which also set a limit of 125 ppm of inorganic bromides for brominated fumigants (methyl bromide and ethylene dibromide) used for the same purpose (21 CFR 193.230).

CCl_4-containing formulations may be used in or on grain-mill machinery, provided EPA-approved lable directions are followed. However, these formulations are not used extensively because they can severely choke milling machinery, resulting in delays in start-up following treatment (USEPA, 1979b). There are no tolerances set on CCl_4 residues for this practice because no residues were expected due to the volatility of the compound.

Although carbon tetrachloride is currently exempted from the requirement of a tolerance for residues in certain grains (barley, rice, wheat, oats, sorghum, rye, corn and popcorn) more sensitive detection methods have recently shown residues in several types of food, including flour (Kozak, 1980; Bontoyon 1980). Sensitivity of modern analytical procedures now allows detection of CCl_4 residues as low as 1 ppb. Therefore, in the event the Agency does allow continued registration of CCl_4, tolerances will be required for all grains for which CCl_4 is registered for use, meat, poultry, eggs, and milk, in accordance with sections 406, 408 and 409 of the Federal Food, Drug and Cosmetic act as amended. A more detailed discussion of the Agency's discovery of CCl_4 in flour follows in II. B.

4. *Pesticidal inert ingredient use pattern.* This rebuttable presumption does not include products containing CCl_4 as an inert. Carbon tetrachloride is currently registered as an inert ingredient in fifteen products. The registered uses of these products include use as a ground spray or crop duster insecticide and fungicide, as a lawnweed killer, and for control of bacterial and fungal slimes in pulp and paper mills. Information available to EPA indicates that in thirteen of these formulations where the active ingredient is naled, CCl_4 is a contaminant and makes up 0.18 to 0.4 percent of the naled formulation (naled is currently in pre-RPAR review). In the two products where carbon tetrachloride is listed as being present in larger amounts (15 percent and 18.5 percent), it has been replaced by another chemical solvent.

C. Environmental Occurrence

1. *Occurrence in water.* Carbon tetrachloride has been found in concentrations of less than one part per billion (ppb) in many samples waters such as rain, surface water, potable water and in the sea. Low levels have also been detected in snow.

In the National Organic Reconnissance Survey (NORS) study of drinking water from 80 cities, carbon tetrachloride was found in 10 percent of the sampled drinking water supplies at levels less than 2 to 3 micrograms per liter (ug/l) (USEPA, 1979a.) In New Orleans, CCl_4 was found in both blood plasma and drinking water. However, of the raw water samples analyzed, CCl_4 was found in only four, with a maximum concentration of 4 ug/l. Confirmatory analyses performed by an alternate analytical technique resulted in a level of 2 ug/l.

In a more recent drinking water study, the National Organics Monitoring Survey (NOMS) sampled 113 public water systems and found carbon tetrachloride at very low concentrations, compared to chloroform and other organics (USEPA, 1977). Ten percent of the samples were positive for CCl_4, with mean values ranging from 2.4 to 6.4 ug/l.

2. *Occurrence in air.* Carbon tetrachloride has been measured extensively in the atmosphere and there is a good understanding of its distribution. It is primarily of anthropogenic origin (Altshuller, 1976; Lovelock et al., 1974; Wilkniss et al., 1973; Singh et al., 1976, all as cited in USEPA, 1977); however, it has been released for such an extended period of time that concentrations do not vary globally.

A number of researchers have measured the amounts of CCl_4 in the atmosphere. It is evident that there are no major gradients in the atmospheric distribution of CCl_4, as the concentrations are very similar in the continental and marine air masses (about .00078 to .00091 mg/m^3). Comparison of the amounts of CCl_4 in the northern and southern hemispheres reveals a slightly lower concentration in the southern hemisphere (National Research Council, 1978); however, the gradient is decreasing. Some high CCl_4 concentrations have been reported in urban air, although they are generally close to the background level of .00078 to .00091 mg/m^3 found in the continental air mass.

The highest level ever reported over an extended period of time was 0.0091 mg/m^3, found in Tokyo between April, 1974 and April, 1975, however, this finding has not been confirmed (Ohta et al., 1976, cited in National Research Council, 1978). The maximum quantity measured in the atmosphere, 0.117 mg/m^3, was detected in 1975 in Bayonne, New Jersey (Lillian et al., 1975). The ubiquitous occurrence of CCl_4 in air could result in contamination of food

items and thus be the actual source of observed carbon tetrachloride residues in food.

D. Metabolism

The following discussion is abstracted from CCl_4 criteria documents (NIOSH, 1975 and USEPA, 1979a) and some of their references.

Nielson found that absorption of CCl_4 by mammals occurs readily through lung tissue and more slowly through the gastrointestinal tract and skin (Nielson and Larson, 1965 as cited in USEPA, 1979). In their studies, the largest proportion of absorbed CCl_4 was excreted unchanged from the lungs; the remainder was metabolized and excreted in urine. McCollister et al. (1951), as cited in NIOSH (1975), exposed two monkeys to radiolabeled CCl_4 by inhalation (46 ppm for 139 or 300 minutes) and found 50% of the CCl_4 exhaled unchanged and 5% as carbon dioxide. Traces of the label appeared in urine and feces, but not as CCl_4. Beamer et al. (1950, in NIOSH, 1975) administered radiolabeled CCl_4 to monkeys by dermal exposure to CCl_4-saturated atmosphere and reported 100 times more CCl_4 in exhaled air than in blood. Steward and Dodd (1964, in USEPA, 1979) demonstrated human dermal absorption by having three human subjects immerse one thumb in CCl_4 and measuring the CCl_4 exhaled after 10, 20, and 30 minutes of immersion. The range of CCl_4 concentrations at these times were 0.025–0.819 ug/l, 0.25–3.27 ug/l, and 0.69–5.23 ug/l, respectively. Five hours after immersion, CCl_4 was still detectable in the subjects' exhalations, indicating that the subject had retained a small amount of CCl_4. The distribution of CCl_4 in the organs varies with the route of administration, its concentration, and the duration of exposure.

The acute toxicity of CCl_4 to the liver is dependent on its metabolic breakdown (NIOSH, 1975). Metabolites reported and identified to date include chloroform, hexachloroethane, and carbon dioxide (Butler, 1961; Fowler, 1969; as cited in NIOSH, 1975). Studies have found radioactive labeled carbon tetrachloride in fatty acids, microsomal proteins, and lipids of the liver (Gordis, 1969, Rao and Recknagel, 1969; as cited in NIOSH, 1975). Metabolites may promote lipid peroxidation, which can disrupt normal membrane structure and function (Klaassen and Plaa, 1969; Litterst et al., 1973; as cited in NIOSH, 1975).

E. Pesticide Regulatory History

Date, Action, or Recommendation

6/8/56—Pesticide Petition #81 for exemption from tolerance requirements for use on wheat, barley, oats, rye, corn (including sweet and popcorn) and sorghum (milo) was received by FDA.

4/13/66—A joint USDA–HEW statement published in **Federal Register** recommended implementation of a plan included discontinuation by 12/31/67 of registrations involving residues on food or feed for which a tolerance or exemption was lacking. However, extensions were granted until December 31, 1970 if progress was being made to support the conclusion that the registration could be continued without undue hazard to the public health.

1/12/68—PR Notice 68–4 proposed extension of CCl_4 "no residue" and "zero tolerance" registrations beyond 12/31/67 for use on animals and animal premises.

2/1/68—PR Notice 68–6 proposed cancellation of registrations for CCl_4 products for beans (dry), peanuts, and peas (dry) due to absence of finite tolerances or exemptions and insufficient progress in investigation to warrant conclusion that registration may be continued without undue hazard to public health.

4/24/68—PR Notice 68–6 proposed extension of CCl_4 "no residue" and "zero tolerance" registrations beyond 12/31/67 for use on grain bins, granaries and mushroom houses until 1/1/69.

11/13/68—PR Notice 68–18 proposed extension of CCl_4 "no residue" and "zero tolerance" registrations beyond 1/31/68 until 1/1/70 for uses on beef cattle, dairy cattle, goats, sheep, swine, corrals, dairy barns, grain bins, granaries, milk rooms, poultry houses and mushroom houses.

2/26/70—PR Notice 70–3 proposed extension of registered "No Residue" uses of CCl_4 when listed as an active or inert ingredient in the formulation, on beef cattle, dairy cattle, goats, sheep, swine, corrals, dairy barns, milk rooms, poultry houses and mushroom houses.

3/12/71—PR Notice 71–3 proposed cancellation of registrations of CCl_4 products bearing directions for use on beef cattle, dairy cattle, goats, sheep, swine, corrals, dairy barns, milk rooms, poultry houses and mushroom houses.

Since 1971 there have been no significant EPA regulatory actions. Actions taken by OSHA and NIOSH and discussed in II.B.2.

Summary of Evidence To Support Rebuttable Presumption Against Registration

A. Chronic Effects

1. *Introduction.* A rebuttable presumption shall arise if the ingredient(s), metabolite(s), or degradation product(s) of a pesticide meet or exceed any of the risk criteria established in 40 CFR 162.11(a)(3). Carbon tetrachloride (CCl_4) meets or exceeds the risk criteria for a rebuttable presumption because:

a. It has induced oncogenic effects in experimental mammalian species (rats, mice, and hamsters) after oral administration, and;

b. It has produced chronic or delayed toxic effects in test animals and in humans:

(1) Chronic CCl_4-induced cirrhosis of the liver has been observed in mice, hamsters, rats, and rabbits after oral, subcutaneous, or inhalation exposure. Chronic exposure of humans has resulted in severe liver damage (NIOSH, 1975).

(2) Chronic administration of CCl_4 to rats has resulted in toxic effects to the kidney; chronic exposure of humans has resulted in nephrosis and degenerative changes in the nephron (NIOSH, 1975).

Due to the large number of toxicology studies which have been conducted on CCl_4, and in order to minimize duplication of effort, the Agency utilized existing reviews (i.e., secondary sources) of toxicology studies on CCl_4. The following Tables 1 and 2 are summaries of toxicity data from these secondary sources:

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TABLE 1--CARCINOGENESIS STUDIES ON CARBON TETRACHLORIDE

STUDY	ANIMAL STRAIN(S)	ANIMAL AGE	ROUTE OF ADMINISTRATION	RESPONSE TREATED	RESPONSE CONTROL	PRENEOPLASTIC OR NEOPLASTIC EFFECT
A. Mouse Studies						
Edwards, Heston and Dalton (1942)	C57 Leaden	2.5 to 3 months	By gavage in olive oil	Hepatoma 27 to 50%	Hepatoma 0-3%	Positive
Eschenbrenner and Miller (1943)	Strain A	2 1/2 to 3 months	"	Hepatoma increased with duration of treatment	1%	Positive
Andervont and Dunn (1955)	C_3H	3 to 6 months	"	Hepatoma transplantable		Positive
Eschenbrenner and Miller (1946)	Strain A	3 months	"	Hepatoma; No-dose-response	1%	Positive
NCI (1977)	$(B6C3)F_1$	35 days	"	98% to 100% liver carcinoma; 22-57% adrenal pheochromocytoma	1 to 11% 0%	Positive
Edwards (1941)	C_3H, Strain A	3-6 months 2-3 months	"	Hepatoma 88 to 100%	1 to 27%	Positive
Edwards and Dalton (1942)	C_3H, Strains A,C,Y	1-5 months	"	Hepatoma 88% in male	1 to 27%	Positive
Leduc and Wilson (1959)	EUB	—	"	Hepatoma transplantable	—	Positive
Confer and Stenger (1966)	C_3H	5 weeks	Intrarectal in olive oil	Hepatoma 88%	4%	Positive

TABLE 1-- CARCINOGENESIS STUDIES ON CARBON TETRACHLORIDE (CONT'D)

STUDY	ANIMAL STRAIN(S)	ANIMAL AGE	ROUTE OF ADMINISTRATION	RESPONSE TREATED	RESPONSE CONTROL	PRENEOPLASTIC OR NEOPLASTIC EFFECT
B. Rat Studies						
Rueber and Glover (1967)	Buffalo	4 weeks	S.C. injection of 50% CCl_4 in corn oil	Hyperplasia, hyperplastic nodules	0%	Positive
Rueber and Glover (1970)	Osborn-Mendel, Wistar, Japanese	12 weeks	S.C. injection of 50% CCl_4 in corn oil	Carcinomas, hyperplastic nodules, cirrhosis	--	
NCI (1977)	Osborn-Mendel	52 days old	By gavage in corn oil	Liver tumors and cirrhosis in both sexes	0 to 1% 0 to 2%	Positive
Cameron and Karunaratne	Albino	150 gm b.w.	SC injection of pure CCL_4	Cirrhosis and hyperplastic nodules	--	Positive
Costa et al. (1963)	Wistar Albino	--	Inhalation for 7 months	Hyperplastic liver nodules	--	Positive
C. Hamster Studies						
Della Porta et al. (1961)	Syrian Golden	12 weeks	By gavage in corn oil	Carcinoma of the liver	--	Positive
D. Dog Study						
Bollman and Man	--	--	--	Cirrhosis	--	Short term
Lawson and Wing	--	--	--	Cirrhosis	--	Short term

Carcinogen Assessment Group, Preliminary Evaluation of Carbon Tetrachloride, October 3, 1977

TABLE 2--A SUMMARY OF THE TOXIC EFFECTS OF CARBON TETRACHLORIDE (CLEMENT ASSOCIATES, INC.)

Route	Species	Dose and Duration	Effects	Reference
Oral	Dog	0.5 ml/kg, sacrifice after 48 hours	Fresh central liver necrosis	Gardner et al. 1924[1]
		0.05-0.25 ml/kg, sacrifice after 48 hours 0.01 ml/kg, sacrifice after 48 hours	Liver parenchymal cells swollen and pale No microscopic or gross changes observed	
	Rabbit	0.1-6.0 ml/kg (no details on time to sacrifice)	Centrilobular necrosis of liver	
	Monkey	1-2 ml/kg, 3 days a week for 176 days	Liver cell vacuolation and swelling, fat accumulation in liver lobules	
Subcutaneous	Rat	0.4 ml/kg, autopsies 2, 4, 8, 16, 20, 24, 30, 36, 42, 48, 72, 96, 120, and 168 hours after dose	Liver and kidney damage at 4 hours. Kidneys normal by 48 hours, livers normal by 120 hours	Lundh 1964[1/]
		4 ml/kg, autopsies same as above	Kidney damage at 2 hours, liver damage at 4 hours. Kidneys almost normal at 120 hours, liver still damaged	
		0.4 ml/kg, every 3 days over periods of 72 hours-12 weeks, autopsies at 72 hours and at 2, 3, 4, 5, 6, 7, 8, 10, and 12 weeks	At 2 weeks kidney changes persisted between injections, and at 2 weeks fibrotic and cirrhotic changes began.	

TABLE 2--A SUMMARY OF THE TOXIC EFFECTS OF CARBON TETRACHLORIDE (CONT'D.)

Route	Species	Dose and Duration	Effects	Reference
Subcutaneous	Rat 1969[2]	0.15 ml/100 g, twice a month for 6 months	No mortality in younger animals; liver showed fat accumulation, necrosis, more apparent in males than females	Chaturvedi
Intraperitoneal	Rat	0.125 mg/g, sacrifice at 4-120 hours	Liver damage maximum at 48 hours, normal at 120 hours; serum OCT maximum at 48 hours, still high at 96 hours; tissue OCT maximum at 48 hours, decreased, then increased significantly at 120 hours	Musser and Spooner 1968[1/]
Intraperitoneal	Guinea pig	5, 25, 50, 75, 150 mg/kg, sacrifice at 24 hours after hood sampling	Serum OCT values elevated, liver damage and lipid accumulation after all doses except 5 mg/kg	DiVincenzo and Krasavage 1974[1/]
Inhalation	Guinea pig	25-400 ppm, 8 hours/day, 200 days	High mortality, optic nerve and ocular muscle degeneration	Smyth and Smyth 1935 and Smyth et al. 1936
	Rat	50-400 ppm, 8 hours/day, 189 days	Cirrhosis of liver, microscopic nerve changes	
	Monkey	50-200 ppm, 8 hours/day, 225 days	Fatty infiltration of liver	
Inhalation	Rat	400 ppm, 0.05 hours daily, 94 days	No effect	Adams et al. 1952[1/]
		400 ppm, 1 hour daily, 46 days	Decreased growth rate, signs of liver cirrhosis	
		400 ppm, 1 hour daily for 173 days	Increased liver, kidney weight; increased clotting time; liver degeneration; slight tubular degeneration of the kidney	

TABLE 2--SUMMARY OF THE TOXIC EFFECTS OF CARBON TETRACHLORIDE (CONT'D)

Route	Species	Dose and Duration	Effects	Reference
		100 ppm, 0.3 hours daily for 94 days	No effect	Adams et al. 1952[1] (continued)
		200 ppm, 0.3 hours daily for 192 days	50% mortality, depression of growth in males	
Guinea pig		400 ppm, 7 hours daily, 5 days per week, for 4 weeks	14/16 died; increased liver, kidney weight; fatty degeneration and cirrhosis of liver; slight tubular degeneration	
		200 ppm as above	12/16 died, similar effects as above	
		100 ppm as above	11/16 died, similar effects as above	
		50 ppm as above	All survived, similar effects as above	
Inhalation	Rats, both sexes	19,000 ppm for 2.2 hours, 1,200 ppm for 4 hours, 7,300 ppm for 8 hours, 4,600 ppm for 8 hours, 3,600 ppm for 12 hours	Deaths due to respiratory failure; symptoms included stupor, uncoordination, unconsciousness, increase in clotting time; increase in liver lipid content	
		3,000 ppm for 0.1 hour	No effect	

TABLE 2--A SUMMARY OF THE TOXIC EFFECTS OF CARBON TETRACHLORIDE (CONT'D)

Route	Species	Dose and Duration	Effects	Reference
		800 ppm for 0.5 hour	No effect	Adams, et al. 1952[1] (continued)
		50 ppm for 7.0 hours	No effect	
	Rabbit	100 ppm, 7 hours daily, 5 days per week, 30 weeks	Decreased growth, increased clotting time, liver cirrhosis	
		50 ppm as above	Similar effects to above	
		25 ppm as above	Increased liver weight, slight cirrhosis	
	Monkey	100 ppm, 7 hours daily, 5 days per week, 32 weeks	No effect on appearance, organ weights, and behavior; slight decrease in growth; slight increase in liver lipid content	
	Monkey	50 ppm as above	No effect	
Inhalation	Cats	10,000 ppm for 15 to 240 minutes	Increase in kidney, liver, adrenal gland weights; increase in liver and kidney lipid content; liver displayed central necrosis	Wong and DiStefano 1966[2]
Inhalation	Rats	4.6 mg/liter	100% mortality in 8.0 hours	Prendergast et al.
		15.6 mg/liter	100% mortality in 4.0 hours	1967[1]
		119.7 mg/liter	100% mortality in 2.2 hours	

TABLE 2--A SUMMARY OF THE TOXIC EFFECTS OF CARBON TETRACHLORIDE (CONT'D)

Route	Species	Dose and Duration	Effects	Reference
		6.1 mg/m^3 for 90 days	No effect	Prendergast et al. 1967[17] (continued)
		61 mg/m^3 for 90 days	Decreased growth rate, liver degeneration and fibrosis	
Inhalation	Rats	515 mg/m^3, 8 hours daily, 5 days per week, for 6 weeks	Interstitial inflammation of lungs, fatty changes in liver	
	Guinea pig	515 mg/m^3 Same as above	3/15 died, inflammation of lungs, increased lipid content of liver, fibrosis of liver, signs of cirrhosis	
	Rabbit	515 mg/m^3 Same as above	Similar changes in lung and liver as above	
	Dogs	515 mg/m^3 Same as above	Loss of weight, changes in lung and liver	
		61 mg/m^3, continuously for 90 days	Loss of weight, moderate fatty degeneration of liver	
		6.1 mg/m^3, continuously for 90 days	No effect	

TABLE 2--A SUMMARY OF THE TOXIC EFFECTS OF CARBON TETRACHLORIDE (CONT'D)

Route	Species	Dose and Duration	Effects	Reference
	Monkeys	515 mg/m^3, 8 hours daily, 5 days per week, for 6 weeks	1/3 died, weight loss, fatty liver, lung inflamation	Prendergast et al. 1967[1/] (continued)
		61 mg/m^3, continuously for 90 days	Decreased growth rate, enlarged fatty livers	
		6.1 mg/m^3, continuously for 90 days	No effect	

1/ As cited in NIOSH (1975)
2/ As cited in EPA (1979)

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For each of the three RPAR risk criteria which have been met, only certain of these studies are discussed in the following pages.

2. *Oncogenicity*—a. *Animal studies.* The following studies reviewed in USEPA (1977) and NIOSH (1975) collectively present evidence that CCl_4 is oncogenic in experimental mammalian species, and may be oncogenic in man.

(1) *NCI Bioassay.* The NCI Bioassay of Trichloroethylene, as cited in USEPA (1979a), also included testing of carbon tetrachloride. In this study CCl_4 was used as a positive control. The study used B6C3F1 mice, which were 35 days old at the beginning of the study. There were 50 animals in each experimental group, one group for each sex at dosage levels of 1,250 and 2,500 mg/kg/day. Doses were administered by oral gavage in a corn oil solution five times a week for 78 weeks; survivors were sacrificed after 92 weeks. There were 20 matched control mice of each sex that were given corn oil only. Treated groups were also compared to pooled controls from concurrent experiments. Complete histological examinations were performed on all mice, including those that died in the course of the experiment.

Most male and femal mice treated with CCl_4 were dead by 78 weeks, as indicated in Table 3 as follows:

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TABLE 3-- SURVIVAL OF MALE MICE TREATED WITH CARBON TETRACHLORIDE

Treatment Group	Initial	78 Weeks	91-92 Weeks
Controls			
Matched	20	13 (65%)	7 (35%)
Pooled	77	53 (69%)	38 (49%)
Low Dose	50	11 (22%)	0 (0%)
High Dose	50	2 (4%)	0 (0%)

Survival of Female Mice Treated with Carbon Tetrachloride

Treatment Group	Initial	78 Weeks	91-92 Weeks
Controls			
Matched	20	18 (90%)	17 (85%)
Pooled	80	71 (89%)	65 (81%)
Low Dose	50	10 (20%)	0 (0%)
High Dose	50	4 (8%)	1 (2%)

National Cancer Institute (1976)

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Hepatocellular carcinomas were found in almost all mice receiving CCl_4, including those dying before termination of the test. The first carcinomas were observed in low dose females at 16 weeks, in high dose females at 19 weeks, in high dose males at 26 weeks, and in low dose males at 48 weeks, compared to 72 weeks for pooled control males and 90 weeks for pooled control females as indicated in Table 4 as follows:

TABLE 4--CARCINOMAS OF THE LIVER IN MICE TREATED WITH CARBON TETRACHLORIDE

Treatment Group	Males	Females
Controls		
Matched	2/19 (11%)	1/20 (5%)
Pooled	5/77 (6%)	1/80 (1%)
Low Dose	49/49 (100%)	40/40 (100%)
High Dose	47/48 (98%)	43/45 (96%)

National Cancer Institute (1976)

Thrombosis of the atrium of the heart was seen in 9 of 41 high dose female mice, or 22 percent, all of which died with carcinomas of the liver.

EPA summarized the results of this study by saying that it "found carbon tetrachloride to be highly carcinogenic for liver in mice" (USEPA 1979). Furthermore, in a preliminary evaluation of carbon tetrachloride, EPA noted that "because of the number of positive reports of CCl-induced hepatic tumors in mice and rats, the National Cancer Institute (NCI 1977) included CCl in their bioassay program as a positive control for various halogenated hydrocarbons" (USEPA 1977).

(2) *"Criteria document on carbon tetrachloride" (NIOSH, (1975).* A number of cancer studies were summarized in this report.

(a) Studies were conducted by Edwards (1941), Edwards and Dalton (1942), and Edwards et al. (1942), as cited in NIOSH (1975), in which five strains of mice (C3H, A, Y, C, and L) were fed 0.1 ml of a 40 percent solution of carbon tetrachloride in olive oil by stomach tube 2 or 3 times a week. C3H and A strain mice received a total of 23–58 feedings and were autopsied 2–147 days after the last feeding. Hepatomas were found in 88 percent (126/143) of the C3H mice and in 100 percent (54/54) of the A strain mice, compared to normal incidences of 10 percent for C3H and 0.5 percent for A strain mice of comparable ages. Hepatoma incidences of 60 percent, 82 percent and 47 percent were found in Y, C, and L strain mice, respectively, compared to normal incidences of 2 percent at comparable ages. Hepatic tumors usually occurred in multiples, as many as 10 per liver. No metastases, other liver tumors, or tumors at other sites were seen.

(b) Eschenbrenner and Miller (1946), as cited in NIOSH (1975), established that a single oral dose of 12.5 ul/kg or more of carbon tetrachloride cause liver cell necrosis in both male and female mice. Also, 4-month old A strain mice were administered 120 daily doses of 6.25, 12.5, 25, or 50 ul/kg of carbon tetrachloride dissolved in olive oil by stomach tube. When they were examined 1 month after the last dose, corresponding to a period of 5 months from the initiation of treatment, all of the mice that had received doses of 12.5 ul/kg or more had hepatomas, whereas no hepatomas were found in the mice given doses of 6.25 ul/kg. When other groups of mice were given 30 doses of 100, 50, or 25 ul/kg of carbon tetrachloride at 4-day intervals, microcopic hepatomas were found in 2 of 10 mice at the 25 ul/kg level; larger, macroscopic hepatomas were found in two-thirds of the mice given higher doses.

(c) Della Porta et al. (1961), as cited in NIOSH (1975), administered carbon tetrachloride by stomach tube as a 5 percent solution in corn oil to 10 male and 10 female 12-week-old Syrian golden hamsters once a week for 30 weeks. During the first 7 weeks, the carbon tetrachloride dose was 12.5 ul, which was reduced to 6.25 ul for the remaining 23 weeks, roughly corresponding to doses of 125 and 62.5 ul/kg for the animals that weighed approximately 100 g. The animals were observed for an additional 25 weeks and all survivors were sacrificed on the 55th week after the first treatment. Only five males and three females survived to the end of the experiment; these and two females that died in the 43rd and 54th weeks all had one or more liver-cell carcinomas. All of the nine animals that died or were killed earlier during the dosing period showed changes consistent with postnecrotic cirrhosis.

(d) Johnstone (1948), Simler et al. (1964), and Tracey and Sherlock (1968), as cited in NIOSH (1975), have reported three case studies where hepatic cancer was found in humans after carbon tetrachloride poisoning, although a causal connection was not definite.

b. *Preliminary risk assessment.* After having reviewed a number of studies for its report "Ambient Water Quality Criteria—Carbon Tetrachloride" (USEPA 1979a), EPA concluded, "there is sufficient weight of evidence to conclude that CCl is a carcinogen in laboratory animals and with appropriate assumptions is interpreted to be a suspect human carcinogen." The Carcinogen Assessment Group of EPA (USEPA, 1977) has also concluded that "there are multiple studies demonstrating significant increases in tumors of the liver in mice, rats and hamsters treated with carbon tetrachloride. Both sexes are responsive to the oncogenic effect of carbon tetrachloride in the liver."

40 CFR 162.11(a)(3)(ii)(A) states that an RPAR shall arise if the pesticide induces oncogenic effects in experimental mammalian species or in man as a result of oral inhalation or dermal exposure. Based on the information in this Position Document the Agency concludes that the risk criteria for oncogenicity has been exceeded.

3. *Other chronic effects—liver (hepatoxicity)*—a. *Animal studies.* Chronic administration of CCl to laboratory animals results in toxic injury to the liver. The most prominent effect is cirrhosis of the liver, which has been observed in mice, hamsters, rats, and rabbits, but not monkeys, after oral or inhalation administration.

The EPA Ambient Water Quality Crtieria Document (USEPA 1979a) discusses studies concerned with the chronic effects of CCl. The following discussion is abstracted from that document:

Edwards and Dalton (1942), in a study of the oncogenic properties of CCl, gave A strain male mice 0.1 ml of a 40 percent CCl-olive oil solution by gastric tube 2 or 3 times a week. The mice, autopsied after 23 and 58 doses, showed liver cirrhosis coincidental with hepatomas. Also using oral administration, Della Porta et al. (1961) gave Syrian golden hamsters 0.25 ml of a 5 percent CCl-olive oil solution weekly for 7 weeks in a study of the hamsters' response to liver carcinogens. This dose was reduced to 0.125 ml and continued for 23 weeks. All of the animals dying during the administration period (10/20) had cirrhosis of the liver. Animals sacrificed between 43 and 55 weeks showed cirrhotic changes coincident with liver tumors.

Three studies of the chronic effects of CCl administered by inhalation are cited by NIOSH (1975). The following discussion is abstracted from that document:

In a series of experiments, Smyth and Smyth (1935) and Smyth et al. (1936) investigated the effect of chronic exposure of rats and monkeys to a range of CCl concentrations for periods up to 45 weeks. The rats were exposed to 50, 100, 200, or 400 ppm for 8 hours a day, 4 to 6 times a week, for a total of 150 or 189 exposures (about 25 to 45 weeks). At the low concentrations, and with increasing severity at the high concentrations, they observed liver cirrhosis, among other toxic effects, in most animals. In the monkeys, which were exposed 8 hours a day, 4 to 6 times a week, over a period of 93, 275, or 321 days to either 50 or 200 ppm, the investigators reported no cirrhosis. Adams et al. (1952) administered CCl by inhalation to rats, guinea pigs, rabbits, and monkeys. The standard exposure regime was 7 hours a day, 5 days a week, for a total of 150 to 200 exposures (30 to 40 weeks). Common effects observed were cirrhosis and fatty degeneration of the liver; their findings are reflected in Table 5 as follows:

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TABLE 5 -- TOXIC EFFECTS OF CHRONIC CCl_4 INHALATION [1/]

Species	Number	Exposure Level (ppm)	Effects
Rats	30-49 at each level	5	No abnormal effects.
		10	Increased liver weight and fatty liver degeneration.
		25	As above.
		100	As above and cirrhosis.
		200	As above.
		400	As above.
Guinea Pigs	8-9 at each level	5	Increased liver weight.
		10	As above and fatty liver degeneration.
		25	As above and cirrhosis.
		100	As above.
		200	As above.
		400	As above.
Rabbits	2-4 at each level	25	Fatty liver degeneration and cirrhosis.
		50	As above, increase in kidney weight and blood clotting time.
		100	As above.
Monkeys	2 at each level	25	No abnormal level findings.
		50	Loss of body weight.
		100	Unspecified microscopic liver changes.

1/ Adams et al. (1952), as cited in NIOSH (1975)

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b. *Human studies.* Toxic effects have been seen in the livers of humans chronically exposed to CCl_4. The following discussion is abstracted from EPA (1979a), which cites as its primary source a review by Von Oettingen (1964) of chronic CCl_4 poisonings.

"After chronic CCl_4 exposure, the liver may be mottled in appearance and have signs of fat accumulation even in the absence of clinical symptoms of liver injury. More severe damage is manifested by centrilobular necrosis, hemorrhage, and collapse of the lobules with condensation of the reticular framework in these areas. In cases of prolonged exposure, some liver regeneration may occur."

The NIOSH Criteria Document (1975) cites a number of case histories and studies of the toxic effects of prolonged exposure to CCl_4. The most commonly reported effects include jaundice, hepatic necrosis, and cirrhosis. These studies are reflected in Table 6 as follows:

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TABLE 6--CHRONIC TOXIC EFFECTS OF CARBON TETRACHLORIDE IN LIVER AND KIDNEY IN HUMANS

No. of Individuals	Duration and Level of Exposure	Effects	Other Factors	References[a/]
1	11 years	Jaundice	Also exposed to Other chemicals	Gray (1947)
2	4 years, 10-100 ppm	Liver necrosis		Dellian and Wittgens (1962)
1	"years"	Cirrhosis, hepatic cancer		Johnston (1948)
1	17 months	Jaundice, anuria, hepatic cancer		Tracey and Sherlock (1968)
27	N/R[b]	Kidney dysfunction	Occupationally exposed	Barnes and Jones (1967)
51	28-43 days per year, 3-27 years	Liver dysfunction	Occupationally exposed	Rabes (1972)
13	5 to 1,680 ppm	Indications of jaundice	Occupationally exposed	Smyth and Smyth (1935) and Smyth et al. (1936)

a/ As cited in NIOSH (1975)
b/ Not reported

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A concomitant factor in both fatalities and cases of severe liver damage due to CCl_4 exposure is often alcohol consumption (Gray, 1947; Tracey and Sherlock, 1968; Joron et al., 1957; New et al., 1962; and Thompson, 1955; all as cited in NIOSH 1975). Experimental studies in laboratory animals have shown that pretreatment with alcohol portentiates the hepatotoxic effect of CCl_4 (Traiger and Plaa, 1971; Wei et al., 1971; Cornish and Adefuin, 1966; all as cited in NIOSH 1975). However, reports of simultaneous exposure to CCl_4 of nondrinkers and occasional consumers of alcohol indicate that habitual alcohol consumption is not necessary to potentiate the effects of CCl_4 (Von Oettingen, 1964, as cited in USEPA 1979a).

c. *RPAR conclusion.* 40 CFR 162.11(a)(3)(ii)(B) states that an RPAR shall arise if the pesticide produces any other chronic or delayed effects in test animals at any dosage up to a level, as determined by the administrator, which is substantially higher than that to which humans can reasonably be anticipated to be exposed, taking into account ample margins of safety.

Inhalation exposure to CCl_4 has resulted in increased liver weight and fatty liver degeneration in rats at 10 ppm, fatty liver degeneration and cirrohosis in rabbits at 25 ppm, and increased liver weight and fatty liver degeneration at 10 ppm in guinea pigs (Adams et al., 1952). Applicator exposure data available to the agency (Paulus et al., 1957) indicate that exposure levels for grain fumigators can far exceed the effect levels observed in animals. Thus the Agency concludes that the risk criterion for chronic liver effects has been exceeded.

4. *Other Chronic Effects—Kidney (Nephrotoxicity)*— a. *Animal studies.* Studies have shown that chronic administration of CCl_4 to laboratory animals results in toxic effects in the kidney. Smyth and Smyth (1935) and Smyth et al. (1936), as cited in NIOSH (1975), investigated the effect of chronic exposure of rats and monkeys to a range of CCl_4 concentrations for periods of up to 45 weeks. The rats were exposed to 50, 100, 200, or 400 ppm for 8 hours a day, 4 to 6 days a week for a total of 150 or 189 exposures (about 25 to 45 weeks). At low concentrations, and with increasing severity at high concentrations, they observed kidney damage in some animals, among other toxic effects. The monkeys, which were exposed to 50 or 200 ppm for 8 hours a day, 4 to 6 days a week, for 93, 275, or 321 days, showed no kidney damage.

b. *Human studies.* Toxic effects have been seen in the kidneys of humans chronically exposed to CCl_4. The following discussion is abstracted from EPA (1979a), which cites as its primary source a review by Von Oettingen (1964) of chronic CCl_4 poisonings:

"After chronic CCl_4 exposure, toxic effects in the kidney include nephrosis due to distension of Bowman's capsule by albuminous precipitates and swelling of the lining cells. The convoluted tubules are swollen and Henle's loop shows degenerative changes with the accumulation of granular, hyaline, and cellular casts in the tubules. Some cases display acute hemorrhagic nephritis. This is a morphologic description of the damage done to the kidney by the compound administered. These changes are not seen in the normal kidney."

The NIOSH Criteria Document (1975) cites a number of human case histories and studies of the toxic effects in the kidney, including necrosis and nephritis. The levels and duration of exposures varied from case to case. A summary of these studies is included in Table 6.

c. *RPAR conclusion.* 40 CFR 162.11(a)(3)(ii)(B) states that an RPAR shall arise if the pesticide produces any other chronic or delayed effects in test animals at any dosage up to a level, as determined by the administrator, which is substantially higher than that to which humans can reasonably be anticipated to be exposed, taking into account ample margins of safety.

Inhalation exposure to CCl_4 has resulted in kidney damage to rats exposed to 50 ppm (Smyth and Smyth, 1935, and Smyth et al., 1936, as cited in NIOSH, 1975). Applicator exposure data available to the Agency (Paulus et al., 1957) indicate that exposure levels for grain fumigators can far exceed the effect levels observed in animals. Thus the Agency concludes that the risk criterion for chronic liver effects has been exceeded.

B. Human Exposure

1. *Dietary exposure.* The Agency has reviewed all available data on the exposure of humans to CCl_4 residues in food resulting from the pesticidal ues of CCl_4. Section "a" describes the CCl_4 residues remaining in flour and bread from application of CCl_4 formulations to wheat grain. Section "b" summarizes the residues in other foods. Section "c" estimates the human dietary burden which may result from the pesticidal use of CCl_4.

a. *Carbon tetrachloride in wheat, flour and bread.* The major pesticidal use of CCl_4 is as a fumigant-ingredient (often formulated with CS_2 EDB, and/or EDC) use postharvest on grains to arrest and prevent infestation. CCl_4 formulations are applied directily to grains in storage bins, silos, elevators, trucks and rail cars. After application, the CCl_4 penetrates the grain in a time-dependent manner, binding to the bran, inner starch, and endosperm moieties of the grain. This binding is likely to give rise to the persistent CCl_4 residues in wheat flour and bread documented below.

A review of the literature indicates three studies of CCl_4 formulations applied to wheat [Wit (1969), and Berck (1974), and Jagielski (1978)]. These laboratory studies present CCl_4 dose, storage, and residue loss conditions comparable to those in commerce.

(1) *The Wit Study (1969).* It was found that CCl_4 residues in flour range from 2.8 ppm to 11 ppm with levels of CCl_4 in bread up to 70 ppb. The average retention of CCl_4 residues in bread was 0.27 percent of the levels in flour.

