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Thursday
October 23, 1980

Highlights

Document Drafting Handbook
The Office of the Federal Register has issued a revised edition of the handbook. See the **Reader Aids** section of this issue for details.

70352 **Grant Programs—Social** Justice/NIC resolicits cooperative agreement grant entitled "National Institute of Corrections Training and Consulting Project"; apply by 11–21–80

70390 **Pipeline Safety** DOT/RSPA establishes new safety standards governing liquefied natural gas facilities used in transportation of gas by pipeline in or affecting interstate or foreign commerce (Part III of this issue)

70412 **Transportation** DOT/UMTA proposes regulations governing its program which provides funding for mass transportation projects that enhance urban development; comments by 12–8–80 (Part IV of this issue)

70366 **Mopeds** DOT/NHTSA advises the public of motorized bicycle safety guidelines for State programs

70313 **Grant Programs—Environmental Protection** EPA invites comments on and announces opportunity for hearing on its intent to award a grant to the State of Oregon to assist in the funding of its air pollution control program for fiscal year 1981

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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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70221 **Loan Programs—Agriculture** USDA/CCC sets forth loan rates applicable to grades of 1980-crop fire cured, dark air-cured and sun-cured tobacco; effective 10–23–80

70282 **Grant Programs—Highway Safety** DOT/NHTSA proposes rules regarding award of innovative project grants to States and nonprofit organizations; comments by 12–1–80

70209 **Crop Insurance** USDA/FCIC prescribes procedures for allowing soybean crop insurance policyholders to replant acreage and to become eligible for replanting payment under certain conditions; effective 10–23–80

70217 **Loan Programs—Agriculture** USDA/CCC sets forth rules to enable eligible soybean producers to obtain loans and purchases on their 1980-crop; effective 10–22–80

70273 **Tires** DOT/NHTSA amends Uniform Tire Quality Grading Standards to provide for testing of metric tires; effective 10–23–80

70212 **Loan Programs—Agriculture** USDA/CCC sets forth rule that will enable eligible sorghum producers to obtain loans and purchases on their 1980-crop; effective 10–22–80

70249 **Transportation** DOT/UMTA provides guidance for urban transportation planning in small metropolitan areas

70237 **Airports** DOT/FAA amends regulations pertaining to charitable, religious, and political leafletting and soliciting at National and Dulles Airports; effective 10–26–80; comments by 11–24–80

70386 **Aviation Safety** DOT/FAA issues amendment to upgrade certification standards for combustion heater installations in small airplanes; effective 11–19–80 (Part II of this issue)

70294 **Wood** Commerce/ITA issues notice of allocation of fiscal year 1981 quotas for export of unprocessed western red cedar

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

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 431

[Amdt. No. 2]

Soybean Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule amends two sections of the Soybean Crop Insurance Policy to prescribe procedures for allowing soybean crop insurance policyholders to replant acreage to soybeans under certain conditions and to become eligible for a replanting payment under certain conditions. This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended, and is intended to provide a benefit to those insured producers who are faced with replanting acreage to soybeans.

EFFECTIVE DATE: October 23, 1980.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202–447–3325.

The Final Impact Statement describing options considered in developing this final rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 (August 25, 1978), to implement Executive Order No. 12044 (March 23, 1978), and has been classified as "not significant".

The Federal Crop Insurance Corporation (FCIC) published a notice of proposed rulemaking in the **Federal Register** on Tuesday, August 12, 1980 (45 F.R. 53486–53487), proposing to amend two sections of the Soybean Crop Insurance Regulations (7 CFR 431) to provide procedures for allowing soybean growers (1) to replant acreage to soybeans under certain conditions, and (2) to become eligible for a replanting payment under certain conditions.

This amendment involves the Soybean Crop Insurance Regulations (7 CFR Part 431) as published in the **Federal Register** on Thursday, November 8, 1979 (44 FR 64786) and December 20, 1979 (44 FR 75374), effective with the 1981 crop year.

The purpose of the amendment is to allow growers of soybeans whose crops are insured by the Federal Crop Insurance Corporation to replant acreage with soybeans in the event that their original soybean crop is destroyed and be eligible for a replanting payment under certain conditions.

The replanting payment will indemnify growers who are faced with increased costs of production and possible lower yield due to the replanting.

The amendment to the Soybean Crop Insurance Policy involves subsection (7), "Notice of Damage or Loss", and subsection (8) of the 7 CFR 431(d), and the Appendix (Additional Terms and Conditions).