(2) *The Berck Study (1974).* It was found that CCl_4 residues in flour ranged from 0.2 to 0.93 ppm, while residues in bran were higher (0.43 to 3.53 ppm). Bread baked from the flour had CCl_4 residues as high as 40 ppb, with an average retention of 7 percent of the flour levels (range 0.1–15 percent).

(3) *The Jagielski Study (1978).* It was found that flour had 0.6 to 1.6 ppm CCl_4 residues, while bran had 2.9 to 5.3 ppm CCl_4 residues. Bread baked from the flour had CCl_4 residues as high as 60 ppb, with an average retention of 0.4 percent of the flour levels.

These three studies are each generally comparable to commercial fumigation and aeration conditions. Each study was performed under laboratory conditions. The Agency infers that only an approximation to the actual retention behavior of CCl_4 residues in commerical flour and bread may be made from these studies. When considered together, the studies indicate that CCl_4 residues will probably occur in commercial flour from 0.2 to 2.8 ppm, in bran from 0.43–5.3 ppm, and in bread from 40–70 ppb, with a range of retention in bread of 0.3–7 percent of the CCl_4 residue levels in flour.

Recently, the Agency's Pesticide Laboratory in Beltsville, Maryland, in cooperation with the USDA, made preliminary determinations of CCl_4 residues in flour sampled from 11 U.S. cities and destined for the School Lunch Program (Bonotoyan, 1980). It was found that all flour samples anayzed (21) were positive for CCl_4, with a range of values of 5–261 ppb and an average of 51 ppb $>(S_x=80$ ppb). If the range of retention in the above studies (0.3–7 percent) is assumed to be accurate, then the calculated levels of CCl_4 residues in

bread would be in the range of 0.02–18 ppb. The caluclated upper limit of CCl_4 residues (18 ppb) is somewhat lower than the upper limit obtained from the Wit, Berck, and Jagielski studies (70 ppb).

(b) *Carbon tetrachloride residues in foods.* At present, no data on CCl_4 residues in commerical food are available from the U.S. A British study made measurements of CCl_4 residues in food as part of a larger study investigating the impact of chlorinated hydrocarbons on the environment (McConnell, et al., 1975). The results of tests on wheat bread, beef, olive and cod liver oil, potatoes, apples and pears are presented in Table 7 along with expected daily intakes of CCl_4 residues from each food sources as follows:

TABLE 7 -- CARBON TETRACHLORIDE RESIDUES IN FOOD 1/

FOOD	RESIDUES (ppb)	FOOD FACTOR PERCENTAGE	DAILY DIETARY INTAKE ng/day/person
WHEAT PRODUCTS:			
bread	5	10.36	777.00
MEAT:			
beef	7	10.81	1135.00
OILS:			
olive oil	18	0.038	8.10
cod liver oil	16	0.037	7.20
FRUITS and VEGETABLES:			
potatoes	8	5.43	651.59
apples	5	2.53	189.75
pears	4	0.26	15.60

1/ CCl_4 residue occurrence in listed foods taken from McConnell, et al., (1975). The daily dietary intake was calculated by multiplying the CCl_4 residue level times the food factor times 1500 g. total food ingested/day times 10^9 ng/g. The unit of daily dietary intake is, therefore, ng/day/person.

The McConnell study bears relationship to the U.S. dietary intake of CCl_4 resdues insofar as the registered uses of CCl_4 in Britain are similar to those emloyed in the U.S. It is conceivable that some of the residues come from nonpesticidal uses of CCl_4, since the souce of the CCl_4 residues in some of the foods in the study could not be determined. The Agency is not sure how closely the use patterns coincide between the Untied States and Great Britain. However, since there are no U.S. studies available to the Agency, the McConnell study will be utilized as a general indicator for occurrence of CCl_4 residues in food in the United States. Registrants are encouraged to submit residue data which document the amount of CCl_4 residues in each food reviewed above and identify the source of these residues.

(1) *Food resdues probably resulting from pesticidal uses of CCl_4*—(a) *Wheat and bread.* Commercial wheat bread was found to contain an average of 5 ppb CCl_4 residues, which is likely to be the result of pesticide uses of CCl_4, in so far as CCl_4 formulations are repeatedly applied to wheat when necessary. Additionally, the Wit, Berck and Jagielski laboratory studies all demonstrated the persistence of CCl_4 residues in wheat grain, flour, and wheat bread.

If an average individual eats bread containing 5 ppb CCl_4 residues, then this individual would consume 777 ng of CCl_4/day. The commerical level of 5 ppb of CCl_4 in bread is compared to the laboratory level of 40–70 ppb, and the caluclated bread level form the Agency flour studies of 0.02–18 ppb. It is notable that the 5 ppb level found in England falls into the range of CCl_4 calculated by the Agency in bread from U.S. flour. This suggests the validity of using the English study in estimating CCl_4 residues in the U.S.

While the grain discussed in the studies cited is wheat, it should be noted that CCl_4 is exempt from the requirement of a tolerance on barley, corn, oats, rice, rye, sorghum (milo) and popcorn as well. Although there are apparently no data on residues in these other grains, if residues occur in wheat

and wheat bread, they may also be expected in the other grains.

(b) *Meat.* The McConnell survey showed 7 ppb of CCl_4 in meat. If this is considered an average level of contamination, then daily ingestion would be 1135 ng of CCl_4/day/person. The presence of CCl_4 residues in meat is possible via the use of CCl_4 on cattle feed grains such as corn. The Agency identifies the actual level of CCl_4 residues in livestock diets and lack of an appropriate CCl_4 feeding study as data gaps.

(c) *Milk, cheese, butter and eggs.* The McConnell survey showed residues of CCl_4 in these foods. However, on July 1, 1980 EPA officials, in a telephone conversation with the British author, discovered that these residues were a combination of CCl_4 and 1,1,1-trichloroethane (Otakie, 1980). Accordingly, these residues have not been included in estimating the dietary burden of CCl_4. Nevertheless, the detection of CCl_4 in meat and the combined residues in dairy products suggests CCl_4 residues may be present in dairy products.

(2) *Food residues resulting from unknown sources of CCl_4.*—(a) *Oils.* It is difficult to explain CCl_4 residues in olive oil insofar as this oil is imported to this country and the source of CCl_4 residues is unknown.

(b) *Fruits and vegetables.* The contribution to the human diet of CCl_4 residues from fruits and vegetables is 1016 ng/day/person. The source of CCl_4 residues in potatoes, apples and pears is unknown; there are no U.S. registered pesticide uses for CCl_4 formulations on these crops.

c. *Total dietary exposure to carbon tetrachloride.* The total human dietary burden for all CCl_4 residues is the sum of the residues in or on all foods. Assuming that the occurrence of CCl_4 in the British study is representative of CCl_4 pesticidal residues in the U.S., the dietary intake of CCl_4 from all of the above foods is 2784 ng/person/day. From this estimated dietary intake, the total dietary burden (DB) from all sources of CCl_4 for a U.S. citizen weighing 60 kg is 4.64×10^{-5} mg/kg/day. Limiting the foods to those likely to be contaminated by the pesticidal use of CCl_4 (i.e., wheat and meat), the daily dietary intake of CCl_4 is 1912 ng/day/person and the corrosponding dietary burden is 3.19×10^{-5} mg/kg/day.

2. *Non-dietary exposure analysis.* Non-dietary exposure to carbon tetrachloride includes applicators, persons in the vicinity of the application site, and workers who handle fumigated grain. CCl_4 is used to fumigate stored grain in farm storage facilities ("on-farm" and "off-farm" small scale), flat storage bins, bags, packaging and processing plants, and country elevators. Large facilities generally use aluminum phosphide, but CCl_4 is used more often at smaller facilities.

a. *Applicator exposure.* Carbon tetrachloride is applied for grain fumigation primarily by the "gravity distribution" method, by either surface application or layering. This method is practiced both on-farm and off-farm. Pesticide labels recommend that respirators be used in all applications, however, CCl_4 is apparently applied by many farmers using no protective measures. In general, full-face masks are not used (NIOSH, 1975). Fumigation is usually performed by two or more persons. A second method of CCl_4 application is "outside of car" application. In this usage, fumigation of grain stored in railway cars is accomplished by personnel standing outside the cars. CCl_4 is either poured from one or five gallon containers through vents located in the roof of the car, or sprayed into the car with a power sprayer.

Per 29 CFR 1910.1000, the OSHA standard for CCl_4 in air is as follows:

(1) 8 hr. time weighted averaged of 10 ppm—an acceptable 8 hr. ceiling concentration of 25 ppm.

(2) an acceptable maximum peak of 200 ppm for 5 minutes in any 4 hour period, above the acceptable ceiling concentration for an 8-hour shift.

Additionally, NIOSH (1975) has recommended that OSHA lower its limit to 2 ppm as a one hour ceiling.

The OSHA standard was promulgated with the intent of protecting employees who might be exposed to CCl_4 in their workplace. While the standard is aimed primarily at employees in pesticide manufacturing and formulating plants, it is unclear whether it covers grain elevator workers, applicators, farmers or other persons who are exposed during and after grain fumigation.

Under FIFRA, the EPA has a responsibility to prevent unreasonable adverse effects to persons exposed to CCl_4 as a result of grain fumigation. The Agency is concerned that the no observable effect levels for chronic effects of CCl_4 closely approach the exposure levels deemed acceptable by the OSHA standard. EPA is also concerned that the high levels of exposure to CCl_4 measured during grain fumigation exceeds the OSHA standard and the NOEL's for chronic effects.

One study (Paulus et al., 1957 cited in NIOSH, 1975) provides the only data for CCl_4 exposure to applicators. In this study a mixture of 80 percent carbon tetrachloride and 20 percent carbon

disulfide was applied and air samples were taken. Three separate groups of workers were involved, the first of which consisted of the applicators who sprayed the fumigant. These men generally wore respirators. The second group represented the personnel who tended the pump and barrels. The third group consisted of individuals who inspected the grain and corn after the fumigation process was completed. Members of these latter two groups did not usually wear respirator protection.

Results of analysis of simultaneous samples indicated that a ratio of CCl_4 to CS_2 vapors averaged 2.5 during the fumigation process. All of the reported CCl_4 air concentrations were calculated by use of this ratio, and were not in fact actual measurements of CCl_4. The air samples were taken during fumigation in cylindrical bins, quonset huts, and other storage buildings. Out of a total of 36 measurements from 6 sites, fourteen ranged from 0 to 1,500 ppm CCl_4, eight from 1,501 to 4,500 ppm, nine from 4,501 to 15,000 ppm and five exceeded 15,000 ppm. The latter five values, found during fumigation of 18 foot cylindrical bins, exceeded 6,000 ppm of CS_2, for a total vapor concentration of over 20,000 ppm for CS_2 and CCl_4, which exceeds the 2 percent safe limit for the respirator canister. The reason for these high exposures is that the heavy fumigant vapors rolled down the inside of the bin and collected at the bottom where the fumigators stood.

Paulus also reported air concentrations in the work area occupied by the fumigation crew members. Breathing zone samples for these workers, whose responsibilities included tending the pumps, opening barrels, metering the fumigant, and related duties, ranged from 0 to 7,700 ppm of CS_2 and 0 to 19,000 ppm of CCl_4. Due to the nature of the work these men performed, great variations in both concentration and duration of exposure were experienced. The values of these ranges were arrived at by calculation of weighted exposures. Test measurements on breathing zone samples indicated that the OSHA ceiling limit of 25 ppm for CCl_4 was exceeded at many locations for this group.

The third group of samples was taken after fumigation in order to determine potential exposure of grain inspectors. Concentrations of CCl_4 near or above the OSHA ceiling concentration value of 25 ppm were found after seven days. CCl_4 residues in air samples from bins were measured at 80 to 135 ppm after two days, 16 to 60 ppm after seven days, and 16 to 19 ppm after fifteen days. This wide range of concentration of CCl_4 vapors in the different bins probably resulted from the bins having different degrees of air tightness.

Exposure to CCl_4 by dermal contact can also occur in the work environment. Absorption of liquid CCl_4 through the skin has been shown to occur in humans and animals (Stewart et al., 1964, as cited in NIOSH, 1975); however, the results of this study were not conclusive.

No data are available on the potential for dermal and inhalation exposure of workers in sites not directly related to the site of fumigation (e.g. warehouse employees, ship loading crews etc.). However, exposure of such workers to CCl_4 could reasonably be expected due to CCl_4 residues remaining in fumigated grain over extended periods of time.

CCl_4 has a long life in the body (Neilson and Larson, 1965) and is readily absorbed through the lungs. No information is available for quantitively estimating the amount of CCl_4 that would penetrate the lungs.

Because of the lack of sufficient information, inhalation and dermal exposure estimates could not be developed.

Other Relevant Adverse Effects

A. Teratogenicity

There is little information on the teratogenicity of carbon tetrachloride. EPA, in its Ambient Water Quality Criteria Document (USEPA 1979), summarized two studies: 1. Data concerning the teratogenicity of CCl_4 are scarce. Schwetz, et al. (1974) administered CCl_4 to Sprague-Dawley rats at 300 or 1,000 mg/1 for 7 hours per day on days 6–15 of gestation. Results indicated that CCl_4 was not highly embryotoxic but that it does cause some degree of retarded fetal development such as delayed ossification of sternebra. A greater degree of maternal toxicity was found.

2. Bhattacharryya (1965) studied fetal and neonatal responses to hepatotoxic agents. He found that subcutaneous and intramniotic injections into fetuses only occasionally give rise to changes in the fetal liver. When changes do occur, they vary from sinusoidal dilation and congestion or well-marked variability of staining of liver lobules to occasional centrilobular or, rarely, massive necrosis.

The authors of this document stated that the teratogenic effects of carbon tetrachloride have not been conclusively demonstrated. However, Schwetz's study showed a statistically significant does response in fetal weight and crown-rump length. Therefore, the Agency will further examine the possibility of fetotoxic effects.

Additional information is given in a report by the National Research Council (NRC, 1978) in which it was stated:

Smyth and Smyth (1935 and Smyth et al. (1936) observed the effects of chronic exposure to 50, 100, 200 or 1,000 ppm carbon tetrachloride in three generations of rats. No report of incidence of embryonic or fetal anomalies was made.

The Agency concludes that a data gap exists for teratogenic effects and certain studies may be required if CCl_4 is to remain registered. The Agency is currently seeking more information on these issues. If, upon further evaluation of all the toxicity and exposure data, the Agency determines that other such adverse effects are produced by exposure to carbon tetrachloride at any level up to a level exceeding possible human exposure (taking into account ample margins of safety), then the Agency will issue a supplemental notice or notices of rebuttable presumption against registeration (RPAR) (s).

B. Mutagenicity

The mutagenicity or non-mutagenicity of carbon tetrachloride was not adequately demonstrated in the studies reviewed. However, the Agency has not thouroughly examined the mutagenic hazards of CCl_4, and will review and evaluate more recent studies. The issue will then be addressed either in a supplemental RPAR or in PD 2/3.

The EPA Ambient Water Quality Criteria Document (USEPA 1979a) reported that carbon tetrachloride was not found to be mutagenic in the *Salmonella typhimurium* or *Escherichia coli* reversion tests (Kraemar et al., 1974). However, the authors of these studies noted that halogenated hydrocarbons are usually negative in the Ames test.

Indications of mutagenicity are given in a report by the National Research Council of the National Academy of Sciences (NRC 1978) in which it was stated:

Barthelmess (1970) in his survey of mutagenic agents listed carbon tetrachloride as a chromosome-breaking agent. The National Science Foundation Panel on Manufactured Organic Chemicals in the Environment (1975) has reported some positive indications of the mutagenicity of carbon tetrachloride.

The lack of information on the mutagenicity of CCl_4 constitutes a data gap which must be filled if CCl_4 is to remain registered. The Agency is currently seeking more information on these issues. If, upon further evaluation of all the toxicity and exposure data, the Agency determines that other such adverse effects are produced by

exposure to carbon tetrachloride at any level up to a level exceeding possible human exposure (taking into account ample margins of safety), then the Agency will issue a supplemental notice or notices of rebuttable presumption against registration (RPAR) (s).

C. Acute Toxicity (Animal Studies)

Numerous studies have investigated the effects of acute administration of carbon tetrachloride on several mammalian species. The following Table 8 reflects the effects observed after exposure by ingestion, inhalation, absorption through skin, intrapertioneal injection, intravenous injection, and subcutaneous injection:

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TABLE 8--ACUTE TOXIC EFFECTS OF CARBON TETRACHLORIDE

Route	Species, Age (Weight), Sex	Dose	Effects	Reference
Oral	Rats, 3 weeks, both sexes	2 ml/kg	50% mortality in 48 hours; increase in liver weight, fat, protein, and moisture, liver cells swollen with fat inclusions	Friedman et al. 1970
		6 ml/kg	100% mortality in 48 hours	
Oral	Rats, male		LD16 = 3,700 mg/kg LD50 = 6,000 mg/kg LD84 = 9,000 mg/kg	Kutepov 1968
	Rats, female		LD50 = 5,630 mg/kg	
	Mice, male		LD16 = 6,200 mg/kg LD50 = 9,100 mg/kg LD84 = 12,800 mg/kg	
	Guinea pigs, both sexes		LD50 = 5,700 mg/kg	
	Rabbits, male		LD50 = 5,760 mg/kg	
Oral	Rats, 350 g, male	2 ml/kg	Brief increase in hepatic blood flow and O_2 consumption, fo l-lowed by decrease	Nakata and Higaki 1969

TABLE 8--ACUTE TOXIC EFFECTS OF CARBON TETRACHLORIDE (CONT'D)

Route	Species, Age (Weight), Sex	Dose	Effects	Reference
Oral	Dogs	50 ml (weight not specified)	Vomiting and diarrhea within 24 hours	Barsoum and Saad 1934
	Dogs		MLD (24 hours) = 4 g/kg; liver degeneration	
Inhalation	Rats, both sexes	4.6 mg/liter	100% mortality in 8.0 hours	Prendergast et al. 1967
		15.6 mg/liter	100% mortality in 2.2 hours	
		6.1 mg/m^3 for 90 days	No effect	
		61 mg/m^3 for 90 days	Decreased growth rate, liver degeneration and fibrosis	
Inhalation	Cats, 3-4 kg, both sexes	10,000 ppm for 15 to 240 minutes	Increase in kidney, liver, adrenal gland weights; increase in liver and kidney lipid content; liver displayed central necrosis	Wong and DiStefano 1966

TABLE 8--ACUTE TOXIC EFFECTS OF CARBON TETRACHLORIDE (CONT'D)

Route	Species, Age (Weight), Sex	Dose	Effects	Reference
Inhalation	Rats, both sexes	19,000 ppm for 2.2 hours, 1,200 ppm for 4 hours, 7,300 ppm for 8 hours, 4,600 ppm for 8 hours, 3,600 ppm for 12 hours	Deaths due to respiratory failure; symptoms included stupor, uncoordination, unconsciousness; increase in clotting time; increase in liver lipid content	Adams et al. 1952
		3,000 ppm for 0.1 hour	No effect	
		800 ppm for 0.5 hour	No effect	
		50 ppm for 7.0 hours	No effect	
Dermal	Guinea pigs, 400-900 g, male		LD50 = 9.4 ml/kg	Roudabush et all. 1965
		0.5 ml	Irritation score = 4.1 (intact skin), 2.2 (abraded skin)	
	Rabbits, 1-4 kg, both sexes	0.5 ml	LD50 = 9.4 ml/kg Irrigation score = 2.8 (Intact skin), 4.0 (abraded skin)	

TABLE 8--ACUTE TOXIC EFFECTS OF CARBON TETRACHLORIDE (CONT'D)

Route	Species, Age (Weight), Sex	Dose	Effects	Reference
Dermal	Sheep, 35-45 kg	50 ml	3/5 died within 48 hours; 2/5 had kidney and liver dysfunction, liver recovered after 14 days	Setchell 1959
Intraperitoneal	Mice		24-hour LD50 = 2.6 mg/kg; ED50 for serum glutamic-pyruvic transaminase (SGPT) = 0.0085 mg/kg	Klaassen and Plaa
Intraperitoneal	Mice, 18-30 g, male	1-4 mg/kg	No significant increase in urine protein or glucose, swelling and necrosis in renal convoluted tubules	Plaa and Larsen 1965
		10 mg/kg	Liver impairment as shown by increase in pentobarbital sleeping time	
Intraperitoneal	Rats, male		24-hour LD50 = 1.9 ml/kg	Klaassen and Plaa 1967
Intraperitoneal	Rats, 4 weeks	2 ml/kg	11/24 mortality within 24 hours; survivors had increased liver weight, fat, and protein	Friedman et al. 1970

TABLE 8--ACUTE TOXIC EFFECTS OF CARBON TETRACHLORIDE (CONT'D)

Route	Species, Age (Weight), Sex	Dose	Effects	Reference
Intraperitoneal	Dogs, both sexes		24-hour LD50 = 1.5 ml/kg; ED50 for SGPT = 0.02 ml/kg; livers showed fat vacuolization and necrosis	Klaassen and Plaa 1967
Intravenous	Dogs		30 minute MLD = 90 mg/kg in ether-anesthetized animals; respiratory arrest preceded cardiac failure	Barsoum and Saad 1934
Subcutaneous	Mice, 18-25 g, male		10-day LD50 = 15 mg/kg; ED50 for increase in pentobarbital sleeping time (an indicator of liver impairment) = 0.033 mg/kg; livers showed central necrosis	Casals and Olitsky 1946
Subcutaneous	Mice, 3 months, both sexes		72-hour LD10 = 7.99 ml/kg; LD50 = 22.79 ml/kg; LD95 = 74.06 ml/kg; symptoms were drowsiness, unconsciousness, and lung congestion	Farag et al. 1966
Subcutaneous	Rats, 1-6 months, both sexes	0.15 ml/100 g	No mortality in younger animals, livers showed fat accumulation, necrosis, more apparent in males than females	Chaturvedi 1969

TABLE 8--ACUTE TOXIC EFFECTS OF CARBON TETRACHLORIDE(CONT'D)

Route	Species, Age (Weight), Sex	Dose	Effects	Reference
Subcutaneous	Rabbits	1.0 and 2.0 g/kg	No mortality in 7 days	Barsoum and Saad
		3.0 g/kg	All died in 7 days	
		4.0 g/kg	All died in 4 days	
Subcutaneous	Pigs, 25-66 days	0.6 ml/kg	No symptoms, no gross liver changes, microscopic necrosis in each liver lobule	White 1939
		1.0 ml/kg	Lethal in 12 hours	

Clement Associates, Inc., 1980b.

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In addition to observing acute effects, a few studies have investigated the relationship between carbon tetrachloride's hepatotoxicity and nephrotoxicity. Wong and DiStefano (1966) measured the increased in lipid content of the liver, kidney, and adrenal gland of cats exposed once by inhalation. Because of difference in the rate of fat accumulation in the liver and kidney, the authors concluded that injuries to these organs are independent of each other. In another study, Setchell (1959, as cited by Clement, 1980b) observed that in carbon tetrachloride poisoning in sheep, death always occurred in conjunction with kidney failure, but not with liver dysfunction. His conclusion was the severe liver dysfunction with moderate kidney impairment is insufficient to cause death.

Studies have also investigated the potentiation of the toxic effect of carbon tetrachloride by ethanol. Wei et al. (1971b) pretreated rats with a subcutaneous injection of ethanol (4 g/kg) 18 hours before an injection of carbon tetrachloride (0.25 ml/kg, 1:4 by volume with corn oil). The treated animals showed an increase in serum glutamic-pyruvic transaminase (SGPT) activity, (an indicator of liver cellular damage) over the animals receiving glucose, ethanol, or carbon tetrachloride alone, but no change in liver triglyceride (and thus no basic change in lipid metabolism). It should be noted that the route of application of both ethanol and CCl_4 in this study are not what would be experienced by humans. A similar effect on SGPT activity was found in dogs (Klaassen and Plaa 1967).

From the studies cited it is reasonable to conclude that accute exposures to carbon tetrachloride have hepatotoxic effects including cell necrosis and lipid accumulation (e.g., Friedman et al. 1970, as cited by Clement, 1980b, Wong and DiStefano, 1966, Klaassen and Plaa, 1967) and, to a lesser extent, nephrotoxic effects (Setchell, 1959, Plaa and Larson, 1965, cited by Clement, 1980b). The cause of death depends on the route of exposure: kidney and/or liver failure results from oral exposure (Friedman et al., 1970; Kutepov, 1968, as cited by Clement, 1980b); depression of the central nervous system and respiratory failure from inhalation (Nakata and Higaki, 1969; Adams et al., 1952, as cited by Clement, 1980b); and lung congestion and central nervous system depression from injections (Farage et al., 1966, as cited by Clement, 1980b). No effect levels were not investigated thoroughly, but were reported for inhalation by rats to range from 18,876 mg/m^3 for 0.01 hours (Adams et al., 1952) to 6.1 mg/m^3 for 90 days (Prendergast et al., 1967).

D. Human Case Histories and Epidemiologic Studies

The toxic effects of CCl_4 have been studied in humans as a result of accidental or intentional poisoning. Human data are available in case history studies or retrospective epidemiologic studies of occupational exposures. Acute symptoms include headache, nausea, vomiting, weakness, blurred vision, optic damage, and liver the kidney dysfunction. Fatalities are attributed to renal failure and hepatic necrosis and often occur in conjunction with a history of alcohol consumption or exposure to other chemicals. The studies are reflected in Table 9 as follows:

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TABLE 9--SUMMARY OF EPIDEMIOLOGIC STUDIES

Route of Exposure	Level of Exposure	Number of Subjects	Type of Operation	Observations	Reference[1/]
Inhalation	10-80 ppm	"several"	Drycleaning	Nausea, dizziness, vomiting, headache	Elkins 1942
N/R[2/]	40-375 ppm	9	Multigraph printing	Nausea, loss of appetite, weight	Elkins 1942
N/R	5-1,680 ppm	77	Carbon tetrachloride manufacture, dry cleaning, others	35/77 had restricted visual fields; 13/67 had evidence of jaundice; hematology and kidney function tests showed no effect	Smyth et al. 1936 and Smyth and Smyth 1935
N/R	7.7 years average 6.4-9.5 ppm	62 workers	Cleaning	Reduced visual fields, corneal sensitivity	Moeller 1973
N/R	45-97 ppm	17	Cleaning	Nausea, loss of appetite, headache; no abnormal visual fields, SGOT levels	Kazantzis and Bomford 1960
N/R	N/R	27	Fluorocarbon	Kidney dysfunction compared to control group	Barnes and Jones 1967
N/R	N/R	675	Cleaning	Nausea, headaches weakness, abdominal cramps	Doyle and Baker 1944
N/R	28-43 per year for 2-27 years	51 workers 27 controls	Cleaning	Indications of liver dysfunction	Rabes 1972

1/ As cited in NIOSH (1975)
2/ Not reported

Source: Clement Associates, Inc., 1980a.

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REQUEST FOR INFORMATION

A. Dietary Exposure

The Agency requests all available data on residues of CCl_4 in feed and food (particularly bread, meat, milk and eggs). The Agency does not have any data from a feeding study of grain treated with CCl_4 and any resulting residues in meat, milk and eggs, and solicits information regarding these potential residues.

B. Applicator Exposure

To accurately determine inhalation exposure, new data on the concentrations of carbon tetrachloride in the air during the entire fumigation process should be obtained.

Hands are likely to receive the greatest dermal exposure during mixing, loading and application. Data should be developed estimating potential exposures from accidental spills, including frequency, duration, and quantity resulting from these spills.

The lung and dermal penetration rate and data on the extent of human dermal contact with carbon tetrachloride should be obtained through toxicological studies on animals.

C. Teratogenicity, Mutagenicity, and Reproductive Effects

The Agency requests that all available data on teratogenicity and mutagenicity be submitted, and also solicits information on reproduction effects, especially on spermatogenesis.

D. Non-Grain Fumigant Uses

The Agency requests information on the extent of use and exposure to applicators from the minor pesticidal uses of CCl_4 discussed in I.B.2.

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All written comments and information filed pursuant to this notice will be available for public inspection in the office of the Chemical Information Division Document Control Officer, Office of Pesticides and Toxic Substances (TS–793), EPA, Rm. E–447, 401 M St. SW, Washington, D.C. 20460 from 8:30 a.m. to 4 p.m. during normal working days. Interested persons are encouraged to take advantage of the opportunity to inspect Agency files during normal working hours. All of the information received may serve as a basis for final determination pursuant to 40 CFR 162.11(a)(5). The Agency does not plan to publish a summary of information received in the **Federal Register** at the close of the rebuttal period.

Dated: September 30, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-31808 Filed 10-14-80; 8:45 am]

BILLING CODE 6560-32-M

federal register

Wednesday
October 15, 1980

Part V

Department of the Treasury

Comptroller of the Currency

Rules, Policies, and Procedures for Corporate Activities

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Parts 4, 5, 8, 13, 14, 15, and 28

[Docket No. 80-11]

Rules, Policies, and Procedures for Corporate Activities

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule; consolidation and reorganization of rules, policies, procedures and forms concerning corporate activities of national banks.

SUMMARY: The Office of the Comptroller of the Currency ("Office") is consolidating and reorganizing its rules, policies, procedures and forms dealing with applications for branches, charters, mergers, capital increases and a variety of other structural and corporate activities and notices of proposed changes in control, as part of its Corporate Activities Review and Evaluation (CARE) Program. The Supplementary Information section below explains the consolidation and additional steps in the comprehensive review being undertaken as part of the CARE Program.

DATES: These amendments are effective October 15, 1980. Comments should be received on or before December 15, 1980.

ADDRESS: Comments should be sent to Docket No. 80-11, Communications Division, 3rd Floor, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219, Attention: Marie Giblin. Telephone: (202) 447-1800. Comments will be available for inspection and photocopying.

FOR FURTHER INFORMATION CONTACT: Darrel W. Dochow, Deputy Director, Bank Organization and Structure Division, Office of the Comptroller of the Currency, 4980 L'Enfant Plaza East, S.W., Washington, D.C. 20219. Telephone: (202) 447-1184. Further information also may be obtained from the Regional Director for Corporate Activities in any office of the Regional Administrator of National Banks.

SUPPLEMENTARY INFORMATION: The principal authors of this final rulemaking are Darrel W. Dochow, Deputy Director, Bank Organization and Structure Division, and Alan Herlands, Regulations Analysis Division.

(12 U.S.C. §§ 1 *et seq.*)

Summary of Comprehensive Review

As part of the CARE Program, the Office is undertaking a comprehensive review of all of its rules, policies, procedures and forms governing filings for charters, branches, mergers, changes in capital, and all other structural and corporate activities of national banks. The general purposes of the review are to minimize costs and burdens on applicants, the agency and the public; to provide a better understanding of policies; to modify or eliminate rules, policies, procedures and forms which are unnecessary or lead to inefficiencies; and to remove unnecessary barriers to competition. As a first step, Docket #80-11 consolidates all of the Office's rules, policies, and procedures and forms for national bank structural and corporate activities, which previously were located in several Parts of the Code of Federal Regulations and other documents, into a single regulation. This action should make it easier to locate and understand present requirements.

Subsequent steps involve developing proposed additions, deletions or modifications to the existing rules, policies, procedures and forms. Some proposals and final regulations are published today in accompanying documents, docket #s 80-12, 80-13, 80-14, and 80-15. Proposals on other specific issues will be issued in the future. Public comment is desired throughout the review process.

Reorganization of Rules

The Office's regulations governing structural and corporate filings previously were located in Parts 4, 5, 8, 13, 14, 15 and 28 of Title 12 of the Code of Federal Regulations. Sections 4.2 through 4.10 and § 4.12 of Part 4, Description of Office Procedures, Public Information, contained basic filing information for national bank charters, branches, conversions, mergers, fiduciary powers, domestic operating subsidiaries, voluntary liquidations, receiverships, conservatorships, Federal branches and agencies of foreign banks and changes in location, title and capital structure. Section 4.13 contained a list of all the forms used by the applicants and the Office in connection with corporate activities.

Part 5, Supplemental Application Procedures, described notice procedures for applications and provided rules for the participation of interested persons in the corporate filing process. Part 8, Assessment of Fees, established, among other matters, filing fees for charters, branches, mergers, consolidations and initial and additional Federal branches and agencies of foreign banks. It also established the fees charged for investigations and examinations necessary in connection with a filing. Part 13, Employee Stock Option and Stock Purchase Plans, described the procedures and approval standards for those types of bank applications. Part 14, Changes in Capital Structure, set forth the procedures and approval standards for applications for the issuance of stock, stock dividends and subordinated notes and debentures. Part 15, Change in Bank Control, established filing requirements for changes in control of a national bank. Part 28, Federal Branches and Agencies of Foreign Banks, established, among other matters, filing requirements for establishing Federal branches and agencies of foreign banks.

All of the above provisions applicable to corporate filings are hereby reorganized into revised Part 5, Rules, Policies and Procedures for Corporate Activities. In addition, some of the policies and requirements have been partially rewritten for the purposes of clarification and simplification. Subpart A of the new Part 5 establishes rules applicable to all corporate filings unless exceptions are noted in sections dealing with a specific filing. Subpart B of the new Part 5 covers initial corporate activities decisions, such as chartering a national bank, conversion, fiduciary powers and the establishment of an initial Federal branch or Federal agency of a foreign bank. Subpart C includes applications for expanding activities such as branches, subsidiaries and mergers. Subpart D covers other filings, including changes in location, title, control and capital structure; voluntary liquidations; and other corporate activities for which the Office has approval or disapproval powers or provides comment to other agencies. The new Part 5 is prefaced by a comprehensive index which will permit interested parties to locate applicable sections easily.

The new Part 5 provides for the inclusion of Office policy statements for all such filings. Policies adopted in November 1976 (41 FR 47964) and February 1979 (44 FR 7262), which were not incorporated into the Code of Federal Regulations at those times, are adopted in the new Part 5 by this document, with the exception of the Office's chartering policy (see *Today's Other Actions* below) and subordinated debt policy covering the evaluation of subordinated debt applications. The portion of the 1976 subordinated debt policy dealing with evaluation of applications is rescinded. Publication of a new policy is reserved pending completion of the proposed rulemaking regarding subordinated debt. The proposed rule would gradually remove

such debt from the definition of capital. (See 45 FR 49276, July 24, 1980.) In the interim, applications will be decided in accordance with § 5.47(b)(1).

The Office finds that public comment procedures are neither necessary nor appropriate prior to the consolidation of regulations and policies. This action makes no substantive changes in existing requirements and should reduce the public's burden in understanding and complying with those requirements.

As described below, the Office invites suggestions for improvements on all aspects of its treatment of national bank structural and corporate activities. One reason the Office has consolidated and reorganized its rules into an accessible format as the first step in the comprehensive review is its belief that the new format will enhance the public's ability to participate in the review.

Today's Other Actions

The Office is issuing four other documents in the Federal Register on which comment is solicited.

These documents are Docket #80–12, a final regulation that clarifies and revises charter policy, #80–13, a final regulation on disclosure policy for changes in control of a national bank, #80–14, a proposed amendment to existing rules on written comments and hearings on applications, and #80–15, a proposed policy statement on charter applications filed solely to facilitate holding company formation or acquisitions. Further information on these matters is contained in the four documents.

Requests for Comments

In addition to the requests for comments contained in the four other documents issued today, the Office encourages input on the general issues and specific questions listed below. Parties commenting are requested to indicate the priority the Office should attach to accomplishing each change suggested and to report any prior experience with a corporate activity application or filing with the Office.

General Issues

A. What deletions, additions or other changes should be made in the Office's rules, policies or procedures on corporate activities?

B. What deletions, additions or changes should be made in the forms required or used by the Office for corporate activities?

C. What specific changes should the Office consider to reduce direct costs to applicants or to speed the Office's review and decision process?

D. What specific changes should the Office consider to reduce barriers to completion?

E. What specific changes should the Office consider to reduce regulatory interference with private sector decision-making?

F. What specific changes should the Office consider to distinguish between applicants based on their size, condition or other factors?

Specific Issues (listed in order of appearance of the subject in the text of Part 5)

G. Delegations of Authority (see § 5.3). Certain authority is delegated to Regional Administrators of National Banks. These delegations speed the decision process and permit some flexibility to take into account regional and local considerations. What additional authority should be delegated?

H. Forms (see § 5.4). The present rules provide specific forms for particular filings. The forms were designed to elicit what at the time was considered to be significant information. Each of the forms will be reviewed to remove unnecessary information requirement (see also General Issues C). In addition, the Office is considering a revision to the application form requirements generally. For example, some applications could be in the form of a letter or short notice with specific, additional information requested by the Office if more information is deemed necessary. Comment is invited on the merits of this or other alternative approaches to applications forms, and the specific filings for which the alternative would be most appropriate.

I. Notification and Publication of Decision (see § 5.13(a)). The Office issues public opinions whenever a decision represents a new or changed policy or presents issues of general importance to the public or the banking industry. Do existing Office procedures provide for adequate dissemination of important decisions? If not, what additional procedures should the Office adopt?

J. Reconsideration of Disapproved Applications (see § 5.13(d)). Under current rules (adopted in 1976), the Office generally does not accept requests for reconsideration. At the time the Office adopted this rule, little experience with written, published policies has been gained in this area, and many decisions were made by the highest agency official, the Comptroller. Currently, the Senior Deputy Comptroller for Policy and Regional Administrators have greater delegated authority; Regional Administrators are expected to gain still greater authority; written, published policies are expected on subject not presently covered by such policies; and experience has been gained with existing written, published policies. The Office, therefore, invites comment as to whether it should permit reconsiderations under certain circumstances, such as when an applicant believes an exception to established policy is warranted, or when an applicant can demonstrate to the satisfaction of the Senior Deputy Comptroller for Policy that the Regional Administrator's action was inconsistent with established policy.

Adoption of Amendments:

Accordingly, the Office adopts the changes in Title 12 of the Code of Federal Regulations set forth below.

1. By amending 12 CFR Part 5 to read as follows:

PART 5—RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES

Sec.