Under the provisions of Executive Order No. 12044 and the Administrative Procedure Act (5 U.S.C. 553(b) and (c)), the public was given an opportunity to submit written comments, data, and opinions on the proposed amendment, but none were received. Therefore, the amendment as contained in the proposed rule is hereby issued as a final rule to become effective starting with the 1981 crop year.

In compliance with the Secretary's Memorandum No. 1955 and "Improving USDA Regulations" (43 FR 50988), the review of these regulations contained in 7 CFR Part 431 for need, currency, clarity, and effectiveness must be completed prior to the sunset date of November 8, 1984.

Final rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends 7 CFR 431.7(d) of the Soybean Crop Insurance Regulations and the Appendix at the end of such regulations, as follows:

1. Sections 7 and 8 of the terms and conditions of the Soybean Crop Insurance Policy (7 CFR 431.7(d)), appearing at 44 FR 64786, are amended to read as follows:

§ 431.7 The application and policy.

* * * * *

(d) * * *

7. *Notice of damage or loss.* (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the office for the county.

(b) Notice shall be given promptly if (1) after June 1 the insured wants the consent of the Corporation to replant acreage damaged by an insured cause(s) in order to qualify for the replanting payment and such acreage is at least 25 acres or 10% of the insured acreage on the unit, (2) during the period before harvest, the soybeans on any unit are damaged to the extent that the insured does not expect to further care for the crop or harvest any part of it, or (3) the insured wants the consent of the Corporation to put the acreage to another use. No insured acreage shall be put to another use until the Corporation has made an appraisal of the potential production of such acreage and consents in writing to such other use. Consent to put acreage to another use (other than replanting to soybeans) shall not be given until it is too late or impractical to replant to soybeans. Notice shall also be given when such acreage has been replanted or put to another use.

(c) In addition to the notices required in subsection (b) of this section, if an indemnity is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the county not later than 30 days after the earliest of (1) the date harvest is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire soybean crop on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if it determines there are extenuating circumstances.

(d) Acreage upon which a replanting payment will be claimed shall be left intact until consent is given by the Corporation to replant.

(e) Any insured acreage which is not to be harvested and upon which an indemnity is to be claimed shall be left intact until inspected by the Corporation.

(f) The Corporation may reject any claim for indemnity if any of the requirements of this section are not met.

8. *Claim for Indemnity.* (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) establish the total production of soybeans on the unit and

that any loss of production was directly caused by one or more of the insured causes during the insurance period for the crop for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(b) Indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by (1) multiplying the insured acreage of soybeans on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production of soybeans to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in step (3) by the insured share: *Provided*, That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share, the amount of indemnity shall be computed on the insured acreage and share and then reduced proportionately.

(c) The total production to be counted for a unit shall be determined by the Corporation and shall include all harvested and appraised production.

(1) Mature production which grades No. 4 or better shall be reduced .12 percent for each .1 percentage point of moisture in excess of 14 percent; and if, due to insurable causes, any soybeans do not grade No. 4 or better in accordance with the Official U.S. Grain Standards, the production shall be adjusted by (i) dividing the value per bushel of the damaged soybeans (as determined by the Corporation) by the price per bushel of U.S. No. 2 soybeans and (ii) multiplying the result by the number of bushels of such soybeans. The applicable price for No. 2 soybeans shall be the local market price on the earlier of: The day the loss is adjusted or the day the damaged soybeans were sold.

(2) Appraised production to be counted shall include: (i) the greater of the appraised production or 50 percent of the applicable guarantee for any acreage which, with the consent of the Corporation, is planted before soybean harvest becomes general in the current crop year to any other crop insurable on such acreage (excluding any crop(s) maturing for harvest in the following calendar year), (ii) any appraisals by the Corporation for potential production on harvested acreage and for uninsured causes and poor farming practices, (iii) not less than the applicable guarantee for any acreage which is abandoned or put to another use without prior written consent of the Corporation or damaged solely by an uninsured cause, (iv) only the appraisal in excess of the lesser of 3 bushels or 20 percent of the production guarantee for all other unharvested acreage, and (v) the lesser of 3 bushels or 20% of the production guarantee for acreage on which a replanting payment has been made.

(d) The appraised potential production for acreage for which consent has been given to be put to another use shall be counted as production in determining the amount of loss under the contract.

However, If consent is given to put acreage to another use and the Corporation determines that any such acreage (1) is not put to another use before harvest of soybeans becomes general in the county, (2) is harvested, or (3) is further damaged by an insured cause before the acreage is put to another use, the indemnity for the unit shall be determined without regard to such appraisal and consent.