5.1 Scope of part.

Subpart A—Rules of General Applicability

5.2 Rules of general applicability.
5.3 Corporate activities processing and delegations.
5.4 Application forms and notices of change in bank control: availability and filing.
5.5 Fees.
5.6 Pre-filing meetings. [Reserved]
5.7 Investigation, examination and required information.
5.8 Notice of filing of an application.
5.9 Public file.
5.10 Written comments and requests for a hearing.
5.11 Hearings.
5.12 Computation of time.
5.13 Decisions.
5.14 [Reserved]
5.15 [Reserved]
5.16 [Reserved]
5.17 [Reserved]
5.18 [Reserved]
5.19 [Reserved]

Subpart B—Initial Activities

5.20 Organization of a national bank.
5.21 Organization of an interim national bank.
5.22 Organization of a national bank limited to trust powers.
5.23 Establishment of an initial Federal branch (including a limited Federal branch) and a Federal agency of a foreign bank.
5.24 Conversion.
5.25 Application for conversion of a branch or agency operated by a foreign bank or a commercial lending company controlled by a foreign bank into a Federal branch or a Federal agency.
5.26 Fiduciary powers.
5.27 [Reserved]
5.28 [Reserved]
5.29 [Reserved]

Sec.

Subpart C—Expansion of Activities

5.30 Establishment of domestic branches and seasonal agencies.
5.31 Establishment of customer-bank communication terminal (CBCT) branches.
5.32 Additional Federal branch or Federal agency of a foreign bank.
5.33 Merger, consolidation, purchase and assumption.
5.34 Domestic operating subsidiaries.
5.35 [Reserved]
5.36 [Reserved]
5.37 [Reserved]
5.38 [Reserved]
5.39 [Reserved]

Subpart D—Other Changes in Activities and Miscellaneous Activities

5.40 Change in location of a head office or domestic branch.
5.41 Relocation of a Federal branch or Federal agency of a foreign bank.
5.42 Change of corporate title.
5.43 Change in designation of initial Federal branch or Federal agency to any other Federal branch or Federal agency.
5.44 Competitive factor reports to other agencies. [Reserved]
5.45 Comment letters on holding company acquistions to Board of Governors of the Federal Reserve System. [Reserved]
5.46 Changes in capital structure.
5.47 Subordinated debt.
5.48 Voluntary liquidation.
5.49 Receivership and conservatorship.
5.50 Change in bank control.
5.51 Employee stock option and stock purchase plans.

Authority: 12 U.S.C. 1 *et seq.*

§ 5.1 Scope of part.

This part establishes rules, policies and procedures of the Office of the Comptroller of the Currency ("Office") on the national bank activities (hereinafter referred to as "corporate activities") enumerated in the index to this Part. The Office decides applications for corporate activities and acts on filings for proposed changes in bank control. Information on where and how to file, requirements and policies applicable to each type of filing, procedures which will be followed, and other rules of general and specific applicability are included.

Subpart A—Rules of General Applicability

§ 5.2 Rules of general applicability.

(a) The rules in this subpart apply to all corporate filings unless otherwise noted or clearly inappropriate in the context of a particular filing.

(b) The office reserves the right to adopt different procedures when it deems necessary and reasonable in acting upon any particular application or filing.

(c) For the purposes of this Part, the initial Federal branch or Federal agency established in a state by a foreign bank shall be deemed the bank's head office in that state.

(d) The term "national bank" includes any national bank and any bank or trust company located and doing business in the District of Columbia.

(e) The term "application" does not encompass a notice under the Change in Bank Control Act.

§ 5.3 Corporate activities processing and delegations.

(a) The Comptroller of the Currency delegates certain functions of the Office as described in this Section. In any case in which a delegate deems it appropriate, the delegate may submit the matter to an authorized superior official or to the Comptroller. By order of an authorized superior official or by the Comptroller, delegated authority may be exercised in any specific case or cases by the authorized superior official, or by the Comptroller.

(b) *Headquarters ("Washington Office.").*

(1) The Senior Deputy Comptroller for Policy or, in his or her absence, the Senior Deputy Comptroller for Operations, is authorized to act on any corporate applications and filings described in this Part.

(2) Under the general direction of the Senior Deputy Comptroller for Policy, the Deputy Comptroller for Research and Economic Programs supervises the Bank Organization and Structure Division ("BOSD"). BOSD processes and reviews applications and filings with the Washington Office.

(c) *Regional offices.*

(1) Under the general direction of the Regional Administrator, the Deputy Regional Administrator for Planning and Operations supervises the Regional Director for Corporate Activities ("RDCA"). The RDCA initially processes and reviews applications and filings and makes recommendations to the Regional Administrator on matters which the Regional Administrator may act on under delegated authority. The Regional Administrator, the Deputy Regional Administrator for Planning and Operations and the RDCA may each make an independent recommendation on all applications and filings forwarded to the Washington Office for decision.

(2) Each Regional Administrator is authorized to approve or disapprove any of the following applications:

(i) Capital increases through stock dividends or sales of additional common stock;

(ii) An increase in par value of common stock; and

(iii) The establishment of *de novo* operating subsidiaries for activities previously approved by the Office for national banks.

(3) Each Regional Administrator is authorized to approve (but not disapprove) applications for the establishment of:

(i) Domestic branches and seasonal agencies;

(ii) CBCT branches;

(iii) Changes in locations of head offices or domestic branches; and

(iv) Change in corporate titles;

Provided that all of the following requirements are satisfied for each application:

(A) Applicant bank is rated in group "1" or "2" under the uniform interagency bank rating system, and has not been identified by the Special Projects Division as a bank requiring review and comment;

(B) Applicant bank possesses a rating not lower than "fair" in the individual areas of management, asset quality, liquidity, earnings and capital;

(C) Applicant bank has received a Community Reinvestment Act examination performance rating not lower than "satisfactory," and has not been identified by the Regional Director of Customer and Community Programs as having substantive unresolved Community Reinvestment Act issues;

(D) There have been no substantive protests of the application;

(E) There is no known question concerning the legality of the proposal;

(F) The Regional Director for Corporate Activities and the Regional Administrator (and, in the case of a bank under the supervision of the Multinational Division, the Deputy Comptroller for Multinational Banking) have each considered all factors specified in applicable published policy statements and have recommended unconditional approval;

(G) The Regional Administrator has not noted any significant matters that would make a review by the Washington Office desirable; and

(H) Any additional requirements imposed by §§ 5.30, 5.31, 5.40 and 5.42 of this Part have been satisfied.

(4) Each Regional Administrator is authorized to issue a notice of the Office's intent not to disapprove a proposed acquisition of control of a national bank if all of the following criteria are met:

(i) The bank is rated in group "1" or "2" under the uniform interagency bank rating system and has not been identified by the Special Projects Division as a bank requiring review and comment;

(ii) The bank has received a Community Reinvestment Act

examination performance rating not lower than "satisfactory," and has not been identified by the Regional Director for Customer and Community Programs as having substantive unresolved Community Reinvestment Act issues;

(iii) The Regional Administrator has not noted any significant matters that would make a review by the Washington Office desirable; and

(iv) Any additional requirements imposed by § 5.50 of this Part have been satisfied.

§ 5.4 Application forms and notices of change in bank control: availability and filing.

Applications for the Office's prior approval of corporate activities covered by this Part and notices required under the Change in Bank Control Act must be filed with the Regional Administrator for the region where the national bank is (or will be) headquartered (see CFR 4.1a(b)). Application forms, notice forms and instructions are available from each Regional Office and from the Bank Organization and Structure Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

§ 5.5 Fees.

A filing fee must accompany certain filings before they will be accepted by the Office. Each section describing a particular filing indicates whether a filing fee is required and, if so, the amount of the fee. In addition, investigation fees may be charged at the rates established in 12 CFR Part 8 if the Office determines that special investigations or examinations are necessary to reach an informed decision. Fees must be paid by certified or cashier's check payable to the Office of the Comptroller of the Currency.

§ 5.6 Pre-filing meetings. [Reserved]

§ 5.7 Investigation, examination and required information.

The Office may conduct an investigation or examination into the facts of a filing or affairs of the persons or parties making a filing to the extent necessary to reach an informed decision. Additionally, the Office may require any person, persons, bank or banks submitting a filing or request, or any person, persons, bank or banks connected with the matter to which such a filing or request pertains, to submit such information, data, opinion of counsel, or other materials as may be specified by the Office. Failure to comply with such demand of the Office may be treated as abandonment of the filing or request to which the information, data, opinion of counsel, or other material relates. Fees may be assessed for these investigations or examinations at the rates established in 12 CFR 8.

§ 5.8 Notice of filing of an application.

(a) *By the applicants.* Except in the case of proposed transactions where more extensive notice is required by statute, the applicant shall publish a notice in a newspaper of general circulation in the community in which the applicant proposes to engage in business (or engages in business in the case of a title change). The notice shall contain the name of the applicant(s), the subject matter of the application, and the date upon which the application was accepted for filing. The publication must be on the same day of two (2) consecutive weeks with the first publication within 15 days after the application has been accepted for filing. Immediately after publication, the applicant shall furnish the Regional Administrator with an affidavit(s) evidencing such publication(s).

(b) *By the Regional Administrator.* The Regional Administrator shall give timely notice to the state official who supervises commercial banks in the state in which the applicant is or will be located, and to any other person requesting written notification. Notice may also be given to other parties that the Regional Administrator believes may have an interest in the application.

§ 5.9 Public file.

(a) *Contents.* A public file shall be established by the Office in the case of each application. That file shall consist of the application with supporting data and supplementary information, except for material deemed by the Regional Administrator to be confidential, such as trade secrets normally not available through commercial publication. In addition, the public file shall contain all data and information submitted by interested persons in favor of or in opposition to such application, excluding any material deemed by the Regional Administrator to be confidential. Information may be deemed confidential and withheld from the public file only upon request of the person submitting the information. All factual information contained in any field investigation report made by a national bank examiner or otherwise submitted to or obtained by Office staff shall also be made part of the public file, unless deemed confidential by the Regional Administrator. In no event shall the Regional Administrator make information required by statute or regulation to be treated as confidential a part of a public file.

(b) *Availability to interested persons.* The public file shall be available for inspection and photocopying in the office of the Regional Administrator upon written request from a protesting person and to such other persons as the Regional Administrator shall deem, in his or her discretion, to have a direct interest therein during such periods of time as the Regional Administrator shall prescribe. No documents in the public file may be removed from the Regional Administrator's office by persons other than employees of the Office. A charge for photocopying may be imposed in accordance with a written schedule maintained by the Regional Administrator.

§ 5.10 Written comments and request for a hearing.

Within 21 days after the last notice by publication required by § 5.8(a) or applicable statute, any interested person may submit to the Regional Administrator written comments and data concerning the application and/or a written request for a hearing before the Regional Administrator or designee. The 21-day time period may be extended by the Regional Administrator if the applicant has failed to file all required supporting data in time to permit review by interested persons or if other extenuating circumstances exist. In the absence of a request, the Comptroller, a Senior Deputy Comptroller or a Regional Administrator may order a hearing to be held if it is believed to be in the public interest.

§ 5.11 Hearings.

(a) *Granting of a hearing.* When a request for a hearing, made in accordance with § 5.10 of this Part, is granted, or when a hearing is otherwise ordered, the Regional Administrator shall issue a Notice of Hearing. This Notice of Hearing shall:

(1) set forth the subject matter of the application and the date, time and place where the hearing will be held, and,

(2) be sent to the person(s) requesting the hearing, the applicant and other interested persons who have sent written comments to the Regional Administrator.

(b) *Place of hearing.* Hearings ordinarily will be conducted in the city where the Office of the Regional Administrator is located. Hearings may be conducted at any other location deemed appropriate by the Office.

(c) *Date of hearing.* A hearing shall be scheduled as soon as practicable after requested or ordered.

(d) *Participation in hearings.* Each person who wishes to be heard shall notify the Regional Administrator within

10 days after the date of the notice described in § 5.11(a) of this Part of his or her intention to attend. Persons who participate shall submit, to the Regional Administrator, the applicant(s) and other participant(s), the number and names of witnesses and a copy of each exhibit he or she wishes to present. Such information must be received by all participants at least 5 days prior to the hearing.

(e) *Presiding officer.* When a hearing is held, the presiding officer shall be the Regional Administrator, his or her designee, or such other person as may be named by an authorized superior official or the Comptroller. The presiding officer shall have the authority to appoint a panel of assistants.

(f) *Hearing rules.*

(1) *Order of presentation.*

(i) *Opening statements.* The applicant and each other participant may make opening statements of a length within the discretion of the presiding officer. Such opening statements should state concisely what the participant intends to show. The applicant shall have the opportunity to present its statement first.

(ii) *Applicant's presentation.* Following the opening statements, the applicant shall present his or her data and materials, oral or documentary.

(iii) *Other presentations.* Following the applicant's presentation, the persons protesting the application shall present their data and materials, oral or documentary. The protestants may agree, with the approval of the presiding officer, to have one of their number make their presentation. Following the evidence of the applicant and the protestant, the presiding officer, in his or her discretion, may recognize other interested persons who may present their views with respect to the application under consideration.

(iv) *Summary statements.* After all the above presentations have been concluded, the participants may make short and concise summary statements reviewing their positions. The applicant shall present his or her concluding summary statement first.

(2) *Witnesses.* The obtaining and use of witnesses is the responsibility of the parties. All witnesses will be present on their own volition, but any person appearing as a witness may be subject to questioning by any participant, by the presiding officer, or by any of his or her assistants. The refusal of a witness to answer questions may be considered by the Office in determining the weight to be accorded the testimony of that witness. Witnesses shall not be sworn.

(3) *Information submitted.* The presiding officer shall have the authority to exclude data or materials which he or she deems to be improper or irrelevant. Formal rules of evidence shall not be applicable to these hearings. Documentary material must be of a size consistent with ease of handling, transportation and filing, and copies must be provided for each participant. Although large exhibits may be used during the hearing, copies of such exhibits must be provided by the party in reduced size for inclusion in the file. Two copies of all such documents shall be furnished to the Regional Administrator and one copy to each other person represented at the proceeding.

(4) *Procedural questions.* The Regional Administrator, presiding officer, or any designated assistant shall determine all procedural questions not governed by this section. The Regional Administrator and the presiding officer shall each have the authority to limit the number of witnesses to be used by any party, and to impose such time limitations as he or she deems reasonable. The Office may adopt such different procedures as deemed necessary and reasonable in acting upon any particular application.

(5) *Transcript.* A transcript of each proceeding shall be arranged for by the Office. Expenses of such service, including the furnishing of two copies of the transcript to the Regional Administrator, are borne by the person or persons requesting a hearing, except for hearings ordered by the Office, where the applicant will bear the expense of furnishing transcripts for the record.

(6) *Record.* The public file described in § 5.9 shall automatically be deemed a part of the record of the proceedings as will all information submitted pursuant to § 5.11(f)(3) and the transcript described in § 5.11(f)(5).

(g) *Closing the public file.* If requested by any participant, the public file shall remain open for 15 days following receipt of the transcript by the Regional Administrator during which time the applicant and protestants may submit additional written statements. A copy of any statement submitted during this period shall also be sent simultaneously to the other persons represented at the hearing.

(h) *Forms.*

(1) *Form to be used by the applicant:*

CC 7029–03: Procedures to be Observed at Public Hearings.

(2) *Forms to be used by Office:*

CC 7029–01: Regional Office Procedures—Public Hearing
CC 7029–02: Notice of Hearing
CC 7029–03: Procedures to be Observed at Public Hearings
CC 7029–10: Charge-out Card
CC 7029–11: Protest Sheet
CC 7029–19: Correspondence Control Slip

§ 5.12 Computation of time.

In computing any period of days provided for in this Part, the day of the act from which the period begins to run shall not be included. The last day of the period computed shall be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next computable day. As used in this section, "legal holiday" means a day on which the office of the appropriate Regional Administrator remains closed.

§ 5.13 Decisions.

(a) *Notification and publication of decisions.* The applicant and all persons so requesting in writing shall be notified of the final disposition of an application. The Office will issue a public opinion whenever the decision represents, in its judgment, a new or changed policy or presents issues of general importance to the public or the banking industry. If the Office determines it to be in the public interest, information deemed to be of a private and confidential nature will not be disclosed.

(b) *Approvals.* The Office issues a written decision in the event of approval. In some cases, the Office grants preliminary approval prior to final approval. A preliminary approval, usually in letter form, will normally contain conditions or requirements that must be satisfied prior to final approval. In such cases, documentation of the activities satisfying the conditions will normally be required from the applicant prior to the issuance by the Office of a final approval document. The Office may withdraw its preliminary approval at any time if it determines that such action is necessary or desirable for the protection of the public interest. Approvals requiring specific, formal certification are described in applicable sections below.

(c) *Disapprovals.* The Office will provide applicant(s) with a written statement of the reasons for a disapproval.

(d) *Reconsideration.* Requests for reconsideration of disapproved applications will not be accepted. A new application may be filed at any time by submitting substantive new or additional information in accordance with § 5.4. To the extent relevant, the Office will consider and incorporate the prior administrative record. The normal filing fee will be required.

§ 5.14 [Reserved]

§ 5.15 [Reserved]

§ 5.16 [Reserved]

§ 5.17 [Reserved]

§ 5.18 [Reserved]

§ 5.19 [Reserved]

Subpart B—Initial Activities

§ 5.20 Organization of a national bank.

(a) *Scope.* This section applies to applications to organize a national bank not covered by other sections of this Part.

(b) *Authority.* 12 U.S.C. §§ 1, 21, 22, 26, 27, 93a, 1814(b) and 1816.

Prior to granting a charter, the Office must consider an application in light of the statutory factors contained in the Federal Deposit Insurance Act, 12 U.S.C. 1814b and 1816. This requirement is imposed to ensure that only those banks with reasonable prospects for success will be insured. The six statutory factors considered in deciding bank applications are: (1) the bank's future earnings prospects, (2) the general character of its management, (3) the adequacy of its capital structure, (4) the convenience and needs of the community to be served by the bank, (5) the financial history and condition of the bank, and (6) whether or not its corporate powers are consistent with the purposes of the Federal Deposit Insurance Act.

(c) *Policy.* [Reserved]

(d) *Pre-filing meetings.* [Reserved]

(e) *Fees.* A filing fee of $2,500 is required for investigating, processing and deciding each "Application to Organize a National Bank."

(f) *Investigation.* An investigation will be conducted to the extent necessary. No additional fee will be charged except in unusual circumstances.

(g) *Other procedures.* An applicant cannot conduct banking business until final approval (a "charter") is received. If preliminary approval is granted, certain procedural actions must be taken by the applicants before a charter can be granted. These actions include establishing the bank as a body corporate with directors, articles of association and by-laws. The Office will include appropriate forms and instructions with a preliminary approval letter. The proposed bank does not become a body corporate until the Organization Certificate and Articles of Association have been accepted for filing by the Regional Administrator.

(h) *Commencement of business.* Normally, the bank must commence business within 18 months from the date of preliminary approval.

(i) *Forms.*

(1) *Forms to be used by applicant:*

CC 7020–01: Letter of Instruction to Applicant for a New Bank Charter
CC 7020–02: Application to Organize a National Bank
CC 7020–03: Confidential Biographical and Financial Report
CC 7020–04: Supplement to Application to Organize a National Bank
CC 7020–17: Legal Notice—Application to Organize a National Bank
CC 7020–19: Instructions for Organization of a New National Bank after Receipt of the Comptroller's Preliminary Approval
CC 7020–20: Organization Certificate
CC 7020–21: Sample Waiver of Notice of First Meeting of Organizers
CC 7020–22: Sample Minutes of First Meeting of Organizers
CC 7020–23: Sample Waiver of Notice of First Meeting of Interim Board of Directors.
CC 7020–24: Sample minutes of first Meeting of Interim Board of Directors
CC 7020–25: Joint Oath of Interim Directors
CC 7020–26: Oath of Interim Directors
CC 7020–27: List of Interim Directors
CC 7020–28: Sample Stock Certificate
CC 7020–29: Sample Subscription Offer
CC 7020–30: Certificate of Payment of Capital Stock and Compliance with Legal Requirements
CC 7020–31: Sample Notice of First Meeting of Shareholders
CC 7020–32: Sample Proxy Statement—First Meeting of Shareholders
CC 7020–33: Sample Proxy—First Meeting of Shareholders
CC 7020–34: Sample Minutes of First Meeting of Shareholders
CC 7020–35: Sample Waiver of Notice of First Meeting of Board of Directors
CC 7020–36: Sample Minutes of First Meeting of Board of Directors
CC 7020–37: Instructions for Pre-Opening Review
CC 7020–38: Final Status Report—Reconcilement of Disbursements from Capital Funds
CC 7020–39: Sample Notice (Publication of Charter)
CC 7020–40: Affidavit of Publication of Charter
CC 7029–04: Sample Articles of Association
CC 7029–05: Sample By-Laws
CC 7029–06: Joint Oath of National Bank Directors
CC 7029–07: Oath of National Bank Director
CC 7029–08: List of National Bank Directors
CC 7029–09: Sample Resolutions and Amendments to Articles of Association

(2) *Forms to be used by Office:*

CC 7020–05: Confidential Memorandum to the Comptroller of the Currency on an Application for Permission to Organize a National Bank
CC 7020–07: Regional Office Procedures—Charter Applications
CC 7020–09: Regional Office Procedures—New Bank Organization
CC 7020–10: Washington Office Procedures—Charter Applications
CC 7020–12: Washington Office Procedures—New Bank in Organization
CC 7020–13: Charter Processing Checklist
CC 7020–14: New Bank in Organization Processing Checklist
CC 7020–15: Charter Application—Review for Accuracy and Completeness
CC 7020–16: New Bank in Organization—Review for Accuracy and Completeness

§ 5.21 Organization of an interim national bank.

(a) *Scope; Interim National Bank defined.* [Reserved]

(b) *Authority.* 12 U.S.C. §§ 1, 21, 22, 26, 27, 93a, 214a, 215, 215a, 1814(b), 1816 and 1828(c).

(c) *Pre-filing meetings.* [Reserved]

(d) *Filing fee.* A filing fee of $2,500 is required. This fee is separate from, and in addition to, the fee to process the application to merge or consolidate (see § 5.33).

(e) *Forms.*

(1) *Form to be used by applicant:*

CC 7020–18: Legal Notice—Application to Organize a National Bank (Interim Bank)

(2) *Forms to be used by Office:*

CC 7020–06: Confidential Memorandum to the Comptroller of the Currency—Application for Permission to Organize an Interim National Bank
CC 7020–08: Regional Office Procedures—Interim Bank Applications
CC 7020–11: Washington Office Procedures—Interim Bank Applications

§ 5.22 Organization of a national bank limited to trust powers.

(a) *Authority and scope.*

(1) *Authority.* 12 U.S.C. §§ 1, 21, 22, 26, 27, 93a, 1814(b) and 1816.

(2) *Scope.* This section applies to applications to organize a national bank limited to trust powers which, by the terms of its charter, will not be permitted to exercise all of the express or implied powers of national banks.

(b) *Policy.* [Reserved]

(c) *Fees.* A filing fee of $2,500 is required for processing each application.

(d) *Investigation.* An investigation will be conducted to the extent necessary. No additional fee will be charged except in unusual circumstances.

(e) *Other procedures.* An applicant cannot conduct banking business until final approval (a "charter") is received. If preliminary approval is granted, certain procedural actions must be taken by the applicants before a charter can be granted. These actions include establishing the bank as a body corporate with directors, articles of association and by-laws. The Office will include appropriate forms and instructions with a preliminary approval letter. The proposed bank does not become a body corporate until the Organization Certificate and Articles of Association have been accepted for filing by the Regional Administrator.

(f) *Commencement of business.* Normally, the bank must commence business within 18 months from the date of preliminary approval.

(g) *Forms.*

(1) *Forms to be used by applicant:*

CC 7020–01: Letter of Instruction to Applicant for a New Bank Charter
CC 7020–02: Application to Organize a National Bank
CC 7020–03: Confidential Biographical and Financial Report
CC 7020–04: Supplement to Application to Organize a National Bank
CC 7020–17: Legal Notice—Application to Organize a National Bank
CC 7020–19: Instructions for Organization of a New National Bank after Receipt of the Comptroller's Preliminary Approval
CC 7020–20: Organization Certificate
CC 7020–21: Sample Waiver of Notice of First Meeting of Organizers
CC 7020–22: Sample Minutes of First Meeting of Organizers
CC 7020–23: Sample Waiver of Notice of First Meeting of Interim Board of Directors
CC 7020–24: Sample minutes of first Meeting of Interim Board of Directors
CC 7020–25: Joint Oath of Interim Directors
CC. 7020–26: Oath of Interim Directors
CC 7020–27: List of Interim Directors
CC 7020–28: Sample Stock Certificate
CC 7020–29: Sample Subscription Offer
CC 7020–30: Certificate of Payment of Capital Stock and Compliance with Legal Requirements
CC 7020–31: Sample Notice of First Meeting of Shareholders
CC 7020–32: Sample Proxy Statement—First Meeting of Shareholders
CC 7020–33: Sample Proxy—First Meeting of Shareholders
CC 7020–34: Sample Minutes of First Meeting of Shareholders
CC 7020–35: Sample Waiver of Notice of First Meeting of Directors
CC 7020–36: Sample Minutes of First Meeting of Directors
CC 7020–37: Instructions for Pre-Opening Review
CC 7020–38: Final Status Report
CC 7020–39: Sample Notice (Publication of Charter)
CC 7020–40: Affidavit of Publication of Charter
CC 7029–04: Sample Articles of Association
CC 7029–05: Sample By-Laws
CC 7029–06: Joint Oath of National Bank Directors
CC 7029–07: Oath of National Bank Director
CC 7029–08: List of National Bank Directors
CC 7029–09: Sample Resolutions and Amendments to Articles of Association

(2) *Forms to be used by Office:*

CC 7020–05: Confidential Memorandum to the Comptroller of the Currency on an Application for Permission to Organize a National Bank
CC 7020–07: Regional Office Procedures—Charter Applications
CC 7020–09: Regional Office Procedures—New Bank Organization
CC 7020–10: Washington Office Procedures—Charter Applications
CC 7020–12: Washington Office Procedures—New Bank in Organization
CC 7020–13: Charter Processing Checklist
CC 7020–14: New Bank in Organization Processing Checklist
CC 7020–15: Charter Application—Review for Accuracy and Completeness
CC 7020–16: New Bank in Organization—Review for Accuracy and Completeness

§ 5.23 Establishment of an initial Federal branch (including a limited Federal branch) and a Federal agency of a foreign bank.

(a) *Authority.* 12 U.S.C. 3101 *et seq.* See also 12 CFR 28.

(b) *Policy.* (Reserved)

(c) *Place of filing application.* Applications should be submitted for filing to the Office of the Comptroller of the Currency, Bank Organization and Structure Division, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219, instead of to the Regional Administrator.

(d) *Fees.* A filing fee of $2,500 is required for investigating and processing each application.

(e) *Decisions.* If preliminary approval is granted, a condition normally will be included that the Federal branch or agency must commence business within 18 months from the date of preliminary approval.

(f) *Certification.* Upon satisfaction of conditions contained in the preliminary approval, a certificate will be issued evidencing approval for the establishment and operation of the Federal branch or Federal agency.

(g) *Form to be used by applicant:*

CC 7030–01: Application to Establish a Federal Branch or Agency

§ 5.24 Conversion.

(a) *State Chartered Bank to National Bank.*

(1) *Authority.* 12 U.S.C. 1 *et seq.*, 12 U.S.C. 35.

(2) *Policy.*

(i) The Office ordinarily will approve an application by a state bank or other financial institution for conversion to a national bank when such approval is consistent with the basic objective of maintaining a sound national banking system. An application to convert should not be motivated by supervisory pressures from other regulatory authorities.

(ii) In determining the qualifications of an applicant for conversion, the following factors will be considered:

(A) *Condition.* The applicant's general condition should be satisfactory; significant or serious problems will normally preclude approval. The applicant should not have an undue amount of criticized assets, particularly in relation to gross capital; serious or frequent violations of law; inadequate liquidity; adverse operating trends; poor internal controls; or other significant problems. Capital, earnings and retention of earnings should be sufficient to support the current level of operations.

(B) *Management.* Management should have demonstrated the ability to supervise a sound banking operation. This determination will generally relate to the overall condition of the institution and management's ability to recognize and correct deficiencies.

(3) *Fees; investigation.* No filing fee is required at the time of application. An investigation and/or examination will normally be conducted and the applicant will be charged in accordance with 12 CFR 8.

(4) *Title of the bank.* The proposed title (name) of the bank will be considered in accordance with the policy for title changes (see § 5.42(b)).

(5) *Decisions.* If preliminary approval is granted, the applicant will be furnished with suggested forms of documents necessary to complete its conversion into a national bank.

(6) *Commencement of business as National Bank.* When all statutory requirements and other conditions have been satisfied, a certificate, known as a

charter, will be issued, which provides that the institution is authorized to commence the business of banking as a national bank as of a specified date.

(b) *National Bank to a State Chartered Bank.* The rules of general applicablity (Subpart A) do not apply to the conversion of a national bank to a state chartered bank. A national bank desiring to become a state bank should submit a letter to the Regional Administrator advising of its intent to convert. The bank will be furnished with instructions regarding steps to be followed to terminate its status as a national bank.

(c) *Forms.*

(1) *Forms to be used by applicant:*

CC 7022–01: Application to Convert to a National Banking Association
CC 7022–10: Instructions for Preparation of Forms for Conversion
CC 7022–12: Organization Certificate (Conversion)
CC 7022–13: Secretary's Certificate—Board of Directors' Resolution
CC 7022–14: Secretary's Certificate—Shareholders' Resolution

(2) *Forms to be used by Office:*

CC 7022–02: Confidential Memorandum—Application for Permission to Convert to a National Bank
CC 7022–03: Regional Office Procedures—Conversion Applications
CC 7022–04: Washington Office Procedures—Conversion Applications
CC 7022–05: Conversion Processing Checklist—State Chartered Institution to a National Banking Association (Regional Office)
CC 7022–06: Conversion Processing Checklist—State Chartered Institution to a National Banking Association (Washington Office)
CC 7022–07: Conversion Processing Checklist—National Bank to a State Chartered Institution (Regional Office)
CC 7022–08: Conversion Processing Checklist—National Bank to a State Chartered Institution (Washington Office)
CC 7022–09: Conversion Application—Review for Accuracy and Completeness
CC 7022–11: Authority for Conversion of Financial Institution

§ 5.25 Application for conversion of a branch or agency operated by a foreign bank or a commercial lending company controlled by a foreign bank into a Federal branch or a Federal agency.

(a) *Authority.* 12 U.S.C. 3101 *et seq.* See also 12 CFR Part 28.

(b) *Policy.* (Reserved)

(c) *Fees.* (Reserved)

(d) *Decisions.* If preliminary approval is granted, a condition normally will be included that the conversion must be accomplished within 18 months from the date of preliminary approval.

(e) *Certificates.* Upon satisfaction of all conditions, a certificate will be issued evidencing approval for the conversion to a Federal branch or a Federal agency.

(f) *Form to be used by applicant:*

CC 7030–02: Application to Convert an Existing Office of a Foreign Bank to a Federal Branch or Agency

§ 5.26 Fiduciary powers.

(a) *Authority and scope.*

(1) *Authority.* 12 U.S.C. 92a. See also 12 CFR Part 9.

(2) *Scope.* This section applies to applications for fiduciary powers by existing national banks.

(b) *Policy.*

(1) *General.* The Office encourages a banking structure capable of fulfilling local, regional and national needs for banking services. The establishment of fiduciary powers affords banks the opportunity to better serve the public by offering greater services, choice and convenience. In evaluating an application for fiduciary powers, consideration will be given to the capacity of the applicant to support the proposed activity, the availability of competent trust personnel and the existence of sufficient business to achieve profitability.

(2) *Banking factors.*

(i) *Condition.* The applicant's general condition should be satisfactory; significant or serious problems will normally preclude approval. A bank should not have an undue amount of criticized assets, particularly in relation to gross capital; serious or frequent violations of law; inadequate liquidity; adverse operating trends; poor internal controls; or other significant problems.

(ii) *Capital and earnings.* Capital, earnings and retention of earnings should be sufficient to support the current level of operations, as well as the proposed expansion. In determining the applicant's capacity to support the proposed trust department, the estimated cost of establishing and operating the department and the volume and scope of anticipated business will be considered.

(iii) *Management.* Management should have demonstrated the ability to supervise a sound banking operation. This determination will generally relate to the condition and profitability of the bank and management's ability to recognize and correct deficiencies.

(iv) *Trust personnel.* The proposed head of the trust department should have demonstrated abilities and experience commensurate with the proposed position. Directors and officers who will serve on trust committees should possess experience and knowledge in the trust or investment fields. The bank should have available the services of competent investment and legal counsel to advise on matters affecting the trust department.

(3) *Market factors.* The applicant should demonstrate that the population and general economy of the market possess characteristics requiring fiduciary services. Composition of the population within the market is an important indicator of the potential support for a trust department. Population characteristics such as income, wealth, age, educational level, occupation, and stability will be considered. In determining need, consideration should be given to the present fiduciary services available in the market. If fiduciary services are being offered, consideration will be given to the volume and character of the present trust business and the demand for additional services. Further, consideration will be given to any fiduciary services performed outside the market for customers in the applicant's service area which, because of convenience, might be brought to the applicant.

(c) *Fees.* No filing fee is required at time of application. An investigation will generally be conducted and the applicant will be charged in accordance with 12 CFR 8.

(d) *Decisions.* If preliminary approval is granted, a condition normally will be included that the trust department must commence business within 12 months from the date of preliminary approval.

(e) *Certificates.* Upon satisfaction of all conditions, a certificate will be issued evidencing approval to exercise fiduciary powers.

(f) *Forms.*

(1) *Form to be used by applicant:*

CC 7024–01: Application for Fiduciary Powers

(2) *Forms to be used by Office:*

CC 7024–02: Confidential Memorandum—Application for Fiduciary Powers
CC 7024–03: Regional Office Procedures—Application for Fiduciary Powers
CC 7024–04: Fiduciary Powers Processing Checklist
CC 7024–05: Fiduciary Powers Application—Review for Accuracy and Completeness

§ 5.27 [Reserved]

§ 5.28 [Reserved]

§ 5.29 [Reserved]

Subpart C—Expansion of Activities

§ 5.30 Establishment of domestic branches and seasonal agencies.

(a) *Authority.* 12 U.S.C. 36 and state branching statutes.

(b) *Scope.* This section applies to branch applications other than for customer-bank communication terminal (CBCT) branches (see § 5.31).

(c) *Policy.*

(1) *General.* The Office encourages a banking structure capable of fulfilling local, regional and national needs for banking services. In the interest of increased competition, service to the public and efficiency, the Office considers branching a desirable means of bank expansion. In considering a branch application, the applicant's capacity to support such expansion is of major importance. The closing of a branch does not present the same risk of loss to the public as does the failure of a bank. Therefore, the judgment of the applicant as to the viability of a proposed branch will ordinarily be respected, provided that in the opinion of the Office the applicant's capacity is sufficient or will be enhanced by the new activity and the prospective effects on competition are positive. In evaluating an application, the factors described below will be considered.

(2) *Banking factors.*

(i) *Condition.* The applicant's general condition should be satisfactory; significant or serious problems will normally preclude approval. A bank should not have an undue amount of criticized assets, particularly in relation to gross capital; serious or frequent violations of law; inadequate liquidity; adverse operating trends; poor internal controls; or other significant problems.

(ii) *Capital and earnings.* Capital, earnings and retention of earnings should be sufficient to support the current level of operations as well as the proposed expansion. In determining the applicant's capacity to support the proposed branch, the estimated cost of establishing and operating the branch and the volume and scope of anticipated business will be considered.

(iii) *Management.* Management should have demonstrated the ability to supervise a sound banking operation. This determination will generally relate to the overall condition of the bank and management's ability to recognize and correct deficiencies. Depth and continuity of management are also relevant factors in considering the bank's capacity to expand through branching.

(3) *Market factors.*

(i) *Economic condition and growth potential.* When a bank desires to establish a branch in an area not presently served by the bank, it is expected that, at a minimum, management will have considered the current economic condition or growth potential of the market in determining the probable success of the branch. Essential to the concept of banking opportunity is that there does or will exist a sufficient volume of business for which the branch can realistically compete. Also important is a determination of the portion of that business the branch will acquire. Evidence of banking opportunity may be demonstrated in a number of ways including trends in population, employment, residential and commercial construction, retail sales, company payrolls and businesses established. Geographic and environmental restrictions to further development should be fully explored. When an applicant desires to establish a branch primarily to retain existing customers or to serve them more efficiently or conveniently, greater emphasis will be given to the expense to be incurred in establishing and operating the branch, the anticipated loss of existing business if the branch is not established and the overall effect on bank profitability.

(ii) *Primary service area; community.* Within the broader concept of a market, the applicant should delineate a Primary Service Area (PSA). The dimensions of the PSA will necessarily vary with the type of market to be served. A rural banking office may serve a relatively large area if banking alternatives are limited; conversely, the PSA of an urban banking office may be limited to a city block. The PSA is defined as the smallest area from which the branch expects to draw approximately 75 percent of its deposits and should be drawn around a natural customer base. It should not be unrealistically delineated to exclude competing banks or to include areas of concentrated population. Barriers to access such as major highways, rivers, mountains or other impediments should be considered. In addition, the applicant must delineate a community for the purposes of the Community Reinvestment Act of 1977 (see 12 CFR 25).

(iii) *Location.* The importance of the specific site depends upon the community to be served. The precise location of a branch in a sparsely populated area with limited competition may be less significant than that of an urban or suburban branch whose success and ability to provide banking services may be more dependent upon the convenience of its location.

(iv) *Population.* Composition of the population, including daily or seasonal inflows, within the community is an indicator of the potential support for a branch. Population characteristics such as income, age distribution, education level, occupation and stability should be considered. Ratios of population per banking office are not conclusive evidence of support for a new branch.

(v) *Competing financial institutions.* The growth rate and size of banking offices and other financial institutions in the community are also important indicators of economic condition and potential business for a new branch. The location and services offered are indicative of the competitive climate of the community. Other financial institutions such as savings and loan associations, credit unions, finance companies, mortgage companies and insurance companies may be considered competing institutions to the extent their services parallel those of the new branch.

(4) *Other factors.*

(i) *Protection of existing banks from adverse competition.* A branch will not be approved if its establishment would threaten the viability of a newly chartered independent bank. Such protection of a newly chartered independent bank typically will not exceed 1 year.

(ii) *Order of filing.* Although the order in which branch applications are filed will be a factor in the decision-making process, it will not be a controlling factor.

(iii) *Insider transactions.* Any financial arrangement or transaction involving the branch and directors of the bank, officers, major shareholders, or their associates or interests should ordinarily be avoided. If there are transactions of this nature they must be fair, fully disclosed, reasonable and comparable to similar arrangements which could have been made with unrelated parties.

(d) *Fees.* A filing fee of $500 is required for processing each application.

(e) *Decisions.* If preliminary approval is granted, a condition normally will be included that the branch must commence business within 18 months from the date of preliminary approval.

(f) *Certification.* Upon satisfaction of all conditions, a certificate will be issued evidencing approval for the establishment and operation of the branch or seasonal agency at the designated location.

(g) *Forms.*

(1) *Forms to be used by applicant:*

CC 7021–01: Application to Establish a Branch

CC 7021–10: Legal Notice—Branch Application

(2) *Forms to be used by Office:*

CC 7021–02: Confidential Memorandum—Branch Application

CC 7021–03: Regional Office Procedures—Branch Applications

CC 7021–04: Branch Processing Checklist

CC 7021–05: Branch Application—Review for Accuracy and Completeness

§ 5.31 Establishment of customer-bank communication terminal (CBCT) branches.

(a) *Authority.* 12 U.S.C. 36.

(b) *Policy.* (Reserved)

(c) *Rules of General Applicability.* Sections 5.8(a), 5.10 and 5.11 do not apply to this section.

(d) *Fees.* A filing fee of $200 is required for processing each application.

(e) *Notice of filing of application.* Applicant shall, within 5 days after filing an application, publish one time, in a newspaper of general circulation in the community in which the applicant's head office is located, and one time, in a newspaper of general circulation in the community in which the applicant proposes to establish a CBCT branch, a notice containing the name of the applicant or applicants, the subject matter of the application, and the date on which the application was filed. Immediately thereafter, the applicant shall furnish the Regional Administrator with affidavits evidencing such publication. For the purposes of this section, the filing date of the application shall be the date upon which the application was placed in the United States mail, postage prepaid, addressed to the Regional Administrator.

(f) *Written comments on CBCT branch applications.* Within 10 days after the notice by public action described in § 5.31(e) above, any interested person may submit to the Regional Administrator written comments concerning the application.

(g) *Decisions.* If preliminary approval is granted, a condition normally will be included that the branch must commence business within 18 months from the date of preliminary approval.

(h) *Certification.* Upon satisfaction of all conditions, a certificate will be issued evidencing approval for the estalishment and operation of the CBCT branch at the designated location.

(i) *Forms.*

(1) *Forms to be used by applicant:*

CC 7021–06: Application to Establish CBCT Branch

CC 7021–11: Legal Notice—CBCT Branch Application

(2) *Forms to be used by Office:*

CC 7021–07: CBCT Branch Processing Checklist

CC 7021–08: CBCT Branch Application—Review for Accuracy and Completeness

CC 7021–09: Confidential Memorandum—CBCT Branch Application

§ 5.32 Additional Federal branch or Federal agency of a foreign bank.

(a) *Authority.* 12 U.S.C. 3101 *et seq.* See also 12 CFR 28.

(b) *Policy.* (Reserved)

(c) *Fees.* A filing fee of $500 is required for investigating and processing each application.

§ 5.33 Merger, consolidation, purchase and assumption.

(a) *Authority.* 12 U.S.C. 1 *et seq.* §§ 93a, 181, 214a, 215, 215a, 1828(c).

(b) *Policy.*

(1) *General.* It is the policy of the Office to preserve the soundness of the national banking system and promote market structures conducive to competition. A proposed merger, consolidation or purchase of assets and assumption of liabilities are all hereinafter referred to as mergers. A merger which would not have a substantially adverse effect on competition and which would be beneficial to the merging banks and to the public normally will be approved.

(2) *Evaluative factors.* In evaluating a merger application the following factors will be considered:

(i) The effect of the transaction upon competition;

(ii) The convenience and needs of the community to be served;

(iii) The financial history of the merging banks;

(iv) The condition of the merging banks, including capital, management and earnings prospects;

(v) The existence of insider transactions; and

(vi) The adequacy of disclosure of the terms of the merger.

In order to determine the effect of a proposed merger upon competition, it is necessary to identify the relevant geographic market. The delineation of such market can seldom be precise, but realistic limits should be established so the effect of the merger upon competition can be properly analyzed. The market should be delineated to encompass an area where the effect upon competition will be direct and immediate. The Office recognizes that different banking services may have different relevant geographic markets. Although the largest borrowers and depositors may find it convenient and practical to conduct part of their banking business outside the relevant geographic market, the market should not be drawn so expansively as to cause the competitive effect of the merger to seem insignificant because only the largest customers are considered. Conversely, the market should not be drawn so narrowly as to place competitors in different markets because only the smallest customers are considered. A fair delineation of the relevant geographic market should take into account the demands of most customers for the bank's services. After the relevant geographic market has been identified, the competitive effects of the proposed merger can be analyzed. Both the structure of the market and intensity of competition within the market will be considered. In measuring intensity of competition, consideration will be given to the number of competitors in the market, services offered, pricing of services, advertising, office hours and banking innovations.

(3) *Terms.* The following terms will be used to describe the competitive effects of a proposed merger:

(i) *Monopoly*—means the proposed merger must be disapproved in accordance with 12 U.S.C. 1828(c)(5)(A);

(ii) *Substantially Adverse*—means that the proposed transaction would have anticompetitive effects which preclude approval unless the anticompetitive effects are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served;

(iii) *Adverse*—means that the proposed transaction would have anticompetitive effects which would be material to the decision, but which would not preclude approval; and

(iv) *No significant effect*—means that the anticompetitive effects of the proposed transaction, if any, would not be material to the decision.

(4) *Convenience and needs.* When substantially adverse competitive effects exist, they must be clearly outweighed in the public interest by the probable effects of the merger on improved convenience and needs. If not clearly outweighed, the merger will be disapproved. Convenience and needs factors which may outweigh the anticompetitive effects of a merger include:

(i) The elimination of a failing, weak or stagnating bank, thereby strengthening the banking system.

(ii) The achievement of economies of scale, including a better matching of sources and needs for funds, thereby

providing the basis for improved customer service and bank earnings.

(iii) The extension of services not available from the merging bank and for which there is a clearly definable need. Such services might include a larger lending limit, specialized forms of credit, data processing, international banking, financial counseling, or fiduciary services.

The Office must also consider the record of performance in meeting the convenience and needs of the community to be served, and the application for a merger may be denied on the basis of that record. (See 12 CFR Part 25)

(5) *Other factors.* In addition to the foregoing, the Office considers banking factors and will normally not approve a merger if it will result in a bank which has inadequate capital, unsatisfactory management or poor earnings prospects. Further, it is required that all shareholders be adequately informed of all aspects of the transaction.

(6) *Title.* If the title of the resulting bank is not the same as any of the banks involved in the merger, the proposed new title will be considered in accordance with the policy for title changes (see § 5.42(b)).

(c) *Policy on treatment of minority shareholders in mergers and consolidations.* (Reserved)

(d) *Place of filing of application.* Applications should be submitted for filing to the Office of the Comptroller of the Currency, Attention: Bank Organization and Structure Division, 490 L'Enfant Plaza East, SW., Washington, D.C. 20219.

(e) *Rules of General Applicability.* Statutory notice requirements should be observed by applicants in lieu of those contained in § 5.8(a).

(f) *Fees.* A filing fee of $1,500 is assessed each participating bank.

(g) *Investigation and examination.* The Office may conduct an examination into the condition of the applicants, whether state or federally chartered, to the extent deemed necessary. The cost of such examination shall be charged to the applicants in addition to the filing fee prescribed in § 5.33(f) (see 12 CFR 8).

(h) *Opinions.* Public opinions naming the parties and containing the Office's findings are issued in all cases.

(i) *Certification.* If an approval is granted, one of the following will be issued:

(1) *Merger or consolidation.* Certificates to the resulting bank to evidence approval of the merger or consolidation and to authorize operation of permitted branches incident thereto; or

(2) *Purchase and assumption.* A certificate to the purchasing bank to authorize operation of permitted branches incident to the purchase and assumption.

(j) *Forms.*

(1) *Forms to be used by applicant:*

CC7023–01: General Instruction and Procedures for Preparation of an Application for (Merger, Consolidation, Purchase)
CC7023–02: Application for Approval to (Merge, Consolidate, Purchase)
CC7023–03: Instructions for the Preparation of an Application for Merger—Corporate Reorganization
CC7023–04: Application for Approval to (Merge, Consolidation, Purchase)—Corporation Reorganization
CC7023–05: Agreement to Merge
CC7023–06: Agreement of Consolidation
CC7023–07: Purchase Agreement
CC7023–13: Sample Publication Notice—Mergers
CC7023–14: Secretary's Certificate—Publication Completion (Mergers)
CC7023–15: Sample Shareholders' Meeting Notice—Mergers
CC7023–16: Secretary's Certificate—Shareholders' Ratification of Merger Agreement

(2) *Forms to be used by Office:*

CC7023–08: Confidential Memorandum—Application for Approval to (Merge, Consolidate, Purchase)
CC7023–09: Regional Office Procedures—Merger Applications
CC7023–10: Washington Office Procedures—Merger Applications
CC7023–11: Merger Processing checklist—Regional Office
CC7023–12: Merger Processing checklist—Washington Office
CC7023–17: Review for Accuracy and Completeness
CC7023–18: Merger—Preliminary Review Form

§ 5.34 Domestic operating subsidiaries.

(a) *Authority.* 12 U.S.C. 1 *et seq.*, § 93a. See Interpretive Ruling 7.7376 (12 CFR Part 7.7376).

(b) *Policy.*

(1) The Office considers an application for the establishment of a *de novo* domestic operating subsidiary to be primarily a business decision of the applicant. An applicant's ownership of 80 percent or more of a company will be approved if the proposed activity is a part of the business of banking or incidental thereto and if the applicant has the capacity to support such expansion. However, if a bank or any of its subsidiaries proposes to acquire an existing business, the Office will also consider competitive factors similar to those set forth in the policy for mergers and consolidations (§ 5.33). In evaluating an application, the factors below will be considered.

(2) *Condition.* The applicant's general condition should be satisfactory; the existence of conditions warranting special supervisory attention by the Office normally will preclude approval. A bank should not have an undue amount of criticized assets, particularly in relation to gross capital; serious or frequent violations of law; inadequate liquidity; adverse operating trends; poor internal controls; or other significant problems.

(3) *Capital and earnings.* Capital, earnings and retention of earnings should be sufficient to support the current level of operations as well as the proposed expansion. In determining the applicant's capacity to support the proposed subsidiary, the estimated cost of establishing or acquiring the subsidiary and the volume and scope of anticipated business will be considered.

(c) *Rules of general applicability.* Sections 5.8, 5.10 and 5.11 do not apply to applications for the establishment of a *de novo* operating subsidiary.

(d) *Fees.* No filing fee is required for processing an application. The cost of any examination into the condition of the operating subsidiary proposed to be acquired shall be paid by the applicant in accordance with 12 CFR 8.

(e) *Forms.*

(1) *Forms to be used by Applicant:*

CC7025–01: Application to Establish an Operating Subsidiary
CC7025–02: Application to Acquire an Operating Subsidiary
CC7025–10: Legal Notice—Operating Subsidiary Application

(2) *Forms to be used by Office:*

CC7025–03: Confidential Memorandum—Application to Establish an Operating Subsidiary
CC7025–04: Confidential Memorandum—Application to Acquire an Operating Subsidiary
CC7025–05: Regional Office Procedures—Operating Subsidiary Application
CC7025–06: Operating Subsidiary (Establishment) Processing Checklist
CC7025–07: Operating Subsidiary (Acquisition) Processing Checklist
CC7025–08: Operating Subsidiary Application—Review for Accuracy and Completeness (*de novo*)
CC7025–09: Operating Subsidiary Application—Review for Accuracy and Completeness (Acquisition)

§ 5.35 [Reserved]

§ 5.36 [Reserved]

§ 5.37 [Reserved]

§ 5.38 [Reserved]

§ 5.39 [Reserved]

Subpart D—Other Changes in Activities and Miscellaneous Activities

§ 5.40 Change in location of a head office or domestic branch.

(a) *Authority.* 12 U.S.C. 30 and 36(e).

(b) *Policy.* The Office considers an application for a change in location of a head office or domestic branch to be primarily a business decision of the applicant. Such applications will be approved subject to the following limitations.

(1) An application for relocation of a banking office within the primary service area (PSA) will normally be approved if the applicant has capital and earnings sufficient to support any increased costs incident to the relocation and has a satisfactory record of performance under the Community Reinvestment Act of 1977 (see 12 CFR 25). In determining the sufficiency of capital and earnings, the estimated costs of establishing and operating the proposed office will be considered.

(2) A head office relocation from one PSA to another PSA will require the filing of an application for a new head office. In such instances, market factors similar to those set forth in the policy for organizing a national bank (§ 5.20) will be considered.

(3) A branch relocation from one PSA to another PSA will require the filing of a branch application and will be subject to the same considerations as those set forth in the policy for establishing domestic branches (§ 5.30). The Office also will consider the needs of the PSA being abandoned.

(4) Any financial arrangement or transaction involving the bank and its directors, officers, major shareholders or their associates or interests ordinarily should be avoided. If there are transactions of this nature they must be fair, fully disclosed, reasonable and comparable to similar arrangements which could have been made with unrelated parties.

(c) *Rules of General Applicability.* In addition to the notice requirements of § 5.8a, a notice must be published on the same day of 2 consecutive weeks in a newspaper of general circulation in the community in which the office to be relocated is located. On the date of the first such notice, a further, identical notice must be posted in the office to be relocated, and must remain posted for 28 days.

(d) *Fees.* No filing fee is required for processing these applications.

(e) *Decisions.* If preliminary approval is granted, a condition normally will be included that the change in location must occur within 18 months from the date of preliminary approval.

(f) *Certification.* Upon satisfaction of all conditions, a certificate will be issued evidencing approval for the change in location.

(g) *Forms.*

(1) *Forms to be used by applicant:*

CC 7027–01: Application for Change in Location of Head Office or Branch

CC 7027–02: Application for a New Head Office (New Primary Service Area)

(2) *Forms to be used by Office:*

CC 7027–04: Confidential Memorandum—Application for a Change in Location

CC 7027–05: Regional Office Procedures—Applications for Location Changes

CC 7027–06: Relocation of Head Office or Branch Processing Checklist (Same PSA)

CC 7027–07: Relocation of Head Office Processing Checklist (New PSA)

CC 7027–08: Change in Location Application—Review for Accuracy and Completeness (Same PSA)

CC 7027–09: Change in Location Application—Review for Accuracy and Completeness (Change in PSA)

§ 5.41 Relocation of a Federal branch or Federal agency of a foreign bank.

(a) *Authority.* 12 U.S.C. 3101 *et seq.* See also 12 CFR 28.

(b) *Policy.* [Reserved]

(c) *Place of filing of application.* Applications should be submitted for filing to the Office of the Comptroller of the Currency, Bank Organization and Structure Division, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219.

(d) *Rules of General Applicability.* If the office to be relocated is an insured Federal branch, in addition to the notice requirements of § 5.8(a), a notice must be published on the same day of 2 consecutive weeks in a newspaper of general circulation in the community in which the insured Federal branch to be relocated is located. On the date of the first such notice, a further, identical notice must be posted in the insured Federal branch to be relocated, and must remain posted for 28 days.

(e) *Fees.* No filing fee is required for processing an application.

(f) *Decisions.* If preliminary approval is granted, a condition normally will be included that the branch must commence business within 18 months from the date of preliminary approval.

(g) *Certification.* Upon satisfaction of all conditions, a certificate will be issued evidencing approval of the relocation of the Federal branch or Federal agency.

(h) *Form to be used by applicant:*

CC 7030–03: Application to Relocate a Federal Branch or Agency

§ 5.42 Change of corporate title.

(a) *Authority.* 12 U.S.C. 30.

(b) *Policy.* The Office considers an application for change in corporate title to be primarily a business decision of the applicant. An application generally will be approved if the proposed new title is sufficiently dissimilar from that of any other existing or proposed unaffiliated bank or depository financial institution so as not to substantially confuse or mislead the public in a relevant market.

(c) *Fees.* No filing fee is required for processing an application.

(d) *Certification.* A certificate will be issued evidencing approval for the change of corporate title.

(e) *Forms.*

(1) *Forms to be used by Applicant:*

CC 7026–01: Application for a Change in Corporate Title

CC 7026–06: Legal Notice: Title Change Application

CC 7026–07: Secretary's Certificate (Change Article I)

(2) *Forms to be used by Office:*

CC 7026–02: Confidential Memorandum—Application for Title Change

CC 7026–03: Regional Office Procedures—Title Change Applications

CC 7026–04: Corporate Title Change Processing Checklist

CC 7026–05: Corporate Title Change Application—Review for Accuracy and Completeness

§ 5.43 Change in designation of initial Federal branch or Federal agency to any other Federal branch or Federal agency.

(a) *Authority.* 12 U.S.C. 3101 *et seq.* See also 12 CFR 28.

(b) *Policy.* [Reserved]

(c) *Place of filing application.* Applications should be submitted to the Office of the Comptroller of the Currency, Attention: Bank Organization and Structure Division, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219.

(d) *Fees.* No filing fee is required for processing an application.

(e) *Decisions.* If preliminary approval is granted, a condition normally will be included that the change in designation of the initial Federal branch or Federal agency must be accomplished within 18

months from date of preliminary approval.

(f) *Certification.* Upon satisfaction of all conditions, a certificate will be issued evidencing approval of the change in designation of the initial Federal branch or Federal agency.

(g) *Forms.* (Reserved)

§ 5.44 Competitive factor reports to other agencies. [Reserved]

§ 5.45 Comment letters on holding company acquisitions to Board of Governors of the Federal Reserve System. [Reserved]

§ 5.46 Changes in capital structure.

(a) *Authority.* 12 U.S.C. §§ 51, 51a, 51b–1, 56, 57, 59 and 93a.

(b) *Rules of general applicability.* Sections 5.8, 5.9, 5.10 and 5.11 do not apply to changes in capital structure.

(c) *Fees.* No filing fees are required for processing applications for a change in capital structure.

(d) *Office approval.* All changes in outstanding capital are subject to approval by the Comptroller or an authorized delegate. When shareholder approval is required, applications for Office approval should be filed and advice received prior to seeking shareholder approval.

(e) *Shareholder approval for increases in common stock.*

(1) A bank's Articles of Association must state a specific level of authorized common stock. Amendments to Articles of Association changing the authorized common stock require the approval of shareholders owning two-thirds of the outstanding stock. A certified original of every such amendment to the Articles of Association shall be sent to the Washington Office and a copy shall be sent to the appropriate Regional Administrator.

(2) A proposed increase in outstanding common stock requires an approval of shareholders owning two-thirds of the outstanding common stock. However, if the Articles of Association have been previously amended by a vote of shareholders owning two-thirds of the outstanding common stock to provide for a class of authorized but unissued stock, such stock may be issued for purposes approved by the Board of Directors and the Office without further shareholder approval.

(f) *Shareholder approval for increases in preferred stock.* Amendments to the Articles of Association to authorize preferred stock and proposed increases in the outstanding preferred stock require the approval of the holders of a majority of the shares. A certified original of every such amendment to the Articles of Association shall be sent to the Washington Office and a copy shall be sent to the appropriate Regional Administrator.

(g) *Authorized but unissued common stock.* A national bank, with the approval of the Office and of stockholders owning two-thirds of the outstanding voting stock, may authorize an increase in the common stock of the bank in the category of authorized but unissued common stock. The approval of the Office shall not be required when the resulting amount of common stock in the category of authorized but unissued stock will satisfy either of the following criteria:

(1) When the resulting total amount of authorized but unissued stock will be free of preemptive rights of shareholders and will not exceed 25 percent of the currently issued and outstanding stock. The 25 percent limitation may be calculated without regard to authorized but unissued stock which is specifically designated as reserved for issuance in connection with employee stock option plans, employee stock purchase plans, employee bonus plans, or other similar programs (provided that such plans were approved by the Office) and shares held for the purpose of satisfying the requirements of convertible subordinated notes or convertible preferred stock (provided that the convertible subordinated notes or preferred stock were approved by the Office); or

(2) When the resulting total amount of authorized but unissued stock, exclusive of that amount specifically reserved for issuance in connection with employee compensation programs and for satisfying requirements of the convertible securities of the bank, will be subject to preemptive rights of shareholders and will not exceed 50 percent of the currently issued and outstanding stock.

(h) *Office approval policy.*

(1) *Common stock.*

(i) Office approval for the issuance of authorized but unissued common stock

(A) to employees of the bank pursuant to a plan approved by the Office under § 5.51; or

(B) at the time of conversion, to the holders of convertible debt instruments approved by the Office under § 5.47 or to the holders of convertible preferred stock approved by the Office under this section, will be granted promptly by the Regional Administrator without substantive review, because the plans for issuance will have been previously approved when the stock was authorized.

(ii) The Regional Administrator will decide applications for the issuance of common stock for other purposes within 30 days after receipt of the application and shall communicate his decision in writing.

(2) *Stock dividends.*

(i) It is the policy of the Office not to discourage stock dividends. However, recurring stock dividends will not be approved when the market or book value of the stock dividend being proposed, whichever is greater, exceeds 100 percent of the bank's retained profits since the declaration of the last stock dividend. For the purpose of this policy, the term "retained profits" shall mean the remainder of all earnings from current operations plus actual recovery on loans and investments and other assets, after deducting from the total thereof all current operating expenses, actual losses, cash dividends, accrued dividends on preferred stock, if any, and all federal and state taxes.

(ii) As a general policy, stock dividends which are considered a realignment of capital accounts will not be subject to the above restrictions.

(iii) The Regional Administrator will decide applications for stock dividends within 15 days after receipt of the application and shall communicate his decision in writing. In cases where the Regional Administrator disapproves a proposed stock dividend, he shall forward the application to the Washington Office for final disposition and shall advise the bank of such referral.

(iv) Interpretive Ruling 7.6040 (12 CFR 7.6040) relates to the treatment of fractional shares created by stock dividends.

(3) *Preferred stock.* The Comptroller's or an authorized delegate's decision to approve the issuance of convertible or non-convertible preferred stock made in accordance with 12 U.S.C. 51a and 51b will be based on normal business considerations.

(4) *Other changes in capital.* Applications for a reduction of capital through a decrease in par value or otherwise, in accordance with the requirements of 12 U.S.C. 59, will be considered. Par value may be increased by amendment to the Articles of Association by a vote of the holders of two-thirds of the capital stock and with the approval of the Office.

(i) *Effectiveness of the increase in stock.*

(1) *Common stock.* No increase in the outstanding common stock of a national bank shall be valid until the whole amount of such increase is paid in (or in the case of an increase by way of stock dividend, until such stock dividend has been duly declared) and notice thereof, duly acknowledged before a notary public by the president, vice president

or cashier of the bank, has been transmitted to the Office and the Comptroller's certificate obtained specifying the amount of the increase, the approval thereof, and that it has been duly paid in. (See § 5.51(h) concerning Employee Stock Option and Stock Purchase Plans)

(2) *Preferred stock.* No increase in preferred stock shall be valid until the par value of all such stock is paid in and notice therof, duly acknowledged before a notary public by the president, vice president or cashier of the bank, has been transmitted to the Office and the Comptroller's certificate obtained specifying the amount of such issue of preferred stock, his approval thereof and that it has been duly paid in.

(j) *Forms.*

(1) *Forms to be used by applicant:*

CC 7028–01: Application for a Change in Equity Capital
CC 7028–03: Application for Issuance of Preferred Stock
CC 7028–07: Instructions to Applicant—Decrease in Common or Preferred Stock
CC 7028–08: Certificate of Payment for Additional Common Stock
CC 7028–09: Certificate of Payment for Additional Common Stock (For Assets)
CC 7028–11: Certificate of Payment for the Issuance of Preferred Stock
CC 7028–12: Certificate of Declaration—Stock Dividend
CC 7028–13: Certificate of Increase in Capital by Change in Par Value
CC 7028–14: Certificate of Completed Reductions in Outstanding Common Stock
CC 7028–15: Certificate of Completed Changes in Outstanding Common Stock
CC 7028–16: Certificate of Completed Reduction in Outstanding Preferred Capital Stock
CC 7028–17: Certificate of Conversion of Preferred Stock
CC 7028–31: Secretary's Certificate—Shareholders' Resolutions and Amendments
CC 7029–04: Sample Articles of Association
CC 7029–09: Sample Resolutions and Amendments to Articles of Association

(2) *Forms to be used by Office.*

CC 7028–05: Confidential Memorandum—Preferred Stock Application
CC 7028–20: Certificate of Approval—Common Stock Sale, Stock Dividend, and Issues of Previously Authorized but Unissued Shares
CC 7028–21: Certificate of Approval—Increase in Par Value
CC 7028–22: Certificate of Approval—Reduction in Par Value
CC 7028–23: Certificate of Approval—Issuance of Preferred Stock
CC 7028–28: Regional Office Procedures—Capital Application
CC 7028–29: Capital Processing Checklist
CC 7028–30: Capital Application—Review for Accuracy and Completeness
CC 7028–32: History Sheet—Capital
CC 7028–33: Record of Capital Increases and Decreases
CC 7028–34: Capital Application—Review for Accuracy and Completeness (Stock Dividend)

§ 5.47 Subordinated debt.

(a) *Authority.* 12 U.S.C. 82.

(b) *Policy.*

(1) *General.* The issuance of convertible or nonconvertible subordinated debentures by national banks is largely a management decision, and the Office generally will approve such issuances in accordance with normal business considerations. Subordinated debt is considered as part of a bank's capital structure for the purpose of computing statutory limitations related to the amount of a bank's capital (see 12 CFR 7.1100). (Attention is drawn to the Office's proposed rule which would gradually remove debt from the definition of capital. See 45 FR 49276, July 24, 1980.)

(2) *Evaluation.* (Reserved)

(c) *Rules of general applicability.* Sections 5.8 thru 5.11 do not apply to applications for subordinated debt.

(d) *Fees.* No filing fee is required for processing an application for subordinated debt.

(e) *Statutory limitation.* Subject to the provisions of 12 U.S.C. 82, the bank, with the approval of stockholders owning two-thirds of the voting stock of the bank, or without such approval if authorized by its Articles of Association, may issue convertible or nonconvertible subordinated debentures in such amounts and under such terms and conditions as shall be approved by the Office. However, the principal amount of subordinated debentures outstanding at any time, when added to all other outstanding indebtedness of the bank (except those forms of indebtedness exempt from the provisions of 12 U.S.C. § 82), shall not exceed an amount equal to 100 percent of the bank's paid-in capital stock plus 50 percent of the amount of its unimpaired surplus fund.

(f) *Forms.*

(1) *Forms to be used by the applicant:*

CC 7028–02: Application for Issuance of Subordinated Notes or Debentures
CC 7028–10: Certificate of Payment for Subordinated Notes or Debentures
CC 7028–18: Certificate of Completed Reduction in Outstanding Subordinated Notes or Debentures
CC 7028–19: Certificate of Conversion of Subordinated Notes or Debentures

(2) *Forms to be used by Office:*

CC 7028–04: Confidential Memorandum—Subordinated Note or Debenture
CC 7028–24: Certificate of Approval—Issuance of Debentures Approved by Shareholders
CC 7028–25: Certificate of Approval—Issuance of Notes
CC 7028–26: Certificate of Approval—Issuance of Notes Approved by Shareholders
CC 7028–27: Certificate of Approval—Issuance of Debentures Approved by Board of Directors
CC 7028–28: Regional Office Procedures—Capital Applications
CC 7028–35: Capital Processing Checklist—Analysis Sheet (Subordinated Notes and Debentures)

§ 5.48 Voluntary liquidation.

(a) *Authority.* 12 U.S.C. §§ 181, 182.

(b) *Rules of General Applicability.* Sections 5.8 thru 5.11 do not apply to voluntary liquidations.

(c) *Fees.* No fees are required for processing voluntary liquidations.

(d) *Notice of voluntary liquidation.* A solvent national bank desiring to liquidate voluntarily should submit to the Office of the Comptroller of the Currency, Bank Organization and Structure Division, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219, notification of its intent to do so.

(e) *National Bank as buyer.* If the liquidating bank's assets are to be purchased and its liabilities assumed by a national bank, see § 5.33.

(f) *Report of condition.* The liquidating bank must submit to the Office of the Comptroller of the Currency, Bank Organization and Structure Division, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219, reports of the condition of its commercial, trust, and other departments as of the date it discontinues the business of banking.

(g) *Report of progress.* The liquidating agent or committee must submit annually to the Office of the Comptroller of the Currency, Bank Organization and Structure Division, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219, until liquidation is complete, a "Report of Progess of Liquidation." This form and instructions for its preparation and filing are furnished to such agency or committee.

(h) *Forms to be used by applicant:*

CC 7029–13: Report of Progress of Liquidation
CC 7029–14: Notice of Shareholders' Meeting (Voluntary Liquidation)
CC 7029–15: Resolution for Voluntary Liquidation
CC 7029–16: Resolutions for Voluntary Liquidation—Purchase and Sale
CC 7029–17: Publication Notice of Liquidation

§ 5.49 Receivership and conservatorship.

(a) *Authority.* 12 U.S.C. §§ 191–212.

(b) *Procedures.* Sections 5.8 thru 5.11 do not apply to receiverships and conservatorships.

(c) *Fees.* No fee is required in connection with the Comptroller's declaration of a receivership or conservatorship situation.

(d) *Receivership.* If the Office becomes satisfied that a national bank is insolvent, it may appoint a receiver for such bank.

(1) *Federal Deposit Insurance Corporation as receiver.* In cases in which the Office is required to appoint the Federal Deposit Insurance Corporation as receiver, that corporation prescribes the procedures it follows in liquidation of the insolvent bank.

(2) *Other receivers.* In those cases in which the Office does not appoint the Federal Deposit Insurance Corporation as receiver, it may appoint a receiver of its choice. The Office prescribes a form of proof of claim. The receiver appointed by the Office issues a certificate of proof of claim to claimants who prove their claims to the satisfaction of the Office or establish their claims by litigation.

(e) *Conservatorship.* The Office may appoint a conservator of its own choice for any national bank when it deems it necessary in order to conserve the assets of the bank for the benefit of its depositors and other creditors. The conservator acts under the direction of the Office and has the powers and duties of a receiver. Because the Office's conservatorship authority is exercised in emergency situations, the procedures followed depend upon the circumstances of each case which dictate the action necessary to conserve the assets of the bank.

§ 5.50 Change in bank control.

(a) *Authority.* The provisions of this section are issued under 12 U.S.C. §§ 93a and 1817(j)(13).

(b) *Rules of General Applicability.* Sections 5.8 thru 5.11 and 5.13 do not apply to changes in bank control. In addition, § 5.12 applies except that the last day of any applicable period shall be included regardless of whether it is a Saturday, Sunday or legal holiday.

(c) *Fees.* No filing fee is required for filing a notice of change in bank control.

(d) *Definitions.* As used in this Part, the terms "person," "acquiring person," "acquiring party," "insured bank," "notice," "control," "stock," and "voting securities," shall have the same meaning and content as given such terms in the Change in Bank Control Act of 1978 (the "Act"), P.L. No. 95–630, Section 602, 95 Stat. 3683.

(e) *Acquisitions of control.*[1]

(1) Under the Act, acquisitions by a person[2] or persons acting in concert of the power to vote 25 percent or more of a class of voting securities of a national bank, unless exempted, require prior notice to the Office. In addition, a purchase, assignment, transfer, pledge or other disposition of voting stock through which any person will acquire ownership, control or the power to vote 10 percent or more of a class of voting securities of a national bank will be presumed (subject to rebuttal) to be an acquisition by such person of the power to direct that institution's management or policies if:

(i) the institution has issued any class of securities subject to the registration requirements of Section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 781); or

(ii) immediately after the transaction no other person will own a greater proportion of that class of voting securities.

(2) Other transactions resulting in a person's control of less than 25 percent of a class of voting shares of a national bank would not result in control for purposes of the Act.

(3) An acquiring person may request an opportunity to contest the presumption established in paragraph (e)(1) with respect to a proposed transaction. The Office will afford the person an opportunity informally to present views in writing or, when appropriate, orally before its designated representatives.

(f) *Notices.*

(1) Notices shall be filed pursuant to § 5.4.

(2) Notice shall not be considered given unless information provided is responsive to every item specified in paragraph 6 of the Act (12 U.S.C. 1817(j)(6)), or every item prescribed in the appropriate Notice form. With respect to personal financial statements required by paragraph 6(B) of the Act, an individual acquirer may include statements for only the most recently completed calendar year, together with interim statements required by that paragraph, subject to the authority of the Office to require additional information.

(g) *Exempt transactions.* The following transactions are not subject to the prior Notice requirements of the Act:

(1) The acquisition of additional shares of a national bank by a person who, continuously since March 9, 1979, held power to vote 25 percent or more of the voting shares of that institution, or by a person who has acquired and maintained control of that institution after complying with the Act's procedures;

(2) The acquisition of additional shares of a national bank by a person who, under § 5.50(d), would be deemed to have controlled that institution continuously since March 9, 1979, if:

(i) The transaction will not result in that person's direct or indirect ownership or power to vote 25 percent or more of any class of voting securities of the institution; or

(ii) In other cases, the Office determines that the person has controlled the institution since March 9, 1979;

(3) The acquisition of shares is in satisfaction of a debt previously contracted in good faith or through testate or intestate succession or *bona fide* gift, provided the acquirer advises the Office within 30 days after the acquisition and provides any information specified in paragraph 6 of the Act as requested by the Office;

(4) A transaction subject to approval under Section 3 of the Bank Holding Company Act or Section 18 of the Federal Deposit Insurance Act;

(5) A transaction described in Sections 2(c)(5) or 3(a) (A) or (B) of the Bank Holding Company Act by a person there described;

(6) A customary one-time proxy solicitation or receipt of *pro rata* stock dividends; and

(7) The acquisition of shares of foreign banks which have insured federally chartered branches in the United States: Provided, however, this exemption does not extend to reports and information required under paragraphs 9, 10, and 12 of the Act. (12 U.S.C. 1817(j) (9), (10), (12)).

(h) *General policy.*

(1) *Introduction.* (i) The Act gives the Federal bank supervisory agencies the authority to disapprove changes in control of insured banks and bank

[1] "Control" is defined in the Act as "the power, directly or indirectly, to direct the management or policies, or to vote 25 percent or more of any class of voting securities, of an insured bank." 12 U.S.C. 1817(j)(8)(B).

[2] "Person" means an individual or a corporation, partnership, trust, association, joint venture, pool, syndicate, sole proprietorship, unincorporated organization, or any other form of entity not specifically listed in 12 U.S.C. 1817(j)(8)(A).

holding companies.[3] The Office of the Comptroller of the Currency is the responsible Federal banking agency for changes in control of national banks. The Federal Reserve Board is responsible for the bank holding companies and State member banks, and the Federal Deposit Insurance Corporation is responsible for insured State non-member banks.

(ii) The Act requires any person seeking to acquire control of any insured bank or bank holding company to provide 60 days' prior written notice to the appropriate Federal banking agency. This requirement applies to all covered transactions that will be consummated after March 9, 1979. The Act specifically exempts transactions that are subject to Section 3 of the Bank Holding Company Act or Section 18 of the Federal Deposit Insurance Act, because those transactions are covered by existing regulatory approval procedures. Accordingly, changes in control due to acquisitions by bank holding companies and changes in control of insured banks resulting from mergers, consolidations or other similar transactions are not covered by the Act.

(iii) The Act describes the factors that the Office and the other Federal banking agencies are to consider in determining whether a transaction covered thereby should be disapproved. These factors include the financial condition, competence, experience and integrity of the acquiring person (or persons acting in concert) and the effect of the transaction on competition. That portion of the Act which contains information requirements is reproduced in the Appendix to this section. The Office's objectives in its administration of the Act are to enhance and maintain public confidence in the banking system by preventing identifiable serious adverse effects resulting from anticompetitive combinations of interests, inadequate financial support, and unsuitable mangement in these institutions. The Office will review each notice to acquire control of a national bank and will disapprove transactions that would have serious harmful effects.

(iv) If the Office disapproves a change in control, it will notify the proposed acquiring person in writing within 3 days after the decision. The notice of disapproval will contain a statement of the basis for disapproval. The Act provides that the acquiring person may request a hearing by the Office in the event of a disapproval, and provides a procedure for further review by the courts. (See also 12 CFR 19, Subpart A)

(v) Forms for filing a Notice under the Act will be available from the Regional Administrator. When a substantially complete Notice is received by the Regional Administrator, a letter of acknowledgement will be sent to the acquiring person indicating the date of receipt. The transaction may be completed 61 days or more after that date unless notice has been given the acquiring person that the acquisition has been disapproved by the Office or that the 60-day period has been extended as provided for in the Act. To avoid undue interference with normal business transactions, the Office may issue a notice of its intention not to disapprove a proposed acquisition of control.

(2) *Information to be contained in a Notice.* The Act requires that the Notice contain personal and biographical information, detailed financial information, details of the proposed change in control, information on any structural or managerial changes contemplated for the institution, and other relevant information required by the Office. The elements of a Notice are set forth in 12 U.S.C. 1817(j)(13). In order to be filed properly in accordance with the Act, a Notice must be substantially complete and responsive to every item specified in paragraph 6 of the Act. When the acquiring person is an individual, or a group of individuals acting in concert, the requirement for 5 years' personal financial data is deleted in favor of a current statement of assets and liabilities, a brief income summary, and a statement of any material changes since the date thereof, but the Office specifically reserves the right to require up to 5 years of financial data from any acquiring person.

(3) *Transactions requiring submission of Notice.* (i) The Act defines "control" as the power to vote, directly or indirectly, 25 percent or more of any class of voting securities, or to direct the management or policies of a bank holding company or insured bank. Therefore, any transaction, unless exempted by the Act or this Section, that results in the acquiring party having voting control of 25 percent or more of any class of voting securities, or results in the power to direct the management or policies of such an institution would trigger the Notice requirement. However, any person who on March 9, 1979, controls a national bank shall not be required to file a Notice to maintain or increase such person's control position in the same institution. In addition, the Office's regulation allows persons, who on March 9, 1979, fell within a presumption described in the next paragraph to acquire additional shares of an institution without filing a Notice as long as they will not have voting control of 25 percent or more of the shares. In connection with transactions that could result in greater voting control, such person may file the required Notice or request that the Office make a determination that they already control the institution.

With respect to persons who have the power to vote less than 25 percent of an institution's shares, the Office has established the following rebuttable presumptions for purposes of the Notice requirements under the Act:

(A) When the institution to be acquired has issued any class of securities subject to the registration requirements of the Securities Exchange Act of 1934 and a transaction would result in a person (or group of persons acting in concert) having voting control of 10 percent or more of any class of voting securities of that institution, the transaction results in control.

(B) When a transaction involving any class of voting securities of a national bank would result in a person (or group of persons acting in concert) having voting control of 10 percent or more, and after the transaction the acquiring person would be the largest shareholder of that institution, the transaction results in control.

(ii) Other transactions resulting in a person's control of less than 25 percent of a class of voting shares of a national bank would normally not result in control for purposes of the Act. In addition, customary one-time proxy solicitations and the receipt of *pro rata* stock dividends are not subject to the Notice requirements of the Act.

(iii) In some cases, corporations, partnerships, certain trusts, associations and similar organizations that are not already bank holding companies may be uncertain whether to proceed under the Act or under the Bank Holding Company Act with respect to a particular acquisition. These organizations should comply with the Notice requirements of the Act, if they are not required to secure prior Federal Reserve Board approval under the Bank Holding Company Act. However, some transactions, particularly foreclosures by institutional lenders, fiduciary acquisitions by banks and increases of majority holdings by bank holding companies, described in Sections 2(a)(5)(D) and 3(a) (A) and (B) of the Bank Holding Company Act, do not require the Federal Reserve Board's *prior* approval, but they are nevertheless

[3] The Act retains with some modification existing reporting requirements relating to loans by banks secured by stock or other banks and management changes occurring after a change in control and extends these requirements to bank holding companies and loans secured by bank holding company stock.

considered subject to Section 3 of the Bank Holding Company Act and do not require Notices under the Act.

(iv) Persons contemplating an acquisition that would result in a change in control of a national bank should request appropriate forms and instructions from the Regional Administrator in whose region the affected institution is located. If there is any doubt whether a proposed transaction requires a Notice, the acquiring person should consult the Regional Administrator for guidance. The Act places the burden of providing notice on the prospective acquiring person and substantial civil money penalties can be imposed for willful violations.

(4) *Certain control transactions exempt from prior notice requirements.* (i) Under § 5.50(f)(3), the following transactions are exempt from the prior notice requirement of the Act:

(A) A foreclosure of a debt previously contracted in good faith;

(B) Testate or intestate succession; and

(C) A *bona fide* gift.

A person acquiring control in the situations describe above is required to furnish certain information to the Office promptly after the transaction, and the affected institution must report promptly any changes or replacement of its chief executive officer or of any director, in accordance with paragraph 12 of the Act.

(ii) Under this regulation, acquisitions of control of foreign banks with federally charted branches are also exempt from the prior Notice requirements of the Act, but this exemption does not extend to the reports and information required under paragraphs 9, 10, and 12 of the Act.

(5) *Disapproval of changes in control.* The Act sets forth various factors to be considered in the evaluation of a proposal. The Office is required to review the competitive impact of the transaction; the financial condition of the acquiring person; and the competence, experience and integrity of that person and the proposed management of the institution. In assessing the financial condition of the acquiring person, the Office will weigh any debt servicing requirements in light of the acquiring person's overall financial strength; the institution's earnings performance, asset condition, capital adequacy and future prospects; and the likelihood of an acquiring party making unreasonable demands on the resources of the institution.

(i) *Disclosure policy.* [Reserved]

(j) *Form to be used by applicant:*

CC 7028–36: Notice of Change in Control of a National Bank

§ 5.51 Employee stock option and stock purchase plans.

(a) *Authority.* 12 U.S.C., §§ 24, 57 and 93a.

(b) *Policy.* Generally, plans will be approved if their terms are fair and reasonable.

(c) *Rules of General Applicability.* Sections 5.8 thru 5.11 do not apply to this section.

(d) *Fees.* No filing fee is required for processing an application for an Employee Stock Option or Stock Purchase Plan.

(e) *Place of filing of application.* Application for approval shall be submitted to the Office of the Comptroller of the Currency, Bank Organization and Structure Division, 490 L'Enfant Plaza SW., Washington, D.C. 20219, in the form of a letter.

(f) *Required information.* Each letter of Application shall be accompanied by the following information.

(1) Description of all material provisions of the plan.

(2) Proposed notice of shareholders' meeting, proxy and proxy statement.

(3) Number of shares of authorized but unissued stock to be allocated to the plan.

(4) Proposed amendments to Articles of Association creating authorized but unissued stock and eliminating preemptive rights as to the shares reserved under the plan.

(g) *Granting options.* Any national bank may grant options to purchase, sell, or enter into agreements to sell, shares of its capital stock to its employees, whether or not such transactions qualify for special tax treatment under the Internal Revenue Code of 1954, as amended, and regulations promulgated thereunder: Provided, that the following conditions are met:

(1) A letter of application is submitted in accordance with § 5.46(d);

(2) The plan is administered by a committee, none of whose members may participate in the plan;

(3) The number of shares allocable to any person under the plan is reasonable in relation to the purpose of the plan and the needs of the bank; and

(4) In the case of a stock option plan, the number of shares subject to the plan is not unreasonable in relation to the bank's capital structure and anticipated growth.

(h) *Issuing shares.*

(1) Shares issued to employees pursuant to this section may be authorized but unissued stock which has been authorized by stockholders in accordance with the procedures outlined in § 5.46.

(2) Employee stock option and stock purchase plans or agreements may provide that options may be exercisable or that shares may be purchased on any business day. Stock certificates representing the shares purchased pursuant to the exercise of options may be validly issued to such purchasers upon receipt of the purchase price. The increase in capital represented by stock certificates issued will not be applicable, however, for the purposes of permitted investment in banking premises (12 U.S.C. 371d), permitted indebtedness (12 U.S.C. 82), lending limits (12 U.S.C. 84), branches (12 U.S.C. 36) and other like purposes until a notarized notice, specifying the amount paid into the bank therefor, shall be executed by the president, vice president or cashier of the bank and filed with the Regional Administrator and until the Office's Certificate has been obtained specifying the amount of such increase of capital stock, its approval thereof, and that the increase has been duly paid in as part of the capital of the bank.

(i) *Form to be used by applicant:*

CC 7028–06: Instructions to Applicant—Stock Option and Stock Purchase Plan

PART 4—DESCRIPTION OF OFFICE, PROCEDURES, PUBLIC INFORMATION

2. By deleting the following sections from 12 CFR 4, Description of Office, Procedures, Public Information.

§ 4.2 [Deleted]

§ 4.3 [Deleted]

§ 4.4 [Deleted]

§ 4.5 [Deleted]

§ 4.5a [Deleted]

§ 4.6 [Deleted]

§ 4.7 [Deleted]

§ 4.7a [Deleted]

§ 4.7b [Deleted]

§ 4.7c [Deleted]

§ 4.7d [Deleted]

§ 4.7e [Deleted]

§ 4.7f [Deleted]

§ 4.8 [Deleted]

§ 4.9 [Deleted]

§ 4.10 [Deleted]

§ 4.12 [Deleted]

3. In § 4.13(a) the introductory paragraph is revised below and the

entry shown is deleted from the list as follows:

§ 4.13 Forms and instructions.

(a) *Numbered Forms.* The following numbered forms of the Office of the Comptroller of the Currency are currently in use (this list excludes forms applicable to corporate activities found in 12 CFR 5):

CC 7020–01 through CC 7030–03 [Deleted]

PART 8—ASSESSMENT OF FEES; NATIONAL BANKS; DISTRICT OF COLUMBIA BANKS

4. By deleting the following sections of 12 CFR 8:

§ 8.3 [Deleted]

§ 8.4 [Deleted]

§ 8.5 [Deleted]

PART 13—EMPLOYEE STOCK OPTION AND STOCK PURCHASE PLANS

5. By rescinding 12 CFR Part 13.

PART 14—CHANGES IN CAPITAL STRUCTURE

6. By rescinding 12 CFR Part 14.

PART 15—CHANGE IN BANK CONTROL

7. By rescinding 12 CFR 15.

PART 28—FEDERAL BRANCHES AND AGENCIES OF FOREIGN BANKS

8. By amending paragraphs (a) and (b) of § 28.3 of 12 CFR to read as follows:

§ 28.3 Applications.

(a) *Corporate Applications.* A foreign bank desiring to establish a Federal branch or agency, to convert any state branch or agency or commercial lending company to a Federal branch or agency, to relocate a Federal branch or agency or to change the designation of its initial Federal branch or agency to any other Federal branch or agency, shall apply to the Office of the Comptroller of the Currency, Bank Organization and Structure Division, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219 in accordance with 12 CFR 5.

(b) *Application to Exercise Fiduciary Powers.* A foreign bank shall not exercise fiduciary powers at a Federal branch unless it obtains approval of the Comptroller of the Currency in accordance with 12 CFR 5. An application to exercise fiduciary powers may be submitted by a foreign bank at the time of filing for a Federal branch license or at any subsequent date.

* * * * *

Dated: October 1, 1980.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 80–31913 Filed 10–14–80; 8:45 am]

BILLING CODE 4810–33–M

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12 CFR Part 5

[Docket No. 80–12]

Rules, Policies and Procedures for Corporate Activities; Charter Policy

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Clarification and revision of charter policy; final rule and request for comments.

SUMMARY: The Office of the Comptroller of the Currency (Office) is clarifying and revising its policy statement covering applications to charter new national banks to facilitate applicant and public understanding of the decision-making process, to aid in the structuring of new bank proposals and the development of information necessary for the evaluation of proposals, and to minimize the filing of unwarranted proposals. The policy statement adopted below is revised to reflect more clearly the analytical framework within which the Office seeks to fulfill its statutory responsibilities. This policy statement revises § 5.20 (b) and (c) as they appear in Docket No. 80–11, also published today.

DATES: Effective date October 15, 1980.

COMMENT DATE: Comments should be received on or before December 15, 1980.

ADDRESS: Comments should be sent to Docket No. 80–12, Communications Division, 3rd Floor, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219. Attention: Marie Giblin. Telephone (202) 447–1800. Comments will be available for inspection and photocopying.

FOR FURTHER INFORMATION CONTACT: Darrel W. Dochow, Deputy Director, Bank Organization and Structure Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219. Telephone (202) 447–1184. Further information may also be obtained from the Regional Director for Corporate Activities in any office of the Regional Administrator of National Banks.

SUPPLEMENTARY INFORMATION: Several persons contributed significantly to the drafting of this document.

Background

On November 1, 1976, the Office published a Policy Statement of Corporate Activities (41 FR 47964) setting forth its policies regarding applications to charter new national banks. The purpose of the 1976 policy statement was to advise potential applicants of the requirements and views of the Office in processing and deciding charter applications. Review of the 1976 charter policy has indicated a need for clarification. The policy statement adopted here more clearly reflects the existing policy of the Office.

The revised policy statement emphasizes the importance of the organizers and proposed directors (organizing group) and their capacity and plans (operating plan) to establish and operate a bank to serve the targeted community (market) in light of its economic and competitive characteristics. This represents a shift in emphasis from the appraisal of economic and competitive conditions in the community to be served to the appraisal of the organizing group and its operating plan. This shift in emphasis reflects the Office's experience that an excellent organizing group with solid financial backing and a well-conceived and developed operating plan normally is able to establish and operate a successful bank even in the most economically distressed or most highly competitive markets. Accordingly, neither the distressed condition of a market nor the existence of an "adequate" number of banking offices should provide the basis for denying organizing groups the opportunity to establish new banks to serve such markets. The shift in emphasis is consistent with the Office's view that the convenience and needs of communities for banking services are best served by a high degree of competition and with the Office's view that qualified persons should have the maximum opportunity to organize and operate a national bank.

Accordingly, although the revised policy statement does not alter the factors to be considered in evaluating an application, it reflects a policy that is somewhat less restrictive because market conditions alone will rarely provide the basis for denial. Rather, market conditions provide the context within which a new bank must operate and, therefore, provide the backdrop against which the organizers and their operating plan must be gauged. For example, an application that might be approved in a thriving but not yet fully competitive market might be denied in a market that poses special difficulties.

The revised policy statement also reflects a different mode of analysis in evaluating applications. The analytical framework within which decisions are made recognizes the complex relationships that exist among the factors considered in appraising the operating plan and between those factors and the organizing group. The policy makes it clear that weaknesses in certain elements of the application can be overcome by strengths in other aspects. Increased importance is placed on the reasonableness and consistency of the organizing group's operating plan. The operating plan must demonstrate, within the context of the community's economic and competitive characteristics, a reasonable likelihood that the organizing group will be able to establish and operate a successful bank.

In addition, the revised policy statement clarifies the Office's two-step process in analyzing and finally approving new bank applications. An extensive analysis is first made to determine whether an application should be disapproved or preliminarily approved. A preliminary approval normally includes conditions and procedural requirements that must be met before a final approval (charter) will be granted. The second step ensures that all conditions and procedural requirements for opening the bank that were required by the preliminary approval letter have been fulfilled, and that initial implementation of the operating plan has been undertaken by the organizing group. When all requirements are met a final charter is granted.

Because of the Office's emphasis on the appraisal of the organizing group and its operating plan, and because of the Office's desire to minimize unwarranted government intervention and to promote competition, several provisions of the 1976 policy statement are no longer included in the revised policy statement. These provisions include:

(a) Eliminating the requirement that the Office's prior approval be obtained for changes in the directorate during the first 2 years of operation. Recent changes in statutes have given the Office greater powers to require corrective actions by national banks and their directors. In addition, new banks are generally subject to more frequent examinations than other banks.

(b) Deleting the general requirement, for applications not associated with a bank holding company, that stock ownership by any one individual, partnership or corporation be limited to 10 percent of total capital stock and that a majority of the stock should be issued to community residents, persons with substantial business interests in the community, or others who can be reasonably expected to utilize the services of the bank. In its place is a statement that wide distribution of stock and active shareholder and director participation encourage community support.

(c) Replacing the requirement that persons purchasing more than 5 percent of the stock not finance more than 50 percent of that purchase with a statement that organizers should not be dependent on funds from the proposed bank to satisfy their financial obligations during the bank's initial years of operation.

(d) Replacing the specific capital adequacy tests based on loans and deposits with a requirement that capital (net of organizational expenses) be sufficient to support the projected volume and type of business. In addition, directors should have realistic plans to obtain, or available resources to supply, capital when needed.

(e) Shifting the burden of determining whether organizational expenses are reasonable from the Office to the organizing group and prospective shareholders. The Office, however, may prohibit expenses from being paid from bank funds when they are clearly excessive and/or require that additional capital, sufficient to compensate for the excessive expenses, be raised prior to the bank opening.

(f) Replacing the provision that a new banking office will not be approved if its establishment would threaten the viability of a bank chartered within the past year with a statement of the principles the Office follows in deciding new bank applications. These principles are: The Office has responsibility for maintaining a sound banking system; the marketplace normally is the best regulator of economic activity; and competition allows the marketplace to function and promotes a sound and more efficient banking system that better serves customers.

The Office solicits comments on all provisions of its chartering policy and on whether any of the language in the policy statement is not sufficiently clear or concise. In addition, because the Office is reviewing the forms and procedures used in processing charter applications, the Office would welcome comments on ways to reduce the cost and burden and to minimize government interference associated with its forms and processing procedures.

Part 5 of Title 12, Code of Federal Regulations is amended as follows:

1. The authority citation for Part 5 is as follows:

Authority: 12 U.S.C. 1 *et seq.*

2. Paragraphs (b) and (c) of § 5.20 are amended to read as follows:

[This amendment revises § 5.20(b) and (c) as they appear in Docket #80–11. Docket #80–11 consolidates § 5.20 into the new Part 5.]

§ 5.20 Organization of a national bank.

* * * * *

(b) *Authority.* 12 U.S.C. 1 *et seq.* 21, 22, 26, 27, 92a, 1814(b) and 1816; and 12 CFR 25. The Office derives its chartering authority and standards for evaluating charter applications from the National Bank Act of 1864 and the Federal Deposit Insurance Act of 1935. These laws set forth the framework for chartering national banks and specify the factors that this Office must consider in determining whether to grant a national bank charter. In addition, the Community Reinvestment Act (CRA) requires the Office to assess the proposed CRA statement and anticipated record of meeting the credit needs of the proposed bank's entire community, including low- and moderate-income neighborhoods, consistent with the safe and sound operation of the bank, and to take that assessement into account in its evaluation of a new bank application.

The statutory factors the Office must consider in deciding whether to approve or disapprove applications to establish new banks are:

(1) The bank's future earnings prospects;

(2) The general character of its management;

(3) The adequacy of its capital structure;

(4) The convenience and needs of the community to be served by the bank;

(5) The financial history and condition of the bank; and

(6) Whether or not it has complied with all provisions of the National Bank Act and whether or not its corporate powers are consistent with the purposes of the Federal Deposit Insurance Act.

(c) *Policy.* The purpose of this policy statement is to set forth the analytical framework within which the Office seeks to fulfill its responsibilities to determine whether a proposed bank is likely to be operated in a safe and sound manner, possesses reasonable prospects for success and can be expected to help meet the credit needs of its entire community. This policy statement is also intended to facilitate applicant and public understanding of the decision process, to aid in the structuring of new bank proposals and the development of information necessary for the evaluation of proposals, and to mimimize the filing of unwarranted proposals. It should be emphasized at the outset that

administration of the statutes necessarily involves a rigorous appraisal and a weighing of the relevent statutory factors in the context of the economic and competitive conditions in the community (market) to be served. Because of complex relationships among the factors, evaluation of the application is based upon both objective facts and subjective judgments that reflect the experience of the Office as the principal supervisor and regulator of national banks. In making these judgments, the Office is guided by the following principles: the Office has responsibility for maintaining a sound banking system; the marketplace normally is the best regulator of economic activity; and competition allows the marketplace to function and promotes a sound and more efficient banking system that better serves customers. Accordingly, it is the policy of the Office to foster competition through the chartering of national banks proposed by organizers and proposed directors (hereinafter, "the organizing group") whose experience and resources, plans for establishing and operating a bank (hereinafter, "the operating plan"), financial strength, competency and honesty indicate that, within the context of the economic and competitive conditions in the market to be served, the proposed bank will have a reasonable likelihood of success and will be operated in a safe and sound manner. It is not the policy of the Office to ensure that a proposal is without risk nor to protect existing competitors from the competition a new bank will provide.

(1) To ensure identification of proposed banks that would have less than reasonable prospects for success, the Office evaluates a proposed bank's organizing group and the group's operating plan for establishing and operating a bank. The operating plan should address the statutory factors contained in the Federal Deposit Insurance Act. These factors are enumerated in paragraph (b) *Authority.* In evaluating the operating plan, the Office appraises the proposed bank's earnings prospects, ability of proposed management (directors and executive officers, if identified), adequacy of initial capital, reasonableness and appropriateness of anticipated community service and the safety and soundness of intended operations.

(i) Deficiencies in one factor may be compensated for by strengths in one or more of the other factors. However, deficiencies in certain factors, such as unrealistic earnings prospects, tend to reflect negatively on other factors, such as capital adequacy and community service, and may result in denial. In addition, each element of the operating plan reflects either positively or negatively on the organizing group and will influence the appraisal of the organizing group's acceptability. For example, if any aspect of the operating plan is inappropriate in the context of the market to be served, it reflects negatively on the organizing group's ability to operate a successful bank.

(ii) The appraisal of each of the elements of the operating plan and the appraisal of the organizing group are evaluated together in light of the Office's experience in chartering national banks. That experience has shown that an organizing group and its operating plan must be stronger in markets in which economic conditions are marginal, or in which competition is intense. If the evaluation shows that a proposed bank has less than reasonable prospects for success or is not likely to be operated in a safe and sound manner, the application will be disapproved.

(iii) When an application is disapproved, a letter containing the basis for the disapproval is sent to the Agent (person named in the application to represent the organizing group) and other interested parties to the application. Likewise, when the evaluation shows that, on balance, the application should be approved, a preliminary approval letter is sent to the Agent which contains the conditions and procedural requirements (see § 5.20(g), Other Procedures) that must be fulfilled to the Office's satisfaction before a final approval (charter) is granted and the bank is permitted to open for business. Typical conditions included in the preliminary approval letter include the Office's prior approval of executive officers, the raising of adequate initial capital, and full disclosure of actual and anticipated organizational expenses. In addition, the Office may impose other conditions in order to strengthen a weak component of an otherwise sound operating plan. Initial implementation of the operating plan must also be underway before final approval will be granted.

(iv) Applications sponsored by holding companies or individuals affiliated with other banking institutions present a different set of circumstances than applications filed by organizing groups who have not previously organized a bank. In the case of applications associated with bank holding companies or affiliated institutions, the Office generally has the benefit of appraising service in the market to be served and prospects for success in light of a record of past performance. That record of performance will be evaluated through a review of the holding company's and/or affiliated institution's Reports of Examination, financial statements, and other information available to the Office as part of its supervisory responsibilities. In addition, the holding company's overall philosophy and plans (strategic, capital, management, profitability, etc.) will be reviewed for consistency and compatibility with the new bank's operating plan. Although the existence of such a record facilitates analysis, it does not necessarily provide an advantage to the organizing group. In instances where the proposed bank is affiliated with institutions which are subject to more than ordinary supervisory concern, the application may be disapproved or it may be approved subject to a condition that the affiliates' problems be corrected prior to granting the charter. Conversely, where the holding company or affiliated institutions serve as substantial sources of strength, applications are likely to be approved even in markets in which economic and competitive conditions are the least hospitable.

(2) *Organizing group.* (i) An organizing group's collective ability to establish and operate a successful bank must be demonstrated by the operating plan and other information supplied in the application. A poorly conceived and developed operating plan reflects adversely on the organizing group and will generally result in a disapproval of the application. The organizing group must have the experience, competence, willingness and ability to be active in directing the bank's affairs in a safe and sound manner. Strong organizing groups generally have a balanced diversification of business and financial interests and community involvement. When the organizing group is affiliated with a holding company or one or more other financial institutions, the affiliated institutions' financial history and condition, ownership, management ability, scope of operations, performance under CRA and compliance with law are considered in appraising the organizing group.

(ii) The investigation and analysis of each organizer's financial and biographical background must reflect a history of responsibility and personal integrity. Personal wealth is not a prerequisite to being an organizer and/or a director. However, the directors' stock purchases in the aggregate should reflect a financial commitment to the success of the bank which is reasonable in relation to their financial strength. Moreover, the proposed directors'

individual and collective financial strengths should be sufficient to avoid having to depend on bank dividends, fees, or other compensation to satisfy their financial obligations during the bank's initial years of operation.

(iii) In the case of an application sponsored by a holding company, the holding company's financial condition must be sufficient to enable it to support the new bank's operations and to provide capital when needed. Because the directors are often the primary source of additional capital for banks not affiliated with a holding company, it is desirable that they have realistic plans to obtain, or available resources to supply, capital when needed.

(iv) Any financial or other business arrangement, direct or indirect, between the organizing group or other insiders and the bank must be above reproach, i.e., involving terms and conditions not more favorable to the insiders than would be available in a comparable transaction with unrelated parties otherwise similarly situated. All such dealings will be subject to special scrutiny.

(3) *Operating plan.* Within the context of the economic and competitive conditions in the market to be served, an operating plan must demonstrate that the proposed bank will have reasonable earnings prospects, that it will be able to hire and retain competent executive officers (chief executive officer and/or president, cashier or similar position, and other senior personnel), that it will maintain adequate capital, that it will offer services responsive to community needs and that it will be operated in a safe and sound manner in compliance with applicable laws.

(i) *Earnings prospects.* The risk associated with operating a newly chartered bank is significantly lessened when the bank achieves profitable operations. Therefore, the operating plan must demonstrate that, within the context of the economic and competitive conditions in the market to be served, the proposed bank can reasonably be expected to achieve and sustain profitability. Most successful new banks are profitable, on a yearly basis, between the second and fourth years of business. *Pro forma* balance sheets and income statements are required as part of the the application and must demonstrate the ability of the proposed bank to attain profitable operations. The pro forma projections must be based upon the organizing group's plans for operating the bank and should reflect the anticipated asset and liability mix, planned fixed asset investment, volume of business, type and quantity of services to be offered, convenience and suitability of the site selected, anticipated number of employees, and officer remuneration. All projections should be based on realistic assumptions. The projections will be reviewed for reasonableness and consistency with the rest of the operating plan.

(ii) *Ability of management.* The initial board of directors, generally comprised of many if not all the organizers, is responsible for selecting competent executive officers prior to final approval. The board of directors and executive officers comprise the management of the bank.

(A) Management ability is evaluated in terms of information contained in the operating plan and the overall experience of the organizing group. Where the organizing group has limited banking experience or community involvement, executive officers must have experience and community involvement sufficient to compensate for such deficiencies.

(B) If the operating plan encompasses specialized types of financial services, executive officers should have experience relevant to the administration, development and maintenance of those services. In the case of an application sponsored by a holding company or organizing group that has affiliations with one or more other financial institutions, the ability of the holding company or affiliate(s) to provide management support and specific expertise will be considered.

(C) The identification of acceptable executive officers at an early date is beneficial and reflects positively on the appraisal of the organizing group and its operating plan. Because of the critical importance of the character and competence of management, the Office's prior written approval of the organizing group's candidates is required before any selections are made for management positions (chief executive officer and/or president, cashier or similar position, and other senior personnel) identified in the preliminary approval letter. Because various statutory provisions require documents to be executed by either the president or the cashier, or both, a president must be employed prior to solicitation of stock subscriptions and a cashier must be hired prior to the granting of the charter and the commencement of business.

(D) In addition, for a time period of two years from the date final approval is granted, the Office's prior written approval is required for any hiring or dismissal the board of directors wishes to make involving management positions (chief executive officer and/or president, cashier or similar position, and other senior personnel) identified in the preliminary approval letter.

(iii) *Adequacy of capital.* The organizing group should propose capital (net of organizational expenses) that is sufficient to support the projected volume and type of business. Other factors that are considered in determining the adequacy of capital include earnings prospects, economic and competitive conditions in the community to be served, the experience and competence of management, the risks inherent in the expected assets and liabilities, the amount of fixed asset investment, and the dependability of plans to raise, or the ability of directors to supply, additional capital when needed. Initial capital should normally be in excess of $1,000,000, net of any organizational expenses that will be charged to the bank's capital after it commences business. If initial capital is inadequate, but on balance the application would warrant approval had capital been adequate, preliminary approval may be given subject to the condition that additional capital be raised prior to the commencement of business.

(iv) *Community service.* The organizing group's knowledge of and plans for serving the community should be evident in the operating plan. A Community Reinvestment Act (CRA) statement must be prepared and submitted as part of the operating plan. The CRA statement must reflect the organizing group's plan for achieving the bank's affirmative obligation to help meet the credit needs of its entire community, including low- and moderate-income neighborhoods. (See 12 CFR Part 25)

(A) The organizing group must evaluate the community's (consumer, business and government) needs as part of the operating plan so that services to be offered will be responsive to those needs, will be convenient to customers, will be provided efficiently, and will be consistent with the safe and sound operation of the bank. Moreover, the operating plan should reflect realistic proposals for marketing the bank's services in light of the banking services currently provided in the community, and those not provided, and the current and anticipated competitive environment for banking services in the community.

(B) Community support is important to the long-run success of a bank. Therefore, plans for attracting and maintaining community support must be included in the application. For banks that are not affiliated with a holding company or another financial institution, a wide distribution of stock

in the community and active shareholder and local director participation encourage community support. Affiliated banks can obtain community support through similar means such as local residency of some directors or selection of a local advisory board.

(C) If economic conditions in the community to be served are marginal, or the competitive climate is intense, indicating a limited opportunity for a new bank, the organizing group should present information in the operating plan that demonstrates that the new bank will be able to cope with these conditions and have reasonable prospects for success.

(v) *Safety and soundness.* The operating plan must reflect sound banking proposals which demonstrate realistic assessments of risk in light of the economic and competitive conditions of the market to be served and which comply with applicable statutes and regulations. (A) Through the appraisal of the operating plan, the Office will evaluate the organizing group's awareness and understanding of national banking laws, and their ability to operate, not only within these laws, but also in a manner consistent with prudent banking practices. An application which does not meet safety and soundness requirements reflects adversely on the organizing group and will be disapproved.

(B) In the case of an application sponsored by a bank holding company or an application filed by an organizing group affiliated with another institution, an analysis will be made of those institutions' histories of safe and sound operations. In addition, if supervisory problems exist in the parent or affiliated institution(s), the Office may disapprove a new bank application or approve it subject to the condition that the problems be corrected prior to the granting of the charter.

(4) *Additional factors and requirements.* (i) *Material misrepresentation or omission of facts.* All information filed in connection with the application is subject to review and verification. Any material misrepresentation or omission of facts in the application or supporting materials may subject the organizing group to severe criminal penalties, including those provided in 18 U.S.C. 1001. Additionally, such findings reflect adversely on the character of the organizing group and will generally result in the disapproval of the application. If a misrepresentation or omission is discovered after the bank has commenced business, action to revoke the charter may be pursued.

(ii) *Offering circular.* An offering circular will be necessary for all capital obtained through a public offering. Compliance with the Office's Offering Circular regulations, 12 CFR Part 16, will be required.

(iii) *Organizational expenses.*

(A) Expenses incurred by the organizing group in making application for and organizing a bank will generally be allowed as a charge to an approved bank's capital if such expenses are documented and disclosed to current and/or prospective shareholders with sufficient information to enable them to evaluate the reasonableness of expenses. Organizational expenses typically include the filing fee, cost of professional and consulting services, travel expenses, printing, postage, telephone and supply costs. While some professional and consulting assistance is normal and may properly be charged to the bank's organizing expenses, organizers are expected to be able to contribute time and expertise to the organization of the bank and should neither unduly rely upon, nor make an excessive charge to, the bank's accounts for professional and consulting services.

(B) Organizational expenses which are not documented, not adequately disclosed, clearly unnecessary, or so large that the payment would render capital inadequate, reflect adversely on the organizing group. The Office may prohibit payment of clearly excessive expenses from bank funds and/or require that additional capital, sufficient to compensate excessive expenses, be raised prior to the opening of the bank.

(C) Organizational expenses for disapproved applications are the sole responsibility of the organizing group. Any fee which is contingent upon any action, decision, or forebearance on the part of the Office will generally be grounds for withdrawal of the preliminary approval or for disapproval of the application.

(iv) *Joint filing of similar applications.* When substantially similar state and national charter applications are filed by the same organizing group or person(s) representing the same interest, the Office will consider the national bank application abandoned unless a satisfactory demonstration can be made that the state bank application is not being processed in due course.

(v) *Choice of corporate title.* The name of the proposed bank will be approved in accordance with the policy on title changes. (See 12 CFR 5.42)

* * * * *

Dated: October 1, 1980.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 80-31914 Filed 10-14-80; 8:45 am]

BILLING CODE 4810-33-M

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12 CFR Part 5

[Docket No. 80-13]

Rules, Policies, and Procedures for Corporate Activities: Change in Bank Control

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTIONS: Adoption of new policy; request for comments on new policy and form, and on requirements generally.

SUMMARY: The Office of the Comptroller of the Currency ("Office") today consolidated its rules, policies and procedures on corporate activities filings by national banks and related matters into 12 CFR Part 5, Rules, Policies and Procedures for Corporate Activities. [See Docket No. 80-11.] The rules policies and procedures for changes in bank control, previously in 12 CFR Part 15, have been transferred to § 5.50 of Part 5. In addition, the Office is adopting a policy statement on disclosure of information filed with the Office concerning changes in bank control (§ 5.50(i)). Although the disclosure policy is adopted in final form, effective immediately, comments are requested on the disclosure policy statement, several specific issues, and any other aspects of § 5.50.

DATES: These amendments are effective October 15, 1980. Comments must be received on or before December 15, 1980.

ADDRESS: Comments should be directed to Docket No. 80-13, Communications Division, 3rd Floor, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219. Attention: Marie Giblin. Telephone: (202) 447-1800. Comments will be available for public inspection and photocopying.

FOR FURTHER INFORMATION CONTACT: W. Michael Herrick, Attorney, Securities Disclosure Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219. Telephone: (202) 447-1954.

SUPPLEMENTARY INFORMATION: The Principal drafters of this document were Frederick R. Medero (no longer with the Office of the Comptroller of the Currency), W. Michael Herrick and other staff of the Securities Disclosure Division.

Disclosure policy. Under the Change in Bank Control Act of 1978 ("Act"), a person [1] intending to acquire control of a national bank must give this Office written notice ("Notice") at least 60 days prior to acquiring control. The Office has received a number of requests persuant to the Freedom of Information Act, 5 U.S.C. 552 ("FOIA") for information relating to the filing of Notices under the Act, the content of Notices and the disposition of Notices. The Office has denied such requests based on the exemptions provided in 5 U.S.C. 552 (b)(4), (b)(6), and (b)(8).

As to the existence of a Notice under the Act, the Office believes that such information generally is entitled to exemption from disclosure under FOIA until the 60-day statutory period (plus any extensions thereof) has expired without issuance of a written notice of disapproval or the issuance of a written notice of intent not to disapprove and after the transaction subject to the Notice has been consummated; or until the issuance of a written notice of disapproval is judicially appealed. In the latter case, the filing of an appeal in a Federal court of appeals will, in effect, disclose existence of the Notice. In addition, if, as a result of actions by the person filing the Notice or necessary verification or investigation by the Office, existence of the Notice becomes known to members of the public at earlier times, the Office may regard the existence of the Notice and certain summary information discussed below as no longer entitled to exemption under the FOIA.

The routine public disclosure that a Notice under the Act has been filed could have a material effect upon the ability of the person seeking to acquire control of a bank to consummate the transaction following a non-adverse disposition of the Notice. The release of such information could provide persons opposed to the subject transaction opportunities, which they might not otherwise have, to muster various defensive tactics to repel the proposed change of control. In addition, the release of such information could materially affect the price at which the change of control might be accomplished. A review of the language of the statute and the legislative history does not reveal Congressional intent that the Act serve either as a device for triggering defensive action on the part of persons who may be opposed to a change in control, or to alter the economics of the marketplace in which control may be acquired. At the same time, the structure of the statute and its history reflect a clear Congressional expectation that public contacts necessary for appropriate verification will be pursued by the Office.

A person filing a Notice under the Act may, of course, voluntarily make public disclosure at any time of the existence of the Notice and/or its contents. The format of the Notice, as revised, enables such person to indicate affirmatively no objection to early public release by the Office of the Summary Fact Sheet, new Part E of the Notice.

Although not apparent with respect to the Act, an intent on the part of Congress to alter the dynamics of the marketplace for acquisitions of control where accomplished through certain securities transactions is evident in the enactment of the Williams Act Amendments to the Securities Exchange Act of 1934 ("Exchange Act") 15 U.S.C. 78a, *et seq.* Sections 13(d) and 14(d) of the Exchange Act require persons engaging in certain types of transactions involving the acquisition of securities to file, with the issuer of the securities and the Securities and Exchange Commission ("Commission"), statements setting forth information as delineated in the statute and by Commission rules and regulations. The requirements of the Exchange Act apply in the instance of bank securities required to be registered pursuant to Section 12 thereof, and the Federal banking agencies are vested with all the powers, functions and duties vested in the Commission to administer and enforce those and various other statutory requirements with respect to those financial institutions for which they are the primary regulator. Thus, persons seeking to acquire shares of a national bank having a class of securities registered under Section 12 of the Exchange Act, in transactions subject to Sections 13(d) and 14(d) of the Exchange Act, must comply with the filing and disclosure standards of that statute and the Office's regulations thereunder (12 CFR Part 11). However, there is no evidence that the Act extended Exchange Act-like requirements to similar transactions in non-registered securities of national banks.

This disclosure policy, adopted as 12 CFR 5.50(i), will result in the public release of specified information upon consummation of a change in control. Where a change in control is disapproved, the Office will release the same information upon the expiration of the date within with any appeal must be taken, or upon the filing of an appeal with the appropriate court. Normally, public release of the information will be made in the Office's *Weekly Bulletin* published by the appropriate Regional Office on the Friday following the operative date. In addition, the specified information may be released by the Office whenever knowledge of the existence of the Notice otherwise becomes available to members of the public. The information which will be disclosed is contained in the new Summary Fact Sheet, Part E of the Notice, as set forth below.

* * * * *

PART E—SUMMARY FACT SHEET

Summary Fact Sheet—Change in Bank Control Act ("Act")

a. Name of bank.
b. Address of bank.
c. Name of person* filing the Notice.
d. Mailing address of person filing the Notice.
e. Country of residence of person filing the Notice.
f. Status of person [Check one or more of the following]:

——— Individual
——— Corporation
——— Partnership
——— Trust
——— Association
——— Joint Venture
——— Pool
——— Syndication
——— Sole Proprietorship
——— Unincorporated Organization
——— Other [Describe]

g. Citizenship or place of organization of each person.
h. Number of shares of record owned by the person and the percentage of the class represented thereby.
i. Number of shares owned beneficially, but not of record, by the person and the percentage of class represented thereby.
j. Number and class of voting shares to be acquired and the percentage of the class represented thereby.
k. Proposed date of acquisition of control.
l. If the person filing does not object to disclosure of this information upon acceptance of the Notice for filing (see instructions), so indicate by checking this box: ☐

Disposition

[This information will be inserted by the Office of the Comptroller of the Currency]

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*As used herein, the term "person" means an individual or a corporation, partnership, trust, association, joint venture, pool syndicate, sole proprietorship, unincorporated organization, or any other form of entity not specifically listed herein. 12 U.S.C. 1817(j)(8)(A).

Instructions

This Part E sets forth a summary of information required in response to various items set forth in Parts A through D of the

[1] "'Person' means an individual or a corporation, partnership, trust, association, joint venture, pool syndicate, sole proprietorship, unincorporated organization, or any other form of entity not specifically listed herein." 12 U.S.C. 1817(j)(8)(A).

Notice. The information contained herein will be publicly released as follows:

1. Where there is an affirmative indication in the Notice of no objection by the filing person, public release will be made as soon as practicable after acceptance of the Notice for filing.

2. Where the statutory period (together with any extensions) expires without the issuance of a written notice of disapproval of a change of control or where a written notice of intention not to disapprove is issued, public release normally will be made after the date set forth in response to Item k. of Part E.

3. Where a written notice of disapproval of a change of control is issued, public release normally will be made upon the expiration of any applicable appeal date without appeal being taken or upon appeal being taken to the appropriate U.S. Circuit Court of Appeals.

4. Where the Notice is withdrawn prior to disposition, no public release normally will be made.

5. If members of the public become aware of the existence of the Notice, public release may be made at the discretion of the Office of the Comptroller of the Currency ("Office") at other times. Necessary verification and inquiry by the Office in processing a Notice may result in disclosure of its existence.

6. If the transaction is not completed by the date specified in response to Item k. of Part E, public release normally will be made on that date unless a written request is received prior thereto which specifies a different date for completion of the transaction and release of information. Reasonable requests involving short delays normally will be honored.

7. The public release of this information in no way affects the obligations and liabilities which the person filing the Notice may have under Sections 13(d) or 14(d) of the Securities Exchange Act of 1934.

* * * * *

Comments on Disclosure Policy. The Office also believes that the entire subject of public release of information under the Act may be of broad interest to various persons. Consequently, the Office requests public comment on this policy generally and, in particular, with respect to the following questions:

A. To what extent would early release of the fact that a Notice has been filed with respect to an identified bank be useful in eliciting information from the community as to whether a notice of disapproval should be issued?

B. To what extent would the interests of a person filing a Notice be prejudiced by early disclosure of its existence?

C. To what extent should information in the Summary Fact Sheet be expanded or limited?

D. Should the Office as a matter of policy provide that, where possible, a person filing a Notice will be given prior notice if, before the specified release time, information contained in Part E is to be placed in the public record in an administrative or judicial proceeding? (The Federal Trade Commission recently initiated such a policy with respect to pre-merger notification materials filed under Section 7A of the Clayton Act, 15 U.S.C. 18a. See 45 FR 21215, April 1, 1980.)

E. What guidelines or criteria should the Office employ in connection with releasing the Summary Fact Sheet where public knowledge of the existence of the Notice arises from the Office's verification efforts?

F. Section 5.50(d) provides that certain acquisitions create a rebuttable presumption that control has been acquired, and establishes that information may be submitted orally or in writing to rebut that presumption. Under what circumstances should any of such information be released? In addition, if the acquiring person files a Notice, as a precaution, and successfully rebuts the presumption of control (thereby rendering the filing of the Notice unnecessary), under what circumstances, if any, should the Summary Fact Sheet be released?

Comments on Other Aspect of Changes in Bank Control. Comments are requested on any aspect of § 5.50 (printed in its entirety in Docket No. 80–11 in today's **Federal Register**). Comments should be as specific as possible and include suggested revisions and reasons therefor. In particular:

G. Are there existing Office rules, policies or procedures not presented in § 5.50 but which should be included either in their present or modified form?

H. Should there be any deletions, other additions or other changes in the Office's rules, policies or procedures on changes in bank control?

I. Should there by any deletions, additions, or changes in the Notice required to be filed prior to a change in bank control?

The Office finds that receiving public comments prior to the adoption of the new policy statement on disclosures concerning changes in control of national banks and delaying the effective date would not be in the public interest because of the limited time permitted by the Freedom of Information Act to respond to requests for information. Accordingly, Part 5 of Title 12, Code of Federal Regulations is amended as follows:

1. The authority citation for Part 5 is as follows:

Authority: 12 U.S.C. 1 *et seq.*

2. Section 5.50 revised in Docket 80–11 published elsewhere in this issue, is amended by adding paragraph (i) as follows:

§ 5.50 Change in bank control.

* * * * *

(i) *Disclosure Policy.* The contents of a Notice under the Act and the information provided therein is exempt from public disclosure under the Freedom of Information Act, 5 U.S.C. 552 ("FOIA"). Because consummation of the acquisition of control will remove the bases on which the existence of the Notice is entitled to exemption under FOIA, upon consummation the Office will publicly reveal the existence of the Notice and that information in the Notice not entitled to continued FOIA exemption. In order to facilitate such disclosure, Part E of the Notice format consists of a summary ("Summary Fact Sheet") which the person subject to the statute and regulations is required to complete as part of the Act filing. The information provided in the Summary Fact Sheet normally will be released publicly by the Office together with a statement as to the disposition of the Notice, in accordance with a specified time sequence. Normally, public release of the information will be made in the Office's *Weekly Bulletin* published by the respective Regional Office on the Friday following the operative date.

(1) The instructions to Part E of the Notice indicate that when the person filing the Notice affirmatively indicates no objection to public release of the information contained in the Summary Fact Sheet, public release normally will be made as soon as practicable after acceptance of the Notice for filing.

(2) When the Office has not disappoved an acquisition of control within the statutory period (and any extensions thereof) the Office normally will release publicly the information contained in the Summary Fact Sheet upon completion of such acquisition of control.

(3) When the Office has issued a written notice disapproving the proposed acquisition of control, the Office normally will release publicly the information set forth in the Summary Fact Sheet upon expiration of the date within which any appeal must be taken, or upon the filing of an appeal with the

United States Court of Appeals for the appropriate circuit.

(4) When a Notice under the Act is filed but withdrawn prior to agency action or expiration of the statutory waiting period, the Office normally will not release publicly the Summary Fact Sheet. Since the proposed change of control would be rendered moot, any release of information with respect thereto could prejudice the filing person in future proposed transactions.

(5) If the existence or content of a Notice becomes known to members of the public, the Office may release publicly the Summary Fact Sheet at its discretion.

* * * * *

Dated: October 1, 1980.

John C. Heimann,

Comptroller of the Currency.

[FR Doc. 80-31915 Filed 10-14-80; 8:45 am]

BILLING CODE 4810-33-M

12 CFR Part 5

[Docket No. 80-14]

Rules, Policies, and Procedures for Corporate Activities; Written Comments and Hearings on Applications

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Proposed rule.

SUMMARY: As part of a comprehensive review of the treatment of applications by national banks for structural and corporate activities, the Office of the Comptroller of the Currency ("Office") is proposing amendments to its rules governing public participation, through written comments and hearing, in the Office's decision process. The Office consolidated these rules today into the new Part 5 as set out in Docket # 80-11 published elsewhere in this issue.

DATE: Comments should be received on or before December 15, 1980.

ADDRESS: Comments should be sent to Docket No. 80-14, Communications Division, 3rd Floor, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219, Attention: Marie Giblin. Telephone (202) 447-1800. Comments will be available for inspection and photocopying.

FOR FURTHER INFORMATION CONTACT: Darrel W. Dochow, Deputy Director, Bank Organization and Structure Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219. Telephone (202) 447-1184. Further information may also be obtained from the Regional Director for Corporate Activities in any office of the Regional Administrator of National Banks.

SUPPLEMENTARY INFORMATION: The staffs of the Bank Organization and Structure Division and Regulations Analysis Division contributed significantly to the drafting of this document.

The Office is proposing amendments to its rules governing written comments and hearings on applications (§§ 5.10 and 5.11 revised in Docket 80-11 published elsewhere in this issue) in order to improve the quality of information presented orally and in writing, to eliminate any unnecessary costs or delays in the decisionmaking process and to facilitate the receipt of information from interested members of the public. The Office holds a hearing on an application, upon request or on its own motion, whenever a hearing appears necessary to obtain facts in reaching a decision. Hearings on applications are informal, fact-gathering proceedings and are separate and distinct from the Administrative Procedures Act hearing procedures found in 12 CFR 19.

The proposed amendments contain significant differences from the existing rules (as consolidated in Docket #80-11) in five respects. First, the proposed rule specifies that the request for a hearing must explain why an oral presentation, rather than submission of written comments, is necessary. Current rules do not require such an explanation. Second, the proposed rule specifies that a request for a hearing must state the nature of the issues or facts to be presented. Current rules do not require this information. Under current rules, neither the Office nor parties to a hearing may be aware of the issues until the hearing commences, which decreases the opportunity for full presentation of relevant information and may result in hearings even when essential facts are undisputed. These changes would enable the Office to determine early in the process when a hearing is needed and would improve the quality of the arguments and counter-arguments be made in oral or written submissions.

The third and fourth changes are designed to reduce the costs of participating in a hearing. Current rules generally provide that hearings be held in one of the 14 offices of the Regional Administrators of National Banks and that certain costs of the hearing are paid by the party requesting the hearing. The proposed rules provide that parties requesting a hearing may also request that, if a hearing is granted, it be held at a particular time and location and that the costs of the hearing be paid by the Office. These changes would enable the Office to encourage participation by persons who might not otherwise be able to do so.

Fifth, the current hearing rules are written to describe the parties to a hearing as either "applicants" or "protestants." However, the Office recognizes that hearings may involve supporters, opponents and other persons whose input is appropriate, although they may be neither applicants nor protestants. (For example, in light of the Community Reinvestment Act of 1977, a group which has knowledge of a bank's activities may desire to participate but does not desire to formally "protest" the application.) Accordingly, the proposed rules replace references to "protestants" with "other participants."

Comment is requested concerning these proposed changes and any other changes that should be made.

Accordingly, it is proposed that Part 5 of Title 12, Code of Federal Regulations be amended as follows:

1. The authority citation for Part 5 is as follows:

Authority: 12 U.S.C. §§ 1 *et seq.*

2. §§ 5.10 and 5.11 of 12 CFR 5 are proposed to be amended to read as follows:

§ 5.10 Written comments and requests for a hearing.

(a) *Written Comments.*

(1) Within 21 days after the last notice by publication required by § 5.8(a) or an applicable statute, any interested person may submit to the Regional Administrator written comments and data on an application. The 21-day period may be extended by the Regional Administrator if the applicant has failed to file all required supporting data in time to permit review by interested persons, or if other extenuating circumstances occur.

(2) When no hearing is held the public file (§ 5.9) will close on the expiration of the 21-day comment period, or any extensions thereof as provided in paragraph (a)(1) of this section.

(b) *Requests for a Hearing.*

(1) Within 21 days after the last notice of publication required by § 5.8(a) or an applicable statute, any interested person may submit to the Regional Administrator a written request for a hearing on an application. The 21-day period may be extended by the Regional Administrator if the applicant has failed to file all required supporting data in time to permit review by interested persons, or if other extenuating circumstances occur.

(2) The request shall state the nature of the issues or facts to be presented and the reasons why written submissions would be insufficient to make an adequate presentation to the Office. If the reasons are related to factual disputes, the disputes must be described.

(3) Hearings are ordinarily conducted in the city where the Office of the Regional Administrator is located. If a party requesting a hearing desires another location, or an unusual time of day, the written request for the hearing shall state the desired location and/or time of day and the reasons such alternatives are necessary or appropriate

(4) A transcript of each hearing is arranged for by the Office. Transcript expenses, including two copies for the Office, and the cost of a hearing room, are generally borne by the person(s) requesting the hearing. If a person requesting a hearing desires a waiver of

these costs, the written request for the hearing shall state the reasons such waiver is appropriate and shall include a showing of need. When a waiver is granted, the costs of the transcripts for the Office and the person requesting the waiver, as well as the costs of the hearing room generally will be borne by the Office.

(5) Written requests for hearings will be evaluated by the Regional Administrator, who may grant or deny such requests in whole or in part (or may refer the request to the Washington Office for decision). A hearing may be limited to issues considered material by the Office. A hearing request may be denied if it is determined that written submissions would be adequate or that a hearing would not otherwise be beneficial to the decisionmaking process.

(c) *Action on Requests for Hearings.* If a request for a hearing has been made and denied, the Regional Administrator shall notify all interested persons and shall state the reasons for the denial. Interested persons may submit to the Regional Administrator, with simultaneous copies to the applicant, additional written comments or data on the application within 14 days after the date of the notice of denial. Copies of such written submissions or data shall simultaneously be sent by the person to the applicant. The applicant shall be provided an additional 7 days, after the 14-day deadline has expired within which to respond to any comments submitted within the 14-day period. The Regional Administrator may waive this 7-day period if so requested by the applicant. A copy of any response submitted by the applicant shall also be sent simultaneously to the other interested persons.

§ 5.11 Hearings.

(a) *Notice of Hearing.* When a request for a hearing made in accordance with § 5.10 is granted, or when a hearing is determined by the Office to be in the public interest in the absence of a request, the Regional Administrator shall issue a Notice of Hearing. This Notice of Hearing shall:

(1) set forth the subject matter of the application and the date, time and place where the hearing will be held, and, if applicable, the issues which will be addressed at the hearing;

(2) be sent to the person(s) requesting the hearing, the applicant, and other interested persons who have sent written comments to the Regional Administrator.

(b) *Date of Hearing.* A hearing shall be held as soon as practicable after ordered, but generally not sooner than 21 days from the close of the 21-day comment period described in § 5.10(a).

(c) *Participation in Hearings.* Each person who wishes to be heard shall notify the Regional Administrator within 10 days after the date of the Notice of Hearing of his or her intention to participate in the hearing. The Regional Administrator will determine which persons will be permitted to participate. Persons who participate shall submit to the Regional Administrator, applicant(s), and such other person(s) as the Regional Administrator may require, the number and names of witnesses and a copy of each exhibit he or she wishes to present. Such information must be received by all participants at least 5 days prior to the hearing.

(d) *Presiding Officer.* The Office will designate the presiding officer at a hearing who shall have the authority to appoint a panel of assistants. The presiding officer shall determine all procedural questions not governed by this section. The presiding officer shall have the authority to limit the number of witnesses to be used by any party, and to impose such time limitations as he or she deems reasonable.

(e) *Hearing Rules.*

(1) *Presentations.* The applicant and each other party will each be permitted to make an opening statement, stating concisely what will be presented. Each party may then present witnesses, materials and data. Each party will then concisely summarize its position. The length and order of appearances will be determined by the presiding officer.

(2) *Witnesses.* The presence of witnesses is the responsibility of the parties. All witnesses will be present on their own volition, but any person appearing as a witness may be subject to questioning by any participant, by the presiding officer, or by any member of the panel. The refusal of a witness to answer questions may be considered by the Office in determining the weight to be accorded the testimony of that witness. Witnesses shall not be sworn.

(3) *Information Submitted.* The presiding officer shall have the authority to exclude data or materials which he or she deems to be improper or irrelevant. Formal rules of evidence shall not be applicable to these hearings. Documentary material must be of a size consistent with ease of handling, transportation and filing. Two copies of all documentary materials shall be furnished to the Office and one copy to each other participant in the hearing. While large exhibits may be used during the hearing, copies of such exhibits must be provided by the party in reduced size for submission as part of the record.

(f) *Closing the Public File.* If requested by any participant, the public file (§ 5.9) shall remain open for 14 days following receipt of the transcript by the Regional Administrator, during which time the applicant and other participants may submit additional written statements. A copy of any statement submitted during this period of time shall also be sent simultaneously to the other participants to the hearing. These statements, the hearing transcript and documentary material presented at the hearing shall automatically be deemed a part of the public file. The Office will complete the processing of the application after the public file has been closed.

(g) *Forms to be used by the Office:*

CC 7029–01: Regional Office Procedures—Public Hearings
CC 7029–02: Notice of Hearing
CC 7029–11: Protest Sheet

Dated: October 1, 1980.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 80-31916 Filed 10-14-80; 8:45 am]

BILLING CODE 4810-33-M

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12 CFR Part 5

[Docket No. 80-15]

Rules, Policies, and Procedures for Corporate Activities: Organization of an Interim National Bank; Delegated Authority

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Proposed rule.

SUMMARY: As part of a comprehensive review of the treatment of applications by national banks for structural and corporate activities, the Office of the Comptroller of the Currency ("Office") is proposing a rule to eliminate unnecessary duplication and delay in charter applications filed solely to facilitate bank holding company acquisitions or reorganizations.

DATE: Comments should be received on or before December 15, 1980.

ADDRESS: Comments should be sent to Docket No. 80–15, Communications Division, 3rd Floor, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219, Attention: Marie Giblin. Telephone (202) 447–1800. Comments will be available for inspection and photocopying.

FOR FURTHER INFORMATION CONTACT: James V. Elliott, Director, Bank Organization and Structure Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219. Telephone (202)

447–1184. Further information may also be obtained from the Regional Director for Corporate Activities in any office of the Regional Administrator of National Banks.

SUPPLEMENTARY INFORMATION: The primary draftsman of this document is James V. Elliot, Director, BOSD. Several other persons contributed to the draft.

The Office is proposing a revised rule (12 CFR 5.21) to eliminate duplication and delay in charter applications filed solely to facilitate the creation of a new bank holding company or the acquisition of 100 percent of the outstanding voting shares of an existing bank. The current rule is consolidated into the new Part 5 published today in Docket No. 80–11.

The statutory framework for national bank mergers and acquisitions was established prior to the expansion of bank holding companies. These statutes (12 U.S.C. §§ 181, 214a, 215, 215a and 1828(c)) generally provide only for mergers between two *banks* or an acquisition of a bank by another *bank*. Thus, if a bank desires to reorganize into a one-bank holding company structure, or if an existing bank holding company and an independent bank desire to have the bank become a subsidiary national bank of the bank holding company, only two avenues are available. First, the holding company may make an exchange or tender offer for all of the outstanding bank stock. In practice, however, it is extremely difficult to obtain 100 percent acceptance of such an offer, and the desired result, a wholly-owned subsidiary bank, is unattainable.

Second, a new bank subsidiary of the holding company can be created, and the new bank and the existing bank can merge or consolidate. The new bank, in such cases, does not engage in the business of banking until it becomes the surviving bank after the merger or consolidation. Thus, the new bank is known as an "interim bank," because it exists as a non-operating shell during the interim between its chartering and the effective date of the merger or consolidation. Under current rules, the interim bank charter application and the subsequent merger or consolidation application are each subject to full processing requirements as if they were totally independent events. Many procedures are either duplicated or occur consecutively.

Adoption of the proposal is expected to eliminate these duplications and delays. Proposed revised Part 5.21 states that the Office normally will grant preliminary approval promptly to an interim bank charter application, and substantive review of the entire proposed transaction will occur after the subsequent application for merger or consolidation is filed. Regional Administrators will be delegated authority to grant preliminary approval, but not to disapprove applications, and normally will act within 2 weeks. The periods for public input and notices by applicants would run concurrently, rather than consecutively. This treatment would appear to ensure that substantive factors, including public comments, are taken into account, while minimizing unnecessary duplication and delay.

It is proposed that Part 5 of Title 12, Code of Federal Regulations, be amended as follows:

1. The authority citation for Part 5 is as follows:

Authority: 12 U.S.C. §§ 1 *et seq.*

2. 12 CFR 5.21 is proposed to be amended to read as follows:

§ 5.21 Organization of an Interim National Bank.

(a) *Scope; Interim National Bank Defined.* This section applies to applications to organize an interim national bank, as defined. An interim national bank is a new national bank which is organized solely in order to facilitate the creation of a bank holding company or the acquisition of 100 percent of the voting shares of an existing bank. It is always part of a proposed two-step process wherein the interim national bank, prior to commencing business, will be a party to a merger or consolidation with an existing bank.

(b) *Authority.* 12 U.S.C. §§ 1, 21, 22, 26, 27, 92a, 214, 215, 215a, 1814(b), 1816 and 1828(c).

(c) *Rules of General Applicability.* Sections 5.8(a), 5.10 and 5.11 do not apply to applications to organize an interim national bank. The application for an interim national bank and the subsequent merger or consideration application will be melded into a single process requiring, after the filing of the subsequent merger or consolidation application, one opportunity for public comment after notice is published by the applicant and one substantive review by the Office (see § 5.33).

(d) *Pre-filing Meetings.* The proposed organizers of a national bank should schedule a meeting with the Regional Administrator in the region where the application will be filed, prior to submitting an application for filing. The purpose of the meeting is to discuss the proposal and the Office rules, policies and procedures, including means to combine many procedural and processing requirements. Applicants will be furnished forms and documents which should be filed with the application.

(e) *Filing Fee.* A filing fee of $2,500 is required. This fee is separate from, and in addition to, the fee to process the application to merge or consolidate (see § 5.33).

(f) *Investigation.* No investigation of the interim bank application will be conducted. However, the Regional Office generally will perform an investigation after the filing of the subsequent merger or consolidation application. An additional fee will not be charged except in unusal circumstances.

(g) *Decisions.* Preliminary approval of all interim national banks will be specifically conditioned on approval of the subsequent merger or consolidation and will be automatically rescinded if the merger or consolidation is not approved. If the merger or consolidation application is not filed within 6 months of preliminary approval of the interim national bank, that preliminary approval automatically will be withdrawn unless an extension has been requested and granted.

(h) *Delegated Authority to Grant Preliminary Approval.* Each Regional Administrator has delegated authority to grant preliminary approval of, but not to disapprove, applications to charter interim national banks. The Regional Administrator will normally act on applications for an interim national bank within 2 weeks of submission of a complete application.

(i) *Subsequent Merger or Consolidation.* The application to merge or consolidate the interim and existing banks may not be filed until the Office gives preliminary approval to organize the interim bank and duly executed Articles of Association and the organization certificate have been filed with the Regional Office.

(j) *Consumation.* Prior to consummating the merger or consolidation, all steps necessary to perfect the organization of a national bank must be completed.

(k) *Forms.*

(1) *Forms to be used by Applicant:*

(Unassigned): Application to Organize a National Bank (Interim Bank)
(Reserved)
CC 7020–18: Legal Notice—Application to Organize a National Bank (Interim Bank).

(2) *Forms to be used by Office:*

CC 7020–06: Confidential Memorandum to the Comptroller of the Currency—Application to Organize an Interim National Bank.

CC 7020–08: Regional Office Procedures—Interim Bank Applications
CC 7020–11: Washington Office Procedures—Interim Bank Applications

* * * * *

2. The Office proposes to amend 12 CFR 5.3 by adding a new subparagraph (5) to the end of paragraph (c) thereof to read as follows:

[See Docket #80–11 where the current regulation appears in its entirety as consolidated into the new Part 5.]

§ 5.3 Corporate Activities Processing and Delegations.

* * * * *

(c) * * *

(5) Each Regional Administrator is authorized to grant preliminary approval of, but not to disapprove, applications to organize an interim national bank.

Dated: October 1, 1980.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 80–31917 Filed 10–14–80; 8:45 am]

BILLING CODE 4810–33–M

federal register

Wednesday
October 15, 1980

Part VI

Environmental Protection Agency

Sodium Carbonate Plants; Proposed Standards of Performance for New Stationary Sources

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD FRL 1546-3]

Standards of Performance for New Stationary Sources; Sodium Carbonate Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and notice of public hearing.

SUMMARY: The proposed standards would limit emissions of particulate matter from new, modified, and reconstructed calciners, dryers (including predryers), and bleachers in natural process sodium carbonate plants. Emissions from calciners would be limited to 0.11 kg per Mg of dry feed (0.22 lb/ton), emissions from dryers and predryers would be limited to 0.045 kg per Mg of dry product (0.09 lb/ton), and emissions from bleachers would be limited to 0.03 kg per Mg of dry feed (0.06 lb/ton).

These standards are proposed under Section 111 of the Clean Air Act and are based on the Administrator's determination that facilities in natural process sodium carbonate plants contribute significantly to air pollution that may reasonably be anticipated to endanger public health or welfare. The intent is to require new, modified, and reconstructed facilities in natural process sodium carbonate plants to use the best demonstrated system of continuous emission reduction, considering costs and non-air quality health, environmental, and energy impacts.

A public hearing will be held to provide interested persons an opportunity for oral presentation of data, views, or arguments concerning the proposed standards.

DATES: *Comments.* Comments must be received on or before December 15, 1980.

Public Hearing. A public hearing will be held on November 18, 1980 beginning at 9:00 a.m.

Request to Speak at Hearing. Persons wishing to present oral testimony must contact EPA by November 10.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate if possible) to: Central Docket Section (A-130), Attention: Docket Number A-79-54. U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Public Hearing. The public hearing will be held at Environmental Research Center Auditoriam Rm B102 *RTP, NC.* Persons wishing to present oral testimony should notify Ms. Deanna Tilley, Standards Development Branch (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5421.

Background Information Document. The Background Information Document (BID) for the proposed standards may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone number (919) 541-2777. Please refer to "Sodium Carbonate Industry, Background Information: Proposed Standards of Performance," EPA-450/3-80-029a.

Docket. Docket No. A-79-54, containing supporting information used in developing the proposed standards, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. John D. Crenshaw, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5477.

SUPPLEMENTARY INFORMATION:

Proposed Standards

The proposed standards would limit emissions of particulate matter from new, modified, and reconstructed calciners, dryers (including predryers), and bleachers in natural process sodium carbonate plants. Specifically, the standards would limit emissions of particulate matter from calciners to 0.11 kg per Mg of dry calciner feed (0.22 lb/ton) and emissions of particulate matter from bleachers to 0.03 kg per Mg of dry bleacher feed (0.06 lb/ton). The standards would also limit emissions of particulate matter from all dryers, including predryers, to 0.045 kg per Mg of dry product (0.09 lb/ton). In addition, an opacity standard is proposed that would limit visible emissions from calciners to no more than 5 percent opacity, from bleachers to no more than 5 percent opacity, and from dryers or predryers to no more than 10 percent opacity.

Reference Method 5 would be used for performance tests to determine compliance with the proposed standard. In order to ensure that proper maintenace and operation of the control equipment is continued after a performance test, continuous monitoring of opacity would be required. For facilities with emissions controlled by wet scrubbers, continuous monitoring of the pressure drop across the scrubber and of the scrubbing liquor flow rate or supply pressure would be required instead of continuous monitoring of opacity.

Summary of Environmental, Energy, and Economic Impacts

The proposed standards would reduce national particulate emissions from all new, modified, or reconstructed natural process sodium carbonate plants to about 315 Mg/yr (347 TPY) in 1985. Under present levels of control from typical State standards, projected emissions would have reached 700 Mg/yr (768 TPY) by 1985. The proposed standards thus represent a reduction in particulate emissions of about 55 percent.

However, in Wyoming, where much of the new plant growth is expected, the State has recently applied BACT determinations to new plants which are approximately equivalent in impact to the proposed standards. When these BACT determinations are applied to new plants built in Wyoming, national emissions from new sodium carbonate plants are projected to reach 440 Mg/yr (490 TPY) by 1985. On this basis, the proposed standards represent a reduction in particulate emissions of about 28 percent. However, particulate emissions form new plants built in California would still be reduced significantly. Any new plants in Wyoming would be built in close proximity to the existing plants. The area around four of these plants has been designated as a non-attainment area for particulate matter. No adverse secondary air pollution impacts and no adverse water pollution or solid waste impacts would result from implementation of the proposed standards.

Operation of the particulate control equipment required by the proposed standards would increase plant energy consumption relative to the energy required to meet typical State standards. This increase would be about 25 to 53 TJ per year (2.3 to 5.0 x 10^{10} Btu/yr) depending on process configuration. A typical size plant producing 454,000 Mg/yr (500,000 TPY) of sodium carbonate would consume about 3700 TJ per year (3.51 x 10^{12} Btu/yr) of energy. In comparison, the increase in energy consumption to attain the proposed standards is 0.7 to 1.4 percent of total plant energy consumption. By 1985, the proposed standards would increase

national energy consumption by only about 107 TJ per year (1.0×10^{11} Btu/yr).

For a typical sodium carbonate plant producing 454,000 Mg/yr (500,000 TPY) sodium carbonate, the proposed standards would require capital expenditures for control equipment of about $240,000 to $690,000, depending on process configuration, in addition to the costs that would be incurred in meeting typical State standards. No significant adverse economic impacts would result from the proposed standards. Product prices would increase by 1 percent or less.

Rationale

Selection of the Source

The sodium carbonate industry is one of a number of industries which the Administrator has determined contribute significantly to air pollution that may reasonably be anticipated to endanger public health or welfare (40 CFR 60.16, 44 FR 49222, August 21, 1979). These industries are included in a priority list of sources for which new source performance standards are to be promulgated. This priority list ranks the emission sources on a nationwide basis in terms of quantities of emissions from the source category, the mobility and competitive nature of each source category, and the extent to which each pollutant endangers health and welfare. The sodium carbonate industry ranks 35th out of 59 source categories on this priority list.

Sodium carbonate can be produced by either natural or synthetic processes. In natural processes, sodium carbonate is produced from naturally occurring ores or brines which contain sodium sesquicarbonate, sodium bicarbonate, or sodium carbonate. In synthetic processes, sodium carbonate is produced from sodium chloride and limestone.

The overall growth rate in sodium carbonate production in recent years has been somehwat slow but relatively stable. The Bureau of Mines has projected an annual growth rate of 3 percent per year for the period from 1976 through 1985. Production of sodium carbonate by natural processes has grown more rapidly than this in the last ten years, but much of this growth has been due to replacement of synthetic sodium carbonate production capacity. Since only one synthetic sodium carbonate plant now remains in operation, future growth in natural sodium carbonate production will not be as rapid as it has been over the past ten years.

Standards are being proposed only for natural process sodium carbonate plants because no growth is expected for synthetic sodium carbonate plants. Synthetic sodium carbonate production in the United States has dropped from 4.4 million Mg/yr in 1967 to 1.1 million Mg/yr in 1978, while natural production has grown from 1.6 million Mg/yr to 6.2 million Mg/yr over the same period. Over the past 12 years, nine synthetic sodium carbonate plants were shut down. Only one synthetic sodium carbonate plant is now in operation in the United States.

This decline in synthetic sodium carbonate production has resulted largely from rising energy costs and the high costs of adequate treatment of liquid effluents. Production of sodium carbonate by synthetic processes requires about twice as much energy as production by natural processes. Natural process sodium carbonate plants discharge no waste water stream, while synthetic processes discharge an aqueous waste stream containing calcium chloride. Treatment of this waste stream is difficult and expensive. With the exception of the northeast, the market demand for sodium carbonate can now be supplied at the lowest overall production and transportation cost by natural process plants in Wyoming and California.

Selection of Pollutants and Affected Facilities

Particulates are generated in sodium carbonate plants by various processing operations. These operations include crushing, handling, calcining, and dissolving the mined ore and drying and handling the final product. Facilities in natural process sodium carbonate plants for which standards are proposed are calciners, dryers (including predryers), and bleachers. These facilities are all major sources of particulate emissions.

Standards are not being proposed for other emission sources in sodium carbonate plants. First, boilers for steam and power generation in sodium carbonate plants are included within the scope of a program to develop an industrial boiler NSPS. Next, many emission sources, including crushers, grinding mills, screening operations, storage bins, and fine product (20 mesh and smaller) loading are included within a program to develop NSPS for generic sources in non-metallic mineral processing plants. Other potential emission sources in sodium carbonate plants include stockpiling, conveying, and windblown dusts. However, these are fugitive sources common to many mineral industries rather than process sources, and a specialized program would be required to identify and study them. For these reasons, process emission sources rather than general fugitive sources were emphasized in this standard development program for the sodium carbonate industry.

Standards for dissolvers and dissolver-crystallizers are also not proposed because they are not significant emission sources. Dissolvers in plant built since about 1973 are currently controlled in order to comply with State opacity regulations or to control internal dusting problems. Emissions from dissolvers are small compared to the other emission sources considered. Under current levels of control, dissolver emissions contribute no more than 2.5 percent of the process emissions from the sodium carbonate industry. Thus, a dissolver emission standard is not proposed because it would have a very small impact on further reducing plant emissions. However, if dissolver gases are exhausted through the calciner emission control device, the standard for particulate matter for calciners would apply to the combined gas stream.

In some plants, the exhaust gas from the calciner is recycled to carbonation towers for utilization of the carbon dioxide. Transfer of the exhaust gas requires a fan which must be protected from damage that would result from impaction by particulate matter in the gas stream. For this reason, particulate emissions from calciners are reduced by gas scrubbers before the gas is exhausted to carbonation towers. Emissions are further reduced as the gas passes through the carbonation towers. The remaining particulate emissions from these calciners will be very low. Moreover, the use of carbonation towers which utilize calciner exhaust gases is not typical of the industry on a nationwide basis. Thus, calciners for which exist gas is recycled to carbonation towers are exempt from the calciner standard, and a standard is not proposed for these carbonation towers at this time. However, these proposed standards will be reevaluated during the four year review and standards for carbonation towers could be considered if these circumstances are found to change.

All of the facilities for which standards are proposed are major sources of particulate emissions. Small amounts of sulfur oxides and organics are also emitted from direct-fired calciners, but source tests have indicated that these emissions are very low compared to uncontrolled particulate emissions. Sulfur dioxide emissions from a coal fired calciner were measured to be less than 0.5 kg/hr (1 lb/hr). A small amount of organic

emissions from calciners have been detected, but have not been properly quantified. (See Section 9.2.2 of the Background Information Document.) No control technology for these emissions has been demonstrated in the sodium carbonate industry. For these reasons, standards are not being proposed at this time for organic emissions or sulfur dioxide emissions.

Selection of Basis of Proposed Standards

Particulate emissions from sodium carbonate plants can be effectively controlled by conventional add-on particulate control techniques. Source tests conducted at three sodium carbonate plants along with industry data led to the selection of electrostatic precipitators as the best system of emission reduction for calciners and bleachers and venturi scrubbers as the best system for dryers and predryers.

Two alternatives were considered for regulating emissions from sodium carbonate plants. These alternatives are defined in Chapter 6 of the BID. Under Alternative 1, facilities would be controlled to essentially the same extent as required by the most stringent of existing SIP regulations. Alternative 2 would set lower emission limits for each individual facility sodium carbonate industry.

Control techniques capable of achieving the emission limits that would be required under Alternative 2 include electrostatic precipitators (for calciners and bleachers) and venturi scrubbers (for dryers and predryers). The emission levels corresponding to Alternative 2 have been demonstrated using these techniques, but other techniques could also potentially be used to meet these emission levels. In most cases the same type of control technique would be used to meet Alternatives 1 and 2, but venturi scrubbers used to meet Alternative 2 would have higher pressure drops and ESP's would have larger plate areas.

The environmental, energy, and economic impacts of Alternative 1 are based upon typical State Implementation Plan requirements. These requirements establish a baseline for determining the incremental impacts of the proposed standards. However, in Wyoming, where much of the new plant growth is projected, baseline control requirements may be more stringent than SIP controls. During new source review for best available control technolgy (BACT), the State has recently required new plants to meet emission limits which are almost equivalent to the proposed standards. The potential effect of Wyoming's BACT policy was considered in the analysis of impacts, which is summarized below.

Under Alternative 1, projected particulate emissions from new sodium carbonate plants would reach 700 Mg/yr (768 TPY) by 1985. However, when Wyoming BACT determinations are projected to apply to all new plants in that State, estimated national particulate emissions from new sodium carbonate plants are projected to reach 440 Mg/yr (490 TPY). Under Alternative 2, projected emissions would be 315 Mg/yr (347 TPY) in 1985, which represents a 55 percent reduction in emissions over Alternative 1 (28 percent reduction assuming BACT has been applied to Wyoming plants).

No secondary environmental impacts would result from implementation of either of the regulatory alternatives. Scrubber liquor effluents and particulates recovered in the emission control systems are directly recycled to the process. Thus, there are no liquid or solid waste streams from the emission control equipment which are not contained.

The incremental increase in energy consumption in going from Alternative 1 to Alternative 2 is small in comparison to the total energy required by the process equipment. The largest incremental increase is for the model plant with a fluid bed dryer controlled by a cyclone/venturi scrubber. For this model plant the increased energy consumption in going from Alternative 1 to Alternative 2 is about 53 TJ per year (5.0×10^{10} Btu/yr). The energy increase in going from the BACT level to Alternative 2 would be much less. Energy consumption for the entire sodium carbonate plant is about 3700 TJ per year (3.5×10^{12} Btu/yr). Thus, a standard based on Alternative 2 would result in about a 1.4 percent increase in the energy consumption of sodium carbonate plants, and would have a minimal impact on national energy consumption.

Capital costs of about $2.2 to 5.5 million (depending on process configuration) would be required for pollution control equipment to meet Alternative 2 for a typical plant producing 454,000 Mg/yr (500,000 TPY) sodium carbonate. These capital costs are about $240,000 to $690,000 greater than costs required to meet the Alternative 1 control level. Incremental costs to meet the Alternative 2 level over the BACT level would be less since costs to meet the BACT level would be higher than the costs to meet Alternative 1. The total increase in capital cost for all new, modified, or reconstructed plants in 1985 to meet Alternative 2 compared to Alternative 1 is $1.5 million.

The economic impact under Alternative 2 would be minimal. Costs of compliance with the Alternative 2 control levels would result in a price increase for sodium carbonate of one percent (about 66 cents per ton) or less. This increase could be passed on to sodium carbonate consumers without significantly affecting the industry. If the costs were to be absorbed by the producers, the resulting profit reduction would be unlikely to have a major impact on the producer's return on assets.

Based on the reduction in national particulate emissions, the absence of adverse secondary environmental impacts, the minimal energy impacts, and the reasonable economic impact, Alternative 2 was chosen over Alternative 1 as the basis for the standard.

Selection of Format of Proposed Standards

Several different formats for the proposed standard were considered. These included percent control, mass per unit time, mass per unit of production, and concentration.

The percent control format provides a direct measurement of the peformance of the control equipment, but not of emissions. This format would require more costly performance testing since inlet as well as outlet measurements must be made and also would complicate the test because inlet loadings are high and would be more difficult to measure. This format has no overall advantages relative to alternative formats which could be selected. For these reasons, the percent control format was not selected.

A mass per unit time format (e.g., kg/hr) directly monitors the net quantity of pollutants emitted. However, this format would not allow for variations in unit size or production rate and large facilities operating at full production would be penalized relative to smaller facilities or facilities operating at a reduced capacity. For this reason, the mass per unit time format was not selected.

A mass per unit of production format also directly monitors the net quantity of pollutants emitted, but also provides flexibility to allow for variations in unit size, production rate, and process parameters such as changes in air flow rates. Enforcement would be somewhat more complicated than for a mass per unit time or concentration standard since this format requires accurate determination of production rate. However, enforcement would be simpler

than for the percent control format since inlet testing is not needed. This format would require stricter percent control for facilities with higher inlet emission rates.

A concentration format may be somewhat easier to enforce than a mass per unit of production format since production rate must be monitored only to the extent necessary to ensure that the facility is operating near full capacity during tests. Furthermore, vendors of emission control equipment usually guarantee equipment performance in terms of the pollutant concentration in the discharge gas stream. However, there is also a potential for reducing the effectiveness of a concentration standard by diluting the exhaust gases discharged to the atmosphere with excess air, thus lowering the concentration of pollutants emitted but not the total mass emitted. With direct-fired facilities this problem can usually be overcome by correcting the concentration measured in the gas stream to a reference condition such as a specified oxygen or carbon dioxide percentage in the gas stream. However, for steam heated dryers and predryers it would not be possible to correct the concentration to account for dilution by excess air.

The mass per unit of production format was selected as the most suitable format for regulation of particulate emissions from sodium carbonate plants because of its flexibility to allow for variations in unit size, production rates, and air flow rate and its direct relationship to the quantity of particulate emissions. These advantages outweigh the disadvantages associated with the requirement for accurate determination of process weight.

Selection of Numerical Emission Limits

Facilities at three sodium carbonate plants were tested by EPA to evaluate techniques used for controlling particulate emissions and to quantify the emission control levels achieved. Results of these tests are presented in Appendix C of the Background Information Document. Emission limits for each facility were slected based on the demonstrated performance. The proposed standard is based on Alternative 2 because this results in decreased national particulate emissions and does not impose unreasonable economic and environmental impacts.

Visible emission standards are also proposed for each individual facility. These standards will help to ensure the proper operation and maintenance of the control equipment required to meet the mass emission standards. These opacity standards are not intended to be more restrictive than the mass emission standards, but merely to supplement them.

Because of differences in uncontrolled emission rates, gas flow rates, and gas and particle characteristics, all emission points are not controlled to the same emission level. Thus, separate emission limits were set for calciners, bleachers, and dryers. The rationale for selecting each of the emission limits is discussed below.

The proposed emission limit for calciners is 0.11 kg/Mg dry feed and 5 percent opacity. These limits are based on the average of three runs from EPA tests of a coal-fired calciner. Tests conducted by industry showed emissions below the proposed standards. As shown by data in Chapter 3 of the Background Information Document and further discussed in Docket number II-B-16, coal-fired calciners have higher gas flow rates and uncontrolled particulate rates than gas-fired or steam tube calciners and thus represent the more difficult case for emission control. No other factors were found which might affect the relative control capabilities of an ESP on various types of calciners. As shown by the graphs on pages 3–23 and 3–24 of the Background Information Document, particle size analyses indicated no significant difference in the particle size distribution of particulates emitted from coal-fired and gas-fired calciners. Coal-fired and gas-fired calciners used in monohydrate process plants have feeds which come from the same ore deposits and thus have similar chemical compositions. The same chemical reactions occur in the calciners. These factors notwithstanding, data collected by EPA on gas-fired calciners showed emissions exceeding the standard. However, the units tested were older than the coal-fired calciner tested and, as explained later, are not considered to be representative of well-designed and operated control systems.

Calciners used in other natural process sodium carbonate plants (using the sesquicarbonate or direct carbonation process) are not likely to be affected by the proposed standard. No new sesquicarbonate calciners are expected to be built, as discussed in Chapter 3 of the Background Information Document, and exit gas from direct carbonation calciners is recycled to carbonation towers. These calciners which recycle exit gas are exempt from the proposed standard. However, as discussed in Docket number II-B-16, these sesquicarbonate and direct carbonation process calciners would be able to meet the proposed standard. Gas flow rates and uncontrolled particulate emission rates for these calciners are less than those for coal-fired monohydrate process calciners. The particles emitted from any of the calciners consist mostly of sodium carbonate with smaller amounts of uncalcined material and impurities, and emissions from sesquicarbonate or direct carbonation process calciners would not be more difficult to remove than particles from coal-fired monohydrate process calciners. Based on these findings, the Administrator has concluded that the coal-fired calciner tested represents the worst case for emission control and uses the best control technology, and any calciner used in natural process sodium carbonate plants would be capable of meeting the proposed emission level.

The average emission level determined in EPA tests of a coal-fired calciner (including vented dissolver emissions) controlled by a cyclone/ESP was 0.101 kg/Mg dry feed. As discussed in Appendix C of the Background Information Document, the calciner was operated normally at greater than 90 percent of normal operating capacity during these tests. Tests conducted by industry have shown emission levels of 0.014, 0.031, and 0.072 kg/Mg for coal-fired calciners controlled by cyclones/ESP's.

Tests were also conducted by EPA on two gas-fired calciners. Results of these tests are reported in Appendix C of the Background Information Document. These tests indicated emission levels higher than the proposed standards. However, the control equipment used at these calciners does not represent the best available control technology. One of the calciners was controlled by a cyclone in series with an electrostatic precipitator. During the source tests, the first two fields of the four field ESP had low currents and voltages and high spark rates compared to the other two fields. Thus, the test results were not representative of what could be achieved with a properly functioning ESP. The other gas-fired calciner tested was controlled by a cyclone in series with a venturi scrubber. The venturi scrubber was operated with an average pressure drop of about 85 cm (33 in.) of water. At this pressure drop, a venturi scrubber will not achieve a removal efficiency comparable to a four field ESP.

During these EPA source tests, the coal-fired calciner was observed to have zero opacity most of the time. Emissions with zero opacity were observed during 210 minutes of the total observation

period of 330 minutes (64 percent of the time). The maximum 6-minute average opacity level observed during the remainder of the observation period was only 3 percent.

Sodium carbonate plant operating personnel have reported that an intermittent bluish haze has been observed at the exhaust of a few calciners. It is suspected that this haze could be caused by the lightscattering properties of either fine organic aerosol droplets or particulate matter. The blue haze was not visible during the opacity observations made during the source tests, and the opacity standards were not developed with an adjustment for blue haze conditions. Should this haze cause a facility that is meeting the mass emission standard to violate the opacity standard, the owner or operator of such a calciner can petition the Administrator to establish a new opacity standard for that facility.

The procedure is described in 40 CFR 60.11(e).

An emission limit of 0.045 kg/Mg dry product (0.09 lb/ton) and 10 percent opacity is proposed for all types of dryers and predryers. EPA test data indicate that rotary steam tube dryers, fluid bed steam tube dryers, and rotary steam heated predryers can all meet the proposed emission limit. No EPA test data were obtained on direct gas-fired dryers, but this type of dryer is currently in use at only one sodium carbonate plant. Due to projected availability of natural gas, new direct gas-fired dryers are not expected.

Average emission levels determined in EPA source tests were 0.035 kg/Mg dry product for a rotary steam tube dryer controlled by a venturi scrubber, and 0.04 kg/Mg dry product for a fluid bed steam tube dryer controlled by a cyclone/venturi scrubber. As discussed in Appendix C of the Background Information Document, no significant abnormalities in process operation were noted during these tests. During the tests the rotary steam tube dryer was operated at greater than 90 percent of design capacity, and the fluid bed steam tube dryer was operated at greater than 85 but less than 90 percent of design capacity. These operating rates are representative of normal operating practice for the industry. Thus, these test data are representative of emission levels which can be achieved by the industry.

The average emission level determined in EPA source tests of a rotary steam heated predryer controlled by a cyclone and venturi scrubber was 0.026 kg/Mg dry product. Emissions from each of the three test runs were below the 0.045 kg/Mg standard. No significant abnormalities in process operation were noted during the tests, but the operating rate of the predryer during the tests was 60 to 85 percent of design capacity. However, calculations indicate that emissions from predryers operated at greater than 90 percent of design capacity would be 0.04 kg/Mg or less. These calculations are fully set forth in the docket, docket no. II–B–14.

During these EPA source tests the rotary steam tube dryer controlled by a venturi scrubber was observed to have no visible emissions during a total test time of 240 minutes. The rotary steam heated predryer was also observed to have no visible emissions during a total test time of 360 minutes. The fluid bed dryer controlled by a cyclone/venturi scrubber was observed to have no visible emissions greater than 10 percent opacity during 120 minutes of testing. All observed six-minute average opacities were between 6 and 10 percent during the testing.

An emission limit of 0.03 kg/Mg dry feed and 5 percent opacity is proposed for bleachers. The average emission level achieved in EPA tests of a gas-fired bleacher controlled by a cyclone/ESP was 0.021 kg/Mg dry feed. During these EPA source tests the bleacher was observed to have no visible emissions during a total test time of 360 minutes.

The ESP tested by EPA was designed to treat emissions from three bleachers in a single unit. Only two of the bleachers were in operation during the source tests, and these bleachers were operated normally at greater than 65 percent but less than 90 percent of design capacity. However, the actual gas flow rate to the ESP during the source test was more than 90 percent of the design flow rate of the ESP. Since the efficiency of an ESP depends upon the ratio of gas flow rate to plate area (according to the Deutsch Anderson equation), the efficiency measured during these source tests would be comparable to the efficiency that would be achieved by a properly designed Esp at full capacity. Calculations indicate that emissions from the bleachers at full capacity would be 0.026 kg/Mg or less. These calculations are set forth in the docket, docket no. II–B–14.

Modification/Reconstruction Considerations

EPA has reviewed the most likely changes that could occur in sodium carbonate plants which could potentially be modifications. Each of these changes would be made to increase production rate. These changes would be (1) the installation of larger fans on a dryer and (2) the modification of a combustion chamber of a calciner to allow increased fuel consumption. Because a capital expenditure would be required and an increase in particulate emissions would probably result, these would probably be classified as modifications unless emissions were reduced to their former levels. No changes which would be classified as reconstructions are expected to occur.

If potential modifications occur on a calciner or dryer controlled by a venturi scrubber, the scrubber pressure drop could be increased to provide increased particulate removal so that the controlled particulate emission rate would not increase. In this case the change would not subject the facility to the NSPS.

These modifications are not expected to be common. They would occur as part of an expansion where increased throughput would be possible in the remainder of the processing train so that modifying the dryer or calciner to allow increased throughput would increase the production rate of the entire plant process operation.

Another change which could potentially result in a modification is the conversion of an existing gas or oil-fired calciner to coal firing. Because converting the calciner to coal would require the calciner to be derated to a lower production rate, the actual mass rate of emissions from the calciner might not be increased in converting from gas to coal. In that case, the change would not subject the calciner to NSPS. Any increase in emissions above their former levels could potentially subject the calciner to NSPS. Even in the absence of NSPS, emissions would have to be reduced to meet State emission standards. Any additional control cost to further reduce emissions to their former levels would be smaller than the incremental cost for compliance with the NSPS by new facilities.

Selection of Monitoring Requirements

Under Section 114(a) of the Clean Air Act, the Administrator may require the owner or operator of any stationary emission source to install, use, and maintain monitoring equipment or methods. EPA has exercised this authority in the standards of performance for several source categories by requiring the monitoring of pollutant emissions or parameters that are indicators of pollutant emissions. The requirements for continuous monitoring are necessary to determine if a control device is being properly operated and maintained. It also aids in determining when and if a performance test should be required.

Opacity monitoring systems are perhaps the most reasonable and

effective means of determining proper operation and maintenance of cyclone/ESP and fabric filter emission control systems. Results of opacity monitoring are not used to judge compliance with particulate matter or opacity standards. However, if high opacity readings are recorded, they would be justification for requiring performance tests using Method 5 or Method 9 to demonstrate compliance. The opacity monitoring systems are substantially less costly and more easily applied than periodic mass emissions tests for particulate matter. Therefore, the use of a continuous opacity monitoring system is proposed as a requirement.

Entrained water droplets can prevent the accurate measurement of opacity of the gas from wet scrubber systems. However, monitoring the pressure drop across the scrubber and the fluid flow rate to the scrubber are reasonable and effective means of determining proper operation and maintenance of wet scrubbers. The scrubbing fluid flow rate may be monitored by measuring either the scrubbing fluid supply pressure or by measuring the scrubbing fluid supply flow rate directly. If the scrubbing fluid supply pressure is monitored, the pressure sensor must be located at a point where there are no valves between it and the scrubber. Thus, at facilities with wet scrubber systems the proposed regulation would require monitoring of scrubber pressure drop and scrubbing fluid flow rate or supply pressure rather than monitoring of opacity.

Monitoring records must be maintained to be used in preparing quarterly excess emission reports and so that they will be available for review by enforcement personnel. Excess opacity measurements must be reported or, when opacity monitoring is not applicable, any one hour period for which the average scrubber pressure drop or scrubbing fluid flow rate is less than 90 percent of the average level maintained during the most recent performance test in which the facility demonstrated compliance with the particulate standard must be reported.

Selection of Performance Test Methods

The use of EPA Reference Method 5, "Determination of Particulate Emissions from Stationary Sources" (Appendix A, 40 CFR 60, **Federal Register**, December 2, 1971) is required to determine compliance with the mass standards for particulate matter emissions. Results of performance tests using Method 5 conducted by EPA at three existing sodium carbonate plants comprise a major portion of the data base used in the development of the proposed standard. EPA Reference Method 5 has been shown to provide a representative measurement of particulate matter emissions, and would be used for determining compliance with the proposed standards.

Calculations applicable under Method 5 necessitate the use of data obtained from three other EPA test methods conducted previous to the performance of Method 5. Method 1, "Sample and Velocity Traverse for Stationary Sources" must be conducted in order to obtain representative measurements of pollutant emissions. The average gas velocity in the exhaust stack is measured by conducting Method 2, "Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube)." The analysis of gas composition is measured by conducting Method 3, "Gas Analysis for Carbon Dioxide, Oxygen, Excess Air, and Dry Molecular Weight." These three tests provide data necessary in Method 5 for converting volumetric flow rate to mass flow rate. In addition, Method 4, "Determination of Moisture Content in Stack Gases" is suggested as a better choice for determination of moisture content than the estimation procedure under Method 5.

All observations for determining compliance with opacity standards would be made in accordance with the procedures established in EPA Method 9 for stack emissions. This method requires that a six-minute average of opacity observations rather than any single observation be used to determine compliance.

Since the proposed standards are expressed as mass of emissions per unit mass of feed to or product from a facility, it would be necessary to quantify the mass rate of the feed or the product. The proposed regulation would require that weigh scales be installed at the feed end of calciners and bleachers and at the product end of dryers and predryers unless the owner or operator of the source can present a method for indirectly calculating these feed or product rates to an accuracy which the Administrator determines is satisfactory.

Impacts of Reporting Requirements

The proposed standards will require reports for notification of construction, anticipated start-up, actual initial start-up, and physical or operational changes. In addition, a performance test to determine compliance and a demonstration of a continuous monitoring system will be required for each emission source. Reports giving notification prior to these tests and a report of the tests will be required. Excess emission reports will be required four times a year. The operator will be required to maintain records of any start-ups, shut-downs, and malfunctions of the control equipment or the continuous monitoring system. A file of all measurements as described in § 60.7(d) of the General Provisions must also be maintained.

The total labor requirements for all respondents to collect and prepare the required data during the first five years of the standard is approximately 8,446 hours.

Public Hearing

A public hearing will be held to discuss the proposed standards in accordance with Section 307(d)(5) of the Clean Air Act. Persons wishing to make oral presentations should contact EPA at the address given in the ADDRESSES section of this preamble. Oral presentations will be limited to 15 minutes each. Any member of the public may file a written statement before, during, or within 30 days after the hearing. Written statements should be addressed to the Central Docket Section address given in the ADDRESSES section of this preamble.

A verbatim transcript of the hearing and written statements will be available for public inspection and copying during normal working hours at EPA's Central Docket Section in Washington, D.C. (see ADDRESSES section of the preamble).

Docket

The docket is an organized and complete file of all the information submitted to or otherwise considered in the development of this proposed rulemaking. The principal purposes of the docket are (1) to allow interested parties to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process, and (2) to serve as the record in case of judicial review.

Miscellaneous

As prescribed by Section 111, establishment of standards of performance for natural process sodium carbonate plants was preceded by the Administrator's determination (40 CFR 60.16, 44 FR 49222, dated August 21, 1979) that these sources contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. In accordance with Section 117 of the act, publication of this proposal was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies. The Administrator will welcome comments on all aspects of the proposed regulation, including economic and

technological issues, and on the proposed test methods.

Comments are also specifically invited on the ability of calciners to meet the opacity standard during periods when the blue haze is visible. Any comments submitted to the Administrator on this issue, however, should contain specific information and data pertinent to an evaluation of the magnitude and severity of its impact and suggested alternative courses of action that would avoid this impact.

It should be noted that standards of performance for new sources established under Section 111 of the Clean Air Act reflect:

> . . . application of the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, and nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated [Section 111(a)(1)].

Although there may be emission control technology available that can reduce emissions below those levels required to comply with standards of performance, this technology might not be selected as the basis of standards of performance due to costs associated with its use. Accordingly, standards of performance should not be viewed as the ultimate in achievable emission control. In fact, the Act requires (or has the potential for requiring) the imposition of a more stringent emission standard in several situations.

For example, applicable costs do not necessarily play as prominent a role in determining the "lowest achievable emission rate" for new or modified sources locating in nonattainment areas, i.e., those areas where statutorily-mandated health and welfare standards are being violated. In this respect, Section 173 of the Act requires that new or modified sources constructed in an area which exceeds the National Ambient Air Quality Standard (NAAQS) must reduce emissions to the level which reflects the "lowest achievable emission rate" (LAER), as defined in Section 171(3) for such category of source. The statute defines LAER as the rate of emissions based on the following, whichever is more stringent:

> (A) the most stringent emission limitation which is contained in the implementation plan of any State for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or
>
> (B) the most stringent emission limitation which is achieved in practice by such class or category of source.

In no event can the emission rate exceed any applicable new source performance standard (Section 171(3)).

A similar situation may arise under the prevention of significant deterioration of air quality provisions of the Act (Part C). These provisions require that certain sources (referred to in Section 169(1)) employ "best available control technology" (BACT) as defined in Section 169(3) for all pollutants regulated under the Act. Best available control technology must be determined on a case-by-case basis, taking energy, environmental and economic impacts and other costs into account. In no event may the application of BACT result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard established pursuant to Section 111 (or 112) of the Act.

In all events, State implementation plans (SIP's) approved or promulgated under Section 110 of the Act must provide for the attainment and maintenance of NAAQS designed to protect public health and welfare. For this purpose, SIP's must in some cases require greater emission reduction than those required by standards of performance for new sources.

Finally, States are free under Section 116 of the Act to establish even more stringent emission limits than those established under Section 111 or those necessary to attain or maintain the NAAQS under Section 110. Accordingly, new sources may in some cases be subject to limitations more stringent than standards of performance under Section 111, and prospective owners and operators of new sources should be aware of this possibility in planning for such facilities.

This regulation will be reviewed four years from the date of promulgation as required by the Clean Air Act. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, and improvements in emission control technology.

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment for any new source standard of performance promulgated under Section 111(b) of the Act. An economic impact assessment was prepared for the proposed regulations and for other regulatory alternatives. All aspects of the assessment were considered in the formulation of the proposed standards to insure that the proposed standards would represent the best system of emission reduction considering costs. The economic impact assessment is included in the Background Information Document.

Dated: October 6, 1980.

Douglas M. Costle,

Administrator.

It is proposed to amend 40 CFR Part 60 as follows:

1. By adding Subpart II to the Table of Sections as follows:

* * * * *

Subpart II—Standards of Performance for Sodium Carbonate Plants

Sec.
60.350 Applicability and designation of affected facility.
60.351 Definitions.
60.352 Standard for particulate matter.
60.353. Monitoring of emissions and operations.
60.354 Test methods and procedures.

Authority: Sec. 111 and 301(a) of the Clean Air Act, as amended, [42 U.S.C. 7411, 7601(a)], and additional authority as noted below.

2. By adding Subpart II as follows:

Subpart II—Standards of Performance for Sodium Carbonate Plants

§ 60.350 Applicability and designation of affected facility.

(a) The provisions of this subpart are applicable to the following affected facilities used in natural process sodium carbonate plants: dryers, predryers, bleachers, and calciners, except for those calciners for which all of the calciner exhaust gas is finally ducted through carbonation towers before being exhausted to the atmosphere.

(b) Any facility under paragraph (a) of this section that commences construction, modification, or reconstruction after [date of proposal] is subject to the requirements of this subpart.

§ 60.351 Definitions.

"Bleacher" means a unit in which a feed material is bleached by heating the feed material along with a bleaching agent to chemically remove discoloring impurities.

"Calciner" means a unit in which a feed material is heated to evolve carbon dioxide (CO_2) and water, or in which a feed material is heat-densified to produce a higher density product.

"Carbonation tower" means a unit in which carbon dioxide is absorbed into an aqueous feed stream to convert carbonate to bicarbonate.

"Dryer" means any unit, including predryers, in which the moisture content of a feed material is reduced by the direct or indirect application of heat.

"Natural process sodium carbonate plant" means a manufacturing facility

that produces sodium carbonate by processing any naturally occurring ore or brine which contains sodium sesquicarbonate ($Na_2CO_3 \cdot NaHCO_3 \cdot 2H_2O$), sodium bircarbonate ($NaHCO_3$), or sodium carbonate ($Na_2CO_3$).

"Predryer" means a specific type of dryer used to dry ore or brine precipitate prior to its calcination.

§ 60.352 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any calciner, any gases which—

(1) Contain particulate matter in excess of 0.11 kg per megagram of dry calciner feed (0.22 lb/ton); or

(2) Exhibit greater than 5 percent opacity.

(b) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any dryer, any gases which—

(1) Contain particulate matter in excess of 0.045 kg per megagram of dry product exiting the dryer (0.09 lb/ton); or

(2) Exhibit greater than 10 percent opacity.

(c) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any bleacher, any gases which—

(1) Contain particulate matter in excess of 0.03 kg per megagram of dry bleacher feed (0.06 lb/ton); or

(2) Exhibit greater than 5 percent opacity.

§ 60.353 Monitoring of emissions and operations.

(a) The owner or operator of any affected claciner, dryer, or bleacher shall install, calibrate, maintain, and operate a continuous monitoring system, except as provided in paragraph (b) of this section, to monitor and record the opacity of the gases discharged into the atmosphere from any affected facility. The span of this system shall be set at 40 percent opacity.

(b) The owner or operator of any affected facility using a wet scrubbing emissions control device shall not be subject to the requirements of paragraph (a) of this section, but shall install, calibrate, maintain, and operate the following continuous monitoring devices:

(1) A monitoring device for the continuous measurement of the pressure loss of the gas stream through the scrubber. The monitoring device must be certified by the manufacturer to be accurate within ±250 pascals (±1 inch water) gauge pressure.

(2) A monitoring device for the continuous measurement of the scrubbing liquid flow or supply pressure to the control device. The monitoring device must be accurate within ±5 percent of design scrubbing liquid flow or supply pressure. The monitoring device must be located at a point where there are no valves between the monitoring device and the control device.

(c) For the purpose of conducting a performance test under § 60.8, any owner or operator subject to the provisions of this subpart shall install, calibrate, maintain, and operate a device for measuring the weight of material fed to any affected calciner or bleacher and the weight of product material from any affected dryer. The measuring device used must be accurate to within ±5 percent of the mass rate over the normal operating range of the calciner, bleacher, or dryer. The Administrator may exempt any owner or operator from this requirement if the owner or operator can present a method for indirectly calculating these feed or product rates to an accuracy which the Administrator determines is satisifactory.

(d) For the purpose of reports required under § 60.7(c), periods of excess emissions that shall be reported are defined as all six-minute periods during which the average opacity of the plume from any affected facility subject to paragraph (a) of this subpart exceeds the limits specified under § 60.352 of this part.

(e) Any owner or operator subject to requirements under paragraph (b) of this section shall report for each calendar quarter all measurement results with hourly averages that are less than 90 percent of the average levels maintained during the most recent performance test conducted under § 60.8 in which the affected facility demonstrated compliance with the standard under § 60.352 of this part. (Sec. 114, Clean Air Act as amended (42 U.S.C. 7414).)

§ 60.354 Test methods and procedures.

(a) Reference methods in Appendix A of this part, except as provided under § 60.8(b) shall be used to determine compliance with § 60.352 as follows:

(1) Method 5 for the measurement of particulate matter and associated moisture content,

(2) Method 1 for sample and velocity traverses,

(3) Method 2 for velocity and volumetric flow rates,

(4) Method 3 for gas analysis, and

(5) Method 9 for the measurement of the opacity of emissions.

(b) For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sampled volume shall be at least 1.0 dscm (28 dscf) except that shorter sampling times and smaller sample volumes, when necessitated by process variables or other factors, may be approved by the Administrator.

(c) For each run, average feed or product rates in megagrams per hour shall be determined using a device meeting the requirements of § 60.353(c) or by an indirect method approved by the Administrator under the requirements of § 60.353.

(d) For each run, emissions expressed in kilograms per megagram of feed or product shall be determined using the following equation:

$$E = \frac{(C_s Q_s) 10^{-6}}{M}$$

where:

E = Emissions of particulates in kilograms per megagrams of feed or product,

C_s = Concentration of particulates in mg/dscm as measured by Method 5,

Q_s = Volumetric flow rate in dscm per hour as determined by Method 2,

10^{-6} = Conversion factor for milligrams to kilograms, and

M = Average dry feed or product rate in megagrams per hours.

(Sec. 114, Clean Air Act as amended (42 U.S.C. 7414))

[FR Doc. 80-32086 Filed 10-14-80; 8:45 am]

BILLING CODE 6560-26-M

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Federal Register

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Wednesday, October 15, 1980

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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

COMMODITY FUTURES TRADING COMMISSION

58514 9–4–80 / Delegation of authority to certain members of its staff to disclose confidential information

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

61610 9–17–80 / Disclosed estimation methodology approach for determination of volumes of natural gas used for exempt purposes under the Incremental Pricing Program

INTERIOR DEPARTMENT

Fish and Wildlife Service—

44935 7–2–80 / Listing of Oregon silverspot butterfly as threatened species with critical habitat

Surface Mining Reclamation and Enforcement Office—

61259 9–15–80 / Surface coal mining reclamation operations initial regulatory program: Anthracite Coal Mines

TRANSPORTATION DEPARTMENT

Coast Guard—

60913 9–15–80 / Low specific activity radioactive material

Deadlines for Comments On Proposed Rules for the Week of October 19 through October 25, 1980

ACTION

Peace Corps—

62512 9–19–80 / Volunteer discrimination complaint procedure; comments by 10–20–80

AGRICULTURE DEPARTMENT

Agricultural Stabilization and Conservation Service—

64594 9–30–80 / 1981 National marketing quotas for flue-cured tobacco; comments by 10–24–80

66469 10–7–80 / 1981 Peanut Program; proposed determination regarding national acreage allotments and poundage quotas; comments by 10–24–80

COMMERCE DEPARTMENT

Economic Development Administration—

55420 8–20–80 / Implementation of National Environmental Policy Act; comments by 10–20–80

National Oceanic and Atmospheric Administration—

59914 9–11–80 / Groundfish of the Gulf of Alaska; approval of fishery management plan amendments; comments by 10–20–80

DEFENSE DEPARTMENT

Office of the Secretary—

63004 9–23–80 / Privacy Act of 1974; comments by 10–23–80

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

65605 10–3–80 / Energy Conservation Program for Consumer Products; revised version of certification/enforcement approach for energy efficiency standards; comments by 10–20–80

63822 9–25–80 / Municipal Waste Energy Price Support Loan Program; comments by 10–20–80

Economic Regulatory Administration—

62090 9–18–80 / Calculation for the cost of using alternate fuels under the Powerplant and Industrial Fuel Use Act of 1978; comments by 10–20–80

Federal Energy Regulatory Commission—

61641 9–17–80 / Amendment to filing requirements for interstate pipelines respecting incurrence of production, production-related, and non-allocable costs; comments by 10–24–80

66812 10–8–80 / Ceiling prices; high cost natural gas produced from tight formations; comments by 10–23–80

65606–65608 10–3–80 / High-cost gas produced from tight formations; designation of certain Colorado formations (3 documents); comments by 10–23–80

63296 9–24–80 / Revision of Annual Report for electric utilities, licensees and others (Classes A and B); Form No. 1; extension of comment period until 10–20–80

[*See also* 45 FR 47705, 7–16–80]

61643 9-17-80 / Special Rule Under Part 270: Production costs and maximum lawful prices in sales under the Natural Gas Policy Act of 1978; comments by 10-24-80

Office of the Secretary—

63292 9-24-80 / Criteria and procedures for determining eligibility for access to classified matter or significant quantities of special nuclear material; correction to nomenclature; comments by 10-24-80

ENVIRONMENTAL PROTECTION AGENCY

65632 10-3-80 / Air quality, ozone; designation of attainment status for areas east of the Mississippi River; comments by 10-22-80

62850 9-22-80 / Approval and promulgation of implementation plans: Missouri; comments by 10-22-80

56369 8-25-80 / Approval of revision to New York State Implementation Plan; comments by 10-24-80

59180 9-8-80 / California; Federal assistance limitations; comments by 10-23-80

59343 9-9-80 / Consolidated permit regulations; criteria for new source determination; comments by 10-24-80

49256 7-24-80 / Fuel economy of motor vehicles; inclusion of electric vehicles in CAFE; comments by 10-22-80

62851 9-22-80 / Gasoline-fueled heavy-duty vehicles, evaporative emission regulation and test procedure; comments extended to 10-22-80

[*See also* 45 FR 28922, 4-30-80]

58383 9-3-80 / Inorganic chemicals manufacturing point source category effluent limitations guidelines, pretreatment standards and new source performance standards; comments by 10-22-80

62163 9-18-80 / Kentucky Part D Particulate State Implementation Plan; comments period extended to 10-20-80

[*See also* 44 FR 65781, 11-15-80]

63004 9-23-80 / Michigan State Implementation Plan, State and Federal Administrative Orders Revision; comments by 10-23-80

63514 9-25-80 / Motor vehicle pollution control; waiver of carbon monoxide emission standards; comments by 10-24-80

55482 8-20-80 / New York state implementation plans; revision; comments by 10-20-80

62821 9-22-80 / Phenosulfonic acid-formaldehyde-Urea Condensate, exemption from tolerances for pesticide chemicals in or on raw agricultural commodities; objections by 10-22-80

56374 8-25-80 / Proposed designation of ocean dumping site; for fish cannery wastes originating in American Samoa; comments by 10-24-80

63300 9-24-80 / Proposed revision of Virginia State Implementation Plan; comments by 10-24-80

62509 9-19-80 / Water pollution control; innovative technology; use by industries under national pollutant discharge elimination system; comments by 10-20-80

FARM CREDIT ADMINISTRATION

55213 8-19-80 / Proposed statement of policy—National Environmental Policy Act; comments by 10-20-80

FEDERAL COMMUNICATIONS COMMISSION

56116 8-22-80 / Amendment of broadcast equal employment opportunity rules and FCC Form 395; comments period extended to 10-24-80

[Originally published at 45 FR 42729, 6-25-80]

58620 9-4-80 / FM broadcast stations in Columbia and Monroe City, Mo.; proposed changes in table of assignments; comments by 10-21-80

52843 8-8-80 / FM broadcast station in Greybull, Wyo.; proposed changes in table of assignments, reply comments by 10-20-80

52846 8-8-80 / FM broadcast station in Hugoton, Kans.; proposed changes in table of assignments; reply comments by 10-20-80

59908 9-11-80 / FM broadcast stations in Kennewick and Richland, Wash.; changes in table of assignments; comments by 10-24-80

58618 9-4-80 / FM broadcast station in North Mankato, Minn.; proposed changes in table of assignments; comments by 10-21-80

58617 9-4-80 / FM broadcast station in Owingsville, Ky., proposed changes in table of assignments; comments by 10-21-80

52845 8-8-80 / FM broadcast station in Ogallala, Nebr.; proposed changes in table of assignments; reply comments by 10-20-80

58626 9-4-80 / FM broadcast station in Orem, Utah; proposed changes in table of assignments; comments by 10-21-80

55241 8-19-80 / FM broadcast station in Pasco, Wash.; table of assignments; reply comments by 10-23-80

52848 8-8-80 / FM broadcast station in Petersburg, Ill.; proposed changes in table of assignments; reply comments by 10-20-80

58615 9-4-80 / FM broadcast station in Rifle, Colorado; proposed changes in table of assignments; comments by 10-21-80

63304 9-24-80 / FM broadcast station in Uvalde, Crystal City, and Pearsall, Tex.; proposed changes in table of assignments; reply comments by 10-20-80

[*See also* 45 FR 50373, 7-29-80]

59361 9-9-80 / FM broadcast station in Walker, Minn.; changes in table of assignments; comments by 10-24-80

64995 10-1-80 / FM broadcast stations in Yakima and Ellensburg, Wash.; reply comments by 10-23-80

[*See also* 45 FR 43812, 6-30-80]

58150 9-2-80 / 9 kHz channel spacing for AM broadcasting; reply comments by 10-21-80

40192 6-13-80 / Permitting facsimile and television transmission in additional frequency band; reply comments by 10-22-80

FEDERAL DEPOSIT INSURANCE CORPORATION

52819 8-8-80 / Public access to application files; comments by 10-20-80

FEDERAL HOME LOAN BANK BOARD

55750 8-21-80 / Mutual Capital certificates; issuance procedures; comments by 10-20-80

57728 8-29-80 / Trust powers authorization; comments by 10-21-80

FEDERAL RESERVE SYSTEM

56818 8-26-80 / Equal credit opportunity; consideration of income; disclosure of reasons for adverse action; comments by 10-20-80

63295 9-24-80 / Truth in lending; proposed official staff interpretation; comments by 10-24-80

FEDERAL TRADE COMMISSION

56070 8-22-80 / Credit practices; publication of staff report on proposed trade regulation rule; comments by 10-21-80

67359 10-10-80 / Trade regulation proceedings; oral presentation before commission and communications with commissioners and staffs; comments by 10-20-80

55219 8-19-80 / Universal Bodybuilding, Inc. et al.; consent agreement with analysis to aid public comment; comments by 10-20-80

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service—

55769 8-21-80 / Federal advisory committee management; comments by 10-20-80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Health and Human Services Department.

Food and Drug Administration—

26977 4–22–80 / Diluents for cosmetic color additive mixtures; intent to propose regulations; comments by 10–20–80

HEALTH AND HUMAN SERVICES DEPARTMENT

See also Health, Education, and Welfare Department.

Food and Drug Administration—

62978 9–23–80 / D & C Violet No. 2; listing of color additives subject to certification; objections by 10–23–80

56075 8–22–80 / Sulfones; Bioequivalence requirements; comments by 10–21–80

Social Security Administration—

56074 8–22–80 / Recovery of black lung overpayments from benefits due survivors; comments by 10–21–80

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of the Secretary—

55223 8–19–80 / Siting of HUD-assisted projects near hazardous operations handling conventional fuels or chemicals of an explosive or flammable nature; comments by 10–20–80

INTERIOR DEPARTMENT

Fish and Wildlife Service—

64520 9–29–80 / Proposed findings for export of bobcat, lynx, river otter, Alaskan brown bear, and Alaskan gray wolf taken in 1980–81 season; comments by 10–24–80

Indian Affairs Bureau—

62151, 62154 9–18–80 / Procedures for preparation, certification, and approval of a membership roll of Delaware Indians of western Oklahoma; comments by 10–20–80 (2 documents)

INTERSTATE COMMERCE COMMISSION

63012 9–23–80 / Railroad consolidation procedures; comments by 10–23–80

LABOR DEPARTMENT

Mine Safety and Health Administration—

56312 8–22–80 / Definition of signaling device, removal of design restriction requirement; comments by 10–21–80

56308 8–22–80 / Electrical components and headlights for mobile diesel-powered transportation equipment; comments by 10–21–80

Wage and Hour Division, Employment Standards Administration—

63880 9–26–80 / Service Contract Act; labor standards for Federal service contracts; comments period extended to 10–24–80

[*See also* 44 FR 77036, 12–28–79; 45 FR 34877, 5–23–80; 45 FR 42332, 6–24–80; 45 FR 49628, 7–25–80]

SECURITIES AND EXCHANGE COMMISSION

64599 9–30–80 / Proposed increase in filing fee for associated persons of nonmember broker-dealers and automation of SECO examination; comments by 10–24–80

SMALL BUSINESS ADMINISTRATION

55468 8–20–80 / Clarification of eligibility for Section 8(a) Program; comments by 10–20–80

55468 8–20–80 / Proposed changes to regulations governing Small Business Investment Company Program; comments by 10–20–80

TRANSPORTATION DEPARTMENT

Coast Guard—

48826 7–21–80 / Puget Sound Vessel Traffic Service Area; comments by 10–20–80

48827 7–21–80 / Tank vessel operations–Puget Sound; comments by 10–20–80

Federal Aviation Administration—

59295 9–8–80 / Operations review program; comments by 10–23–80

Federal Highway Administration—

56355 8–25–80 / Forest highways; administration and construction provisions; comments by 10–24–80

55763 8–21–80 / Selection of pavement type; comments by 10–20–80

TREASURY DEPARTMENT

Customs Service—

55474 8–20–80 / U.S. and Canada in-transit truck procedures; comments by 10–20–80

Internal Revenue Service—

55764 8–21–80 / Administrative summonses, comments by 10–20–80

VETERANS ADMINISTRATION

56082 8–22–80 / Confidentiality of certain medical records; proposed regulatory development; comments by 10–21–80

WAGE AND PRICE STABILITY COUNCIL

63462 9–24–80 / Anti-inflationary price standards; interim rules; comments by 10–20–80

Deadlines for Comments On Proposed Rules for the Week of October 26 through November 1, 1980

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

57700 8–29–80 / Specifically approved States to receive stallions imported from CEM-affected countries; comments by 10–28–80

CIVIL AERONAUTICS BOARD

64864 9–30–80 / Filing of tariffs and payment of commissions to air freight forwarders and foreign air freight forwarders; comments by 10–30–80

COMMERCE DEPARTMENT

International Trade Administration—

57116 8–27–80 / Extension of validity period for export licenses; clarification of effect of amendment applications; comments by 10–27–80

National Oceanic and Atmospheric Administration—

60457 9–12–80 / Atlantic Mackerel Fishery Management Plan, reserve allocation and foreign fishing; comments by 10–27–80

65642 10–3–80 / Foreign fishing; trawl and herring gillnet fisheries of the Eastern Bering Sea and Northeast Pacific Ocean; comments by 10–31–80

60957 9–15–80 / Precious corals fishery, proposed regulations; comments by 10–30–80

EDUCATION DEPARTMENT

Bilingual Education and Minority Language Affairs Office—

60382 9–11–80 / Federal financial assistance to meet special educational needs of refugee children and to enhance their transition into American society; comments by 10–27–80

ENERGY DEPARTMENT

Economic Regulatory Administration—

57138 8–27–80 / Amendments to normal business practices rule; comments by 10–27–80

58788 9–4–80 / Motor gasoline allocation; adjustments and downward certification; comments by 10–31–80

Federal Energy Regulatory Commission—

66811 10–8–80 / First sale regulation under Natural Gas Policy Act; ceiling prices; comments by 11–1–80

ENVIRONMENTAL PROTECTION AGENCY

48510 7–18–80 / Acrylamides Response to the Interagency Testing Committee; comments by 10–31–80

65628 10–3–80 / Air quality implementation plan, Illinois; comment period extended to 10–31–80

[*See also* 45 FR 50825, 7–31–80]

64219 9-29-80 / Approval and promulgation of State plans for designated facilities and pollutants, New Jersey and Virgin Islands; comments by 10-29-80

48524 7-18-80 / Chloromethane and chlorinated benzenes proposed test rule; amendment to proposed health effects standards; comments by 10-31-80

56845 8-26-80 / Discretionary authority and State Implementation Plan Revisions; comments by 10-27-80

48512 7-18-80 / Exemptions for test rules; proposed statement of policy and procedures; comments by 10-31-80

63886 9-26-80 / Idaho State air quality Implementation Plan, proposed revision; comments by 10-27-80

63302 9-24-80 / Louisiana; submission of interim Authorization Plan, Phase I, Hazardous Waste Management Program; comments by 10-30-80

63887 9-26-80 / Ohio air quality control, attainment status designations; comments by 10-27-80

57461 8-28-80 / Pesticide chemicals in or on raw agricultural commodities; parsnips, rutabagas and upland cress; comments by 10-29-80

63888-63889 9-26-80 / Pesticide chemicals in or on raw agricultural commodities; proposed tolerances for O,O-dimethyl S-[(4-oxo-1,2,3-benzotriazin-3 (4H)-yl)]methyl phosphorodithioate and thiabendazole; comments by 10-27-80

64214 9-29-80 / Proposed revision of the Virginia State Implementation Plan; comments by 10-29-80

62170 9-18-80 / Submission for approval of Interim Authorization Plan, Phase I, Arkansas; comments by 10-27-80

59598 9-10-80 / Water quality standards; navigable waters of the Commonwealth of Kentucky; comments by 10-27-80

FEDERAL COMMUNICATIONS COMMISSION

51252 8-1-80 / Amending rules regarding the multipoint distribution service; reply comments extended to 10-27-80

55237 8-19-80 / FM broadcast station in Wray, Colo.; table of assignments; reply comments by 10-27-80

55240 8-19-80 / FM broadcast station in Smithfield, Utah; table of assignments; reply comments by 10-27-80

55238 8-19-80 / FM broadcast station in Spokane Wash.; table of assignments; reply comments by 10-27-80

55239 8-19-80 / FM broadcast station in Ladysmith, Wis.; table of assignments; reply comments by 10-27-80

55243 8-19-80 / Representation of stations by representatives owned by competing stations in the same area; reply comments by 10-31-80

FEDERAL MARITIME COMMISSION

57152 8-27-80 / Time/volume rate contracts; tariff filing regulations applicable to carriers and conferences in the foreign commerce of the United States; comments by 10-27-80

FEDERAL TRADE COMMISSION

47705 7-16-80 / Food advertising; methods useful to consumers; comments by 11-1-80

[Originally published at 45 FR 23705, 4-8-80]

59588 9-10-80 / Rules for using energy cost and consumption information used in labeling and advertising of consumer appliances under the Energy Policy and Conservation Act; comments by 10-27-80

[*See also* 45 FR 53340, 8-11-80]

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

56823 8-26-80 / Canned peaches; standards of identity and quality; comments by 10-27-80

64601 9-30-80 / Establishment of registration and product listing for manufacturers of human blood and blood products; exemption of certain transfusion services and clinical laboratories from registration; comments by 10-30-80

63836 9-26-80 / Ice cream and frozen custard identity standards; label declaration of color additive FD&C yellow No. 5; objections by 10-27-80

57735 8-29-80 / Oligosaccharide, peptide, and certain other antibiotic drugs; comments by 10-28-80

[Corrected at 45 FR 65618, 10-3-80]

64569 9-30-80 / Penicillin antibiotic drugs; Amoxicillin Trihydrate chewable tablets; comments by 10-30-80

56832 8-26-80 / Phenothiazine products; bioequivalence requirements; comments by 10-27-80

[Corrected at 45 FR 63002, 9-23-80]

Health Care Financing Administration—

57150 8-27-80 / Medicare; ambulance service; comments by 10-27-80

HOUSING AND URBAN DEVELOPMENT

Community Planning and Development, Office of the Assistant Secretary—

56839 8-26-80 / Community Development Block Grants; grant administration requirements for use of eseron accounts for property rehabilitation loans and grants; comments by 10-27-80

Federal Housing Commissioner—Office of Assistant Secretary for Housing—

57444 8-28-80 / Minimum property standards; plastic drain waste and vent pipe and fittings, acrylonitrile-butadiene-styrene and poly (vinyl chloride); proposed revision of use of materials Bulletin No. 79; comments by 10-27-80

56800 8-26-80 / Mutual mortgage insurance and insured home improvement loans; condition of property—adjustment for damage or neglect; comments by 10-27-80

Office of the Secretary—

57437 8-28-80 / Mortgagee Review Board; flexibility in administrative actions; comments by 10-27-80

57440 8-28-80 / Procedures for appeals proceedings before hearing officers; comments by 10-27-80

INTERIOR DEPARTMENT

Fish and Wildlife Service—

59914 9-11-80 / Federal aid in fish and wildlife restoration; correction to proposed revisions to regulations; comments by 10-31-80

[*See also* 45 FR 57471, 8-28-80]

Indian Affairs Bureau—

64960 10-1-80 / San Carlos Indian River Project, Arizona; revision of power rates; comments by 10-31-80

National Park Service—

63884 9-26-80 / Blue Ridge Parkway, Va.-N.C.; snowmobile regulations; comments by 10-27-80

Surface Mining Reclamation and Enforcement Office—

64604 9-30-80 / Abandoned mines lands reclamation program; comments by 10-29-80

64961 10-1-80 / Procedures and criteria for approval or disapproval of State program submissions; comments by 10-31-80

INTERSTATE COMMERCE COMMISSION

61333 9-16-80 / Elimination of gateway restrictions and circuitous route limitations; comments by 10-31-80

61337 9–16–80 / Food transportation; operating authority for motor carrier owner-operators; reporting and filing requirements; comments by 10–31–80

61326 9–16–80 / Removal of restrictions from authorities of motor carriers of property; comments by 10–31–80

56849 8–26–80 / Traffic protective conditions in railroad consolidation proceedings; comments by 10–30–80

JUSTICE DEPARTMENT

Immigration and Naturalization Service—

57432 8–28–80 / Alien orphan children; filing of immigrant petitions to classify as immediate relatives; adoptive relationships requirements; comments by 10–27–80

58131 9–2–80 / Requirements for written notice of parole termination; reference to Form I–122; comments by 10–31–80

LABOR DEPARTMENT

Occupational Safety and Health Administration—

58881 9–5–80 / Access to employee exposure and medical records in agricultural employments; comments period extended to 10–31–80

[Originally published at 45 FR 35298, 5–23–80]

63476 9–24–80 / Lead exposure; reopening of rulemaking record; comments by 10–27–80

Pension and Welfare Benefit Program Office—

56843 8–26–80 / Reporting and disclosure for short plan years; comments by 10–28–80

[Corrected at 45 FR 62518, 9–19–80]

NUCLEAR REGULATORY COMMISSION

50613 7–30–80 / Nuclear facilities; correction and improvement of regulation and operation; action plan; comments by 10–28–80

POSTAL SERVICE

63885 9–26–80 / Special (nonprofit) bulk Third-Class mail rates, application procedures; comments by 10–27–80

SMALL BUSINESS ADMINISTRATION

59587 9–10–80 / Small business size standards; revision to method of establishing size standards and definitions of small business; comments by 10–27–80

[*See also* 45 FR 15442, 3–10–80]

STATE DEPARTMENT

Consular Affairs Bureau—

59175 9–8–80 / Validity, termination, and replacement of Visa; comments by 10–31–80

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

57688 8–28–80 / Aircraft products and parts: Type certificates design and procedural standards; comments by 10–27–80

57684 8–28–80 / Flight crew members; elimination of duties and activities not required for safe operation of aircraft; comments by 10–27–80

57694 8–28–80 / Flight data recorder and cockpit voice recorder tapes; FAA access to; comments by 10–27–80

Federal Highway Administration—

57676 8–28–80 / Motor carriers, minimum levels of financial responsibility; comments by 10–27–80

[Corrected at 45 FR 59177, 9–8–80]

50728 7–31–80 / Wetlands, privately owned; evaluation and mitigation of environmental impacts; comments by 10–29–80

National Highway Traffic Safety Administration—

57466 8–28–80 / Motor vehicle safety standards; new pneumatic tires for passenger cars; comments by 10–27–80

Research and Special Programs Administration—

54097 8–14–80 / Hazardous materials; aluminum cylinders (DOT 3AL Seamless); specifications and usage requirements; comments by 11–1–80

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

57745 8–29–80 / Cases and bulk containers of distilled spirits, wine or beer; export markings; comments by 10–28–80

Internal Revenue Service—

57739 8–29–80 / Imputed interest rates; comments by 10–28–80

56840 8–26–80 / Set-asides made by private foundations; comments by 10–27–80

Next Week's Meetings

AGRICULTURAL DEPARTMENT

Forest Service—

59930 9–11–80 / Challis National Forest Grazing Advisory Board, Challis, Idaho (open), 10–21–80

58636 9–4–80 / North Kaibab Grazing Advisory Board, Fredonia, Ariz. (open), 10–21–80

Science and Education Administration—

65645 10–3–80 / National Plant Genetic Resources Board, Washington, D.C. (open), 10–22 and 10–23–80

CIVIL RIGHTS COMMISSION

64225 9–29–80 / Arkansas Advisory Committee, Little Rock, Ark. (open), 10–25–80

65002 10–1–80 / Florida Advisory Committee, Pensacola, Fla. (open), 10–22–80

65002 10–1–80 / Hawaii Advisory Committee, Honolulu, Hi. (open), 10–25–80

64226 9–29–80 / Massachusetts Advisory Committee, Boston, Mass. (open), 10–21–80

65003 10–1–80 / Montana Advisory Committee, Missoula, Mont. (open), 10–25–80

65003 10–1–80 / Ohio Advisory Committee, Columbus, Ohio (open), 10–25–80

65003 10–1–80 / Rhode Island Advisory Committee, Providence, R.I. (open), 10–22–80

COMMERCE DEPARTMENT

Census Bureau—

62869 9–22–80 / Agriculture Statistics Census Advisory Committee, Suitland, Md. (open), 10–21–80

66184 10–6–80 / American Economic Association Census Advisory Committee, Suitland Md. (open), 10–23–80

Economic Analysis Bureau—

60850 9–12–80 / Foreign direct investment surveys; content of mandatory BE–12 report form; Washington, D.C. (open), 10–20–80

International Trade Administration—

66488 10–7–80 / Advisory Committee on East-West Trade, Washington, D.C. (open and closed), 10–22–80

66486 10–7–80 / Semiconductor Technical Advisory Committee, Microcircuit Subcommittee, Washington, D.C. (closed), 10–22 and 10–23–80

66487 10–7–80 / Semiconductor Technical Advisory Committee, Semiconductor Manufacturing Materials and Equipment Subcommittee, Washington, D.C. (closed), 10–22–80

66836 10–8–80 / Semiconductor Technical Advisory Committee, Washington, D.C. (partially closed), 10–21 and 10–22–80

National Oceanic and Atmospheric Administration—

65272 10–2–80 / Marine Fisheries Advisory Committee, Washington, D.C. (open), 10–22 and 10–23–80

64227 9–29–80 / Regional Fishery Management Council Chairpersons, San Juan, Puerto Rico (open), 10–20 and 10–21–80

CONSUMER PRODUCT SAFETY COMMISSION

62392 9–18–80 / Development of standard for chain saws and their components and replacement parts; comments by 10–20–80

DEFENSE DEPARTMENT

Air Force Department—

62176 9–18–80 / USAF Scientific Advisory Board, Fla. (closed), 10–21 and 10–22–80

Army Department—

63545 9–25–80 / U.S. Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Bacterial Diseases, Washington, D.C. (partially open), 10–20 and 10–21–80

Defense Nuclear Agency—

61347 9–16–80 / Scientific Advisory Group on Effects (SAGE), Lexington, Mass. (closed), 10–21 through 10–24–80

Office of the Secretary—

65274 10–2–80 / Defense Science Board Review Panel on ASW, Washington, D.C. (closed), 10–22–80

59378 9–9–80 / Defense Science Board Task Force on Cruise Missiles, Arlington, Va. (closed), 10–20 and 10–21–80

[Changed at 45 FR 64230, 9–29–80]

56381 8–25–80 / DOD Wage Committee, Washington, D.C. (closed), 10–21–80

EDUCATION DEPARTMENT

63045 9–23–80 / Indian Education National Advisory Council, Dallas, Tex. (open), 10–17 through 10–19–80

ENERGY DEPARTMENT

66189 10–6–80 / National Petroleum Council, Environmental Protection Task Group of the Committee on Arctic Oil and Gas Resources, Los Angeles, Calif. (open), 10–23–80

66189 10–6–80 / National Petroleum Council, Synthetic Fuels Task Group of the Committee on Environmental Conservation, Irving, Tex. (open), 10–21–80

Economic Regulatory Administration—

66841 10–8–80 / Sayreville Generating Station Units 4 and 5; intent to prepare environmental impact statement; scoping meeting, Sayreville, N.J. (open), 10–21–80

ENVIRONMENTAL PROTECTION AGENCY

65633 10–3–80 / Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel, Arlington, Va. (open), 10–22 and 10–23–80

62544 9–19–80 / Guideline on Air Quality Models, revisions; Washington, D.C. (open), 10–21 and 10–22–80

62544 9–19–80 / Guideline on Air Quality Models, revisions, Seattle, Wash. (open), 10–21 and 10–22–80

54642 8–15–80 / Premanufacture review program; proposed processor requirements, Washington, D.C. 10–22 and 10–23–80

FEDERAL EMERGENCY MANAGEMENT AGENCY

U.S. Fire Administration—

66513 10–7–80 / Board of Visitors for the National Fire Academy, Washington, D.C. (open), 10–23 and 10–24–80

FEDERAL MEDIATION AND CONCILIATION SERVICE

66206 10–6–80 / Arbitration Services Advisory Committee, Washington, D.C. (open), 10–24–80

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

63137 9–23–80 / Meeting, Washington, D.C. (open), 10–23–80

FOREIGN CLAIMS SETTLEMENT COMMISSION

65765 10–3–80 / American citizens' claims involving Germany, China, and Vietnam, Washington, D.C. (open), 10–22–80

65765 10–3–80 / General Motors Corp., Washington, D.C. (open), 10–20–80

HEALTH AND HUMAN SERVICES DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

62549 9–19–80 / Drug Abuse Biomedical Research Review Committee, Rockville, Md. (partially open) 10–21–80, (closed) 10–22 through 10–24–80

62549 9–19–80 / Drug Abuse Resource Development Review Committee, Rockville, Md. (partially open) 10–20, (closed) 10–21 through 10–24–80

62550 9–19–80 / Alcohol Biomedical Research Review Committee, Washington, D.C. (partially open) 10–22–80, (closed) 10–23 and 10–24–80

62550 9–19–80 / Alcohol Psychosocial Research Review Committee, Bethesda; Md. (partially open) 10–22–80, (closed) 10–23 and 10–24–80

62550 9–19–80 / Criminal and Violent Behavior Review Committee, Bethesda, Md. (partially open) 10–22–80, (closed) 10–23 and 10–24–80

62549 9–19–80 / Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism, Rockville, Md. (open), 10–21–80

62550 9–19–80 / Research Scientist Development Review Committee, Washington, D.C. (partially open) 10–23–80, (closed) 10–24 and 10–25–80

Food and Drug Administration—

56191 8–22–80 / Consumer exchange, Columbus, Ohio (open), 10–20–80

59205 9–8–80 / Experimental Therapeutics Study Section, Chevy Chase, Md. (partially open), 10–22 through 10–25–80

65677 10–3–80 / Fertility and Maternal Health Drugs Advisory Committee, Rockville, Md. (open), 10–23–80

65676 10–30–80 / Ophthalmic, Ear, Nose, and Throat; and Dental Devices Panel; Dental Device Section, Washington, D.C. (open), 10–20 and 10–21–80

Human Development Services Office—

67468 10–10–80 / White House Conference on Aging, Technical Committee, Washington, D.C. (open), 10–20–80

66876 10–8–80 / White House Conference on Aging, Technical Committee on Creating an Age Integrated Society, Washington, D.C. (open), 10–21–80

65045 10–1–80 / White House Conference on Aging, Technical Committee on Economy, Washington, D.C. (open), 10–21–80

National Institutes of Health—

62560 9–19–80 / Advisory Committee to the Director NIH, Bethesda, Md. (open), 10–20 and 10–21–80

59205 9–8–80 / Bacteriology and Mycology Study Section, Bethesda, Md. (partially open), 10–23 through 10–25–80

58207 9–2–80 / Blood Diseases and Resources Advisory Committee, Bethesda, Md. (open), 10–20 and 10–21–80

59205 9–8–80 / Chemical Pathology Study Section, Bethesda, Md. (partially open), 10–20 and 10–21–80

59206 9–8–80 / Dental Research National Advisory Council, Bethesda, Md. (partially open), 10–23 and 10–24–80

59205 9–8–80 / Diagnostic Radiology Study Section, Bethesda, Md. (partially open), 10–20 through 10–22–80

59205 9–8–80 / Endocrinology Study Section, Bethesda, Md. (partially open), 10–20 through 10–22–80

59206 9–8–80 / Epilepsy Advisory Committee, Bethesda, Md. (open), 10–23 and 10–24–80

59205 9–8–80 / Experimental Virology Study Section, Bethesda, Md. (partially open), 10–19 through 10–22–80

59205 9–8–80 / Genetics Study Section, Bethesda, Md. (partially open), 10–23 through 10–25–80

59205 9–8–80 / Immunological Sciences Study Section, Bethesda, Md. (partially open), 10–22 through 10–24–80

59205 9–8–80 / Microbial Physiology Study Section, Bethesda, Md. (partially open), 10–23 and 10–24–80

59205 9–8–80 / Molecular Biology Study Section, Bethesda, Md. (partially open), 10–23 through 10–25–80

[Corrected at 45 FR 65318, 10–2–80]

59205 9–8–80 / Molecular Cytology Study Section, Bethesda, Md. (partially open), 10–23 through 10–25–80

59205 9–8–80 / Neurological Sciences Study Section, Washington, D.C. (partially open), 10–23 through 10–25–80

59205 9–8–80 / Pathobiological Chemistry Study Section, Bethesda, Md. (partially open), 10–22 through 10–25–80

59205 9–8–80 / Pathology A Study Section, Rosslyn, Va. (partially open), 10–22 through 10–25–80

59205 9–8–80 / Physiological Chemistry Study Section, Bethesda, Md. (partially open), 10–23 through 10–25–80

59205 9–8–80 / Physiology Study Section, Bethesda, Md. (partially open), 10–22 through 10–25–80

59205 9–8–80 / Social Sciences and Population Study Section, Washington, D.C. (partially open), 10–17 through 10–19–80

59206 9–8–80 / Toxicology Study Section, Washington, D.C. (partially open), 10–22 through 10–24–80

59206 9–8–80 / Virology Study Section, Bethesda, Md. (partially open), 10–23 through 10–25–80

Public Health Service—

62548 9–19–80 / Health Services Developmental Grants Review Subcommittee, Washington, D.C. (partially open), 10–23–80 (closed) 10–24–80

INTERIOR DEPARTMENT

Land Management Bureau—

60022 9–11–80 / Canon City District Grazing Advisory Board, Alamosa, Colo. (open), 10–22–80

60494 9–12–80 / Las Vegas District Multiple Use Advisory Council, Las Vegas, Nev. (open), 10–23 and 10–24–80

63149 9–23–80 / Safford District Grazing Advisory Board, Safford, Ariz. (open), 10–24–80

National Park Service—

66214 10–6–80 / Delta Region Preservation Commission, New Orleans, La. (open), 10–22–80

64274 9–29–80 / National Park System Advisory Board, Port Angeles, Wash. (open), 10–22 through 10–25–80

67472 10–10–80 / Upper Delaware Citizens Advisory Council, Narrowsburg, N.Y. (open), 10–24–80

Office of the Secretary—

66213 10–6–80 / Adequacy of Draft Environmental Impact Statement and California Rivers Application, Redding, Calif., 10–21–80; Eureka, Calif., 10–23–80; and Crescent, Calif., 10–24–80

62912 9–22–80 / Outer Continental Shelf Advisory Board—Policy Committee, Providence, R.I. (open), 10–21 and 10–22–80

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development—

656530 10–7–80 / Board for International Food and Agricultural Development, Washington, D.C. (open), 10–23–80

MISSISSIPPI RIVER COMMISSION

65765 10–3–80 / Mississippi River and Tributaries Project, general conditions flood control, etc.; on board the *MV Mississippi* at Cape Giradeau, Mo., 10–20–80; Memphis, Tenn. 10–21–80; Greenville, Miss. 10–22–80; Morgan City, La. 10–24–80 (all sessions open)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

66534 10–7–80 / NASA Advisory Council (NAC) Space and Terrestrial Applications Advisory Committee (STAAC), Annapolis Jct., Md. (open), 10–23 and 10–24–80

65088 10–1–80 / Space Science Advisory Committee to the NASA Advisory Council, Washington, D.C. (open), 10–20 through 10–22–80

NATIONAL SCIENCE FOUNDATION

61053 9–15–80 / Behavioral and Neural Sciences Advisory Committee, Psychobiology Subcommittee, Washington, D.C. (closed), 10–21 and 10–22–80

59459 9–9–80 / Behavioral and Neural Sciences Subcommittee on Social and Developmental Psychology, Wash. D.C. (closed), 10–23 and 10–24–80

64770 9–30–80 / Engineering and Applied Science Advisory Committee, Earthquake Hazards Mitigation Subcommittee, Washington, D.C. (open), 10–23 and 10–24–80

64771 9–30–80 / Mathematical and Computer Sciences Advisory Committee, Computer Science Subcommittee, Washington, D.C. (partially open), 10–20 through 10–22–80

65706 10–3–80 / Physics Advisory Committee, Washington, D.C. (open), 10–23 through 10–25–80

63399 9–24–80 / Policy Research and Analysis and Science Resources Studies Advisory Committee, Washington, D.C. (open), 10–23 and 10–24–80

65700 10–3–80 / Policy Research and Analysis and Science Resources Studies Advisory Committee, Environment, Energy and Resources Subcommittee, Washington, D.C. (open), 10–22–80

NUCLEAR REGULATORY COMMISSION

66536 10–7–80 / Advisory Committee on Reactor Safeguards, Subcommittee on Emergency Core Cooling Systems, Idaho Falls, ID (open), 10–22 and 10–23–80

OCEANS AND ATMOSPHERE NATIONAL ADVISORY COMMITTEE

67489 10–10–80 / Waste Management Panel, Washington, D.C. (open), 10–22–80

PENSION POLICY, PRESIDENT'S COMMISSION

61058 9–15–80 / Interim Report, Washington, D.C. (open), 10–25 and 10–26–80

SMALL BUSINESS ADMINISTRATION

62600 9–19–80 / Presidential Advisory Committee on Small and Minority Business ownership, Washington, D.C. (partially open), 10–20–80

65101 10–1–80 / Region II Advisory Council, New York, N.Y. (open), 10–22–80

61844 9–17–80 / Region II Syracuse District Advisory Council, Liverpool, N.Y. (open), 10–24–80

66939 10–8–80 / Region III Advisory Council, Ocean City, Md. (open), 10–23 and 10–24–80

65102 10–1–80 / Region IV Advisory Council, Columbia, S.C. (open), 10–20–80

61844 9–17–80 / Region IV Advisory Council, Greenville, Miss. (open), 10–24–80

59467 9–9–80 / Region VI Advisory Council, Lubbock, Tex. (open), 10–23 and 10–24–80

61845 9–17–80 / Region VII (Des Moines, Iowa) Advisory Council, Des Moines, Iowa (open), 10–20–80

65102 10–1–80 / Region VIII Advisory Council, Helena, Mont. (open), 10–23–80

63597 9–25–80 / Region X Advisory Council, Boise, Idaho (open), 10–21–80

64313 9–29–80 / Region X Advisory Council, Portland, Oreg. (open), 10–22–80

63597 9–25–80 / Region X Advisory Council, Spokane, Washington (open), 10–20–80

TRANSPORTATION DEPARTMENT

Coast Guard—

62949 9–22–80 / Ship Structure Committee, New York, N.Y. (open), 10–22–80

[Corrected at 45 FR 66282, 10–6–80]

National Highway Traffic Safety Administration—

59245 9–8–80 / Eighth International Technical Conference on Experimental Safety Vehicles, Wolfsburg, West Germany (open), 10–21 through 10–24–80

43921 6–30–80 / Eighth International Technical Conference on Experimental Safety Vehicles, Wolfsburg, West Germany (open), 10–21 through 10–24–80

59245 9–8–80 / Improved Low Beam Photometrics, Washington, D.C. (open), 10–21–80

65381 10–2–80 / Interim contract briefing, Washington, D.C. (open), 10–21–80

VETERANS ADMINISTRATION

61845 9–17–80 / Medical Research Service Merit Review Board (partially open): Atlanta, Ga., 10–23–80; Washington, DC, 10–24–80

WOMEN, PRESIDENT'S ADVISORY COMMITTEE

63986 9–26–80 / Meeting, Washington, D.C. (closed), 10–20–80

Next Week's Public Hearings

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

67404 10–10–80 / National Pacific Fishery Management Council, Dutch Harbor, Alaska; 10–21–80

Office of the Secretary—

58640 9–4–80 / National Voluntary Laboratory Accreditation Program, Gaithersburg, MD (open), 10–25–80

DEFENSE DEPARTMENT

Navy Department

41691 6–20–80 / Naval Discharge Review Board, San Diego, Calif. and San Francisco, Calif., 10–20 through 10–31–80

60467 9–12–80 / Naval Discharge Review Board; San Diego, Calif. 10–20 through 10–31–80

EDUCATION DEPARTMENT

64231 9–29–80 / Indian Education National Advisory Council, Dallas, Tex., 10–20 and 10–21–80

ENERGY DEPARTMENT

Economic Regulatory Commission—

62478 9–19–80 / East Coast Residual Fuel Oil Entitlements, extension of domestic crude oil allocation program. Boston, Mass, 10–22–80

Federal Energy Regulatory Commission—

66810 10–8–80 / Natural Gas Policy Act; production costs and maximum lawful prices in sales of natural gas, Washington, D.C. 10–21–80

ENVIRONMENTAL PROTECTION AGENCY

63302 9–24–80 / Louisiana; submission of interim Authorization Plan, Phase I, Hazardous Waste Management Program, Baton Rouge, La., 10–23–80

List of Public Laws

Last Listing October 14, 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).

H.R. 7831 / Pub. L. 96–400 Department of Transportation and Related Agencies Appropriation Act, 1981. (Oct. 9, 1980; 94 Stat. 1681) Price $1.50.

S. 2126 / Pub. L. 96–401 Relating to certain leases involving the Secretary of the Interior and the Northern Cheyenne Indian Reservation. (Oct. 9, 1980; 94 Stat. 1701) Price $1.

S. 91 / Pub. L. 96–402 "Uniformed Services Survivor Benefits Amendments of 1980". (Oct. 9, 1980; 94 Stat. 1705) Price $1.

H.R. 7670 / Pub. L. 96–403 To amend title II of the Social Security Act to make necessary adjustments in the allocation of social security tax receipts between the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund. (Oct. 9, 1980; 94 Stat. 1709) Price $1.

S. 341 / Pub. L. 96–404 To authorize the Three Affiliated Tribes of the Fort Berthold Reservation to file in the Court of Claims any claims against the United States for damages for delay in payment for lands claimed to be taken in violation of the United States Constitution, and for other purposes. (Oct. 9, 1980; 94 Stat. 1711) Price $1.

S. 1795 / Pub. L. 96–405 To authorize the Blackfeet and Gros Ventre Tribes to file in the Court of Claims any claims against the United States for damages for delay in payment for lands claimed to be taken in violation of the United States Constitution, and for other purposes. (Oct. 9, 1980 94 Stat. 1713) Price. $1.

S. 1398 / Pub. L. 96–406 To extend the provisions of the General Exchange Act, as amended, to certain lands in order that they may become parts of the Umatilla and Wallowa National Forests, and for other purposes. (Oct. 9, 1980; 94 Stat. 1715) Price $1.

H.R. 3956 / Pub. L. 96–407 Granting the consent of the Congress to Hewson A. Ryan to accept the office and title of Honorary Consul of Honduras. (Oct. 9, 1980; 94 Stat. 1717) Price $1.

H.R. 7130 / Pub. L. 96–408 To designate the building known as United States Court House and Federal Building in Syracuse, New York; as the "James M. Hanley Federal Building". (Oct. 9, 1980; 94 Stat. 1718) Price $1.

H.R. 7309 / Pub. L. 96–409 To designate the Federal building in Portland, Oregon the "Edith Green Federal Building". (Oct. 9, 1980; 94 Stat. 1719) Price $1.

H.R. 7544 / Pub. L. 96–410 To designate the United States Federal Building in New Haven, Connecticut, as the "Robert N. Giaimo Federal Building". (Oct. 9, 1980; 94 Stat. 1720) Price $1.

H.R. 7588 / Pub. L. 96–411 To redesignate the United States Post Office and Courthouse Building in Concord, New Hampshire, as the "James C. Cleveland Federal Building." (Oct. 9, 1980; 94 Stat. 1721) Price $1.

H.R. 7770 / Pub. L. 96–412 To name the Environmental Research Center in Cincinnati, Ohio, the "Andrew W. Breidenbach Environmental Research Center". (Oct. 9, 1980; 94 Stat. 1722) Price $1.

H.R. 8161 / Pub. L. 96-413 To designate the United States Federal Building in Pittsburgh, Pennsylvania, as the "William S. Moorhead Federal Building". (Oct. 9, 1980; 94 Stat. 1723) Price $1.

H.J. Res. 472 / Pub. L. 96-414 Designating October 19, 1981, as a "Day of National Observance of the Two Hundredth Anniversary of the Surrender of Lord Cornwallis to General George Washington at Yorktown, Virginia." (Oct. 9, 1980; 94 Stat. 1724) Price $1.

S. 2801 / Pub. L. 96-415 To designate the Indian Health Facility in Ada, Oklahoma, the "Carl Albert Indian Health Facility". (Oct. 9, 1980; 94 Stat. 1725) Price $1.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

RULES GOING INTO EFFECT

67062 10-9-80 / Commerce/EDA—Clarification of requirements concerning certain types of projects which EDA may fund under the Public Works and Development Facilities Program; effective 10-9-80

66167 10-6-80 / Commerce/MA—Research and development grant and cooperative agreements regulations; effective 10-6-80

67350 10-10-80 / GSA—Cost principles and price negotiations; grants and contracts with State and local governments; effective 11-12-80

66414 10-6-80 / IDAC/AID—Non-discrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance; effective 11-1-80

67091 10-9-80 / DOT/FHA—Education and training programs; extension of financial support for recipient or scholarship grant; effective 11-10-80

DEADLINES FOR COMMENTS ON PROPOSED RULES

67062 10-9-80 / Commerce/EDA—Clarification of requirements concerning certain types of projects which EDA may fund under the Public Works and Development Facilities Program; comments by 12-8-80

66167 10-6-80 / Commerce/MA—Research and development grant and cooperative agreements regulations; comments by 12-5-80

66970 10-8-80 / DOE—Energy Auditor Training and Certification Grants; comments by 11-24-80; hearing 10-30 and 10-31-80

67262 10-9-80 / HHS—Debarment and suspension of individuals and institutions from eligibility for financial assistance under discretionary programs; effective 11-10-80

66179 10-6-80 / Interior/HCRS—Energy conservation by recipients of Federal assistance; comments by 12-5-80

APPLICATIONS DEADLINES

67122 10-9-80 / ED—National Direct Student Loan, College work study, and supplemental educational opportunity grant programs; fiscal year 1981 funds for use in the 1981-82 award year; applications by mail by 11-17-80 and hand delivered applications by 11-19-80

66656 10-7-80 / HHS/HDSO—Child abuse and neglect prevention and treatment grant priorities; Fiscal Year 1981; apply by 12-8-80

66764 10-7-80 / Labor/ETA—Designation as a prime sponsor for fiscal year 1982 under the Comprehensive Employment and Training Act (CETA); Invitation to submit preapplications; apply by 12-8-80

67099 10-9-80 / USDA/FmHA—Biomass energy and alcohol fuels loans and loan guarantees; additional information; solicitation of applications by 10-28-80

[*See also* 45FR 51818, 8-5-80]

MEETINGS

67156 10-9-80 / HHS/ADAMHA—Basic Sociocultural Research Review Committee, Chevy Chase, Md. (partially open), 11-6 and 11-7-80

67156 10-9-80 / HHS/ADAMHA—Cognition, Emotion and Personality Research Review Committee, Wash., D.C. (partially open), 11-7-80

67156 10-9-80 / HHS/ADAMHA—Epidemiologic and Services Research Review Committee, Wash., D.C. (partially open), 11-3 through 11-6-80

67156 10-9-80 / HHS/ADAMHA—Life Course Review Committee, Chevy Chase, Md. (partially open), 11-5 and 11-7-80

67157 10-9-80 / HHS/ADAMHA—Mental Health Services Manpower Development Review Committee, Arlington, Va. (partially open), 11-20 and 11-21-80

67156 10-9-80 / HHS/ADAMHA—Mental Health Small Grant Review Committee, Wash., D.C. (partially open), 11-20 through 11-22-80

67156 10-9-80 / HHS/ADAMHA—Treatment Development and Assessment Research Review Committee, Bethesda, Md. (partially open), 11-19 through 11-21-80

66929 10-8-80 / NFAH—Design Arts Panel, New York, N.Y. (partially open), 10-27 and 10-28-80

66534 10-7-80 / NFAH—Humanities Panel Advisory Committee, Washington, D.C. (closed), 10-30 and 10-31-80

[Changed from 10-23 and 10-24-80. *See* 45 FR 63985, 9-26-80]

66929 10-8-80 / NFAH—Music Panel (Professional Training), Washington, D.C. (partially open), 10-27 and 10-28-80

67489 10-10-80 / NSF—Atmospheric Sciences Advisory Committee, Washington, D.C. (partially open), 10-29 through 10-31-80

67490 10-10-80 / NSF—Engineering and Applied Science Advisory Committee, Electrical, Computer, and Systems Engineering Subcommittee, Washington, D.C. (open), 11-2-80

67490 10-10-80 / NSF—Minority Programs in Science Education Advisory Committee, Washington, D.C. (open), 10-30 and 10-31-80

67172 10-9-80 / Oceans and Atmosphere National Advisory Committee, Marine Transportation Subgroup of the Independent Area Task Force, Wash., D.C. (open), 11-6 and 11-7-80

OTHER ITEMS OF INTEREST

66564 10-7-80 / ED—Direct Grant Programs Application Notices

67443 10-10-80 / EPA—Grants for construction of treatment works; class deviation

67479 10-10-80 / Labor/ETA—Comprehensive Employment and Training Act; reallocation of funds (3 documents)

66929 10-8-80 / NSF—Amendment to charter of the Advisory Committee for Minority Programs in Science Education

66534 10-7-80 / NSF—Notice of permit applications received under Antarctic Conservation Act of 1978

66424 10-6-80 / OMB—Budget deferrals for certain programs

66463 10-7-80 / USDA/FNS—Food Stamp Program; demonstration, research, and evaluation projects

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