(e) A replanting payment shall be applicable to any insured acreage replanted after June 1 upon which the Corporation has given consent to be replanted: *Provided*, That the acreage replanted is at least 25 acres or 10 percent of the insured acreage for the unit. *Provided, however*, no payment will be made on acreage (1) initially planted prior to the date determined as reasonable by the Corporation or (2) on which a prior replanting payment has been made during the current crop year. The amount per acre of such payment will be the lesser of 3 bushels or 20 percent of the production guarantee multiplied by the applicable price for computing indemnities times the insured share: *Provided further*, That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share, the amount of replanting payment shall be computed on the insured acreage and share and then reduced proportionately.

(f) Any replanting payment will be considered as an indemnity with respect to all provisions of the policy and appendix except sections 7 and 8 of the policy.

2. By inserting a new subsection 1(i) in the Appendix appearing at 44 FR 64792, to read as follows:

Appendix—Additional Terms and Conditions

1. Meaning of Terms.

(a) * * *

* * * * *

(i) "Replanting" means performing the agricultural practices necessary to replant insured acreage to the same crop.

3. By redesignating subsections (i), (j), and (k) of section 1 of the Appendix, appearing at 44 FR 64792, as follows:

1(i) is redesignated as 1(j)
1(j) is redesignated as 1(k)
1(k) is redesignated as 1(l)

(Sections 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516))

Note.—The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942 and OMB Circular A-40.

This action will not have a significant impact, specifically on area and community development; therefore, review as required by OMB Circular A-95 is inapplicable.

Approved by the Board of Directors on July 14, 1980.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: October 20, 1980.

Approved by:

Everett S. Sharp,

Acting Manager.

[FR Doc. 80-33103 Filed 10-22-80; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 915

Avocados Grown in South Florida; Subpart—Container and Pack Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment of the Florida avocado container regulation permits the use of containers of a more appropriate size for packing larger sizes of avocados. This action is necessary to provide for standardized packing practices and maintain orderly marketing conditions for Florida avocados in the interest of producers and consumers.

EFFECTIVE DATE: October 20, 1980.

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 on request from the above named individual.

SUPPLEMENTARY INFORMATION: *Findings.* This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "not significant." This amendment is issued under the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation submitted by the Avocado Administrative Committee, and upon other available information.

Section 915.305 (Avocado Regulation 5) under Subpart—Container and Pack Regulations requires that avocados shipped to fresh markets outside of the production area be in containers meeting certain packing and net weight requirements and size specifications. This amendment authorizes a container with inside dimensions of 13½ x 16½ x 5 inches. It requires that avocados packed in any such container be placed in one layer only and specifies a minimum net weight requirement of 12½ pounds of avocados. This amendment permits the use of containers of a more appropriate size for packing larger sizes of avocados. This action is necessary to provide for standardized packing practices and maintain orderly marketing conditions.

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). It is necessary to effectuate the declared policy of the act to make these regulatory provisions effective as specified, and these provisions relieve restrictions on the handling of avocados grown in south Florida.

Accordingly, it is found that the provisions of § 915.305 in Subpart—Container and Pack Regulations should be and are hereby amended by revising paragraph (a)(1), revising paragraph (a)(1)(x), deleting paragraph (a)(1)(ix), redesignating paragraphs (a)(1)(v), (a)(1)(vi), (a)(1)(vii), and (a)(1)(viii), as paragraphs (a)(1)(vi), (a)(1)(vii), (a)(1)(viii), and (a)(1)(ix), respectively, revising redesignated paragraph (a)(1)(ix), and adding a new paragraph (a)(1)(v) to read as follows:

§ 915.305 Avocado Container Regulation 5.

(a) *Order.* (1) On and after October 20, 1980, * * *

* * * * *

(v) Containers with inside dimensions of 13½ x 16½ x 5 inches,

* * * * *

(ix) With respect to the containers prescribed in paragraphs (a)(1)(ii) through (vi) of this section, all avocados packed in such containers shall be placed in one layer only and the net weight of all avocados in any such container shall be not less than 12½ pounds: *Provided,* That not to exceed five percent, by count, of such containers in any lot may fail to meet such weight requirement.

(x) With respect to the containers prescribed in paragraph (a)(1)(vii)

* * * * *

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

Dated: October 20, 1980, to become effective October 20, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-33123 Filed 10-22-80; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 930

Cherries Grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia and Maryland Revised Free and Restricted Percentages

AGENCY: Agricultural Marketing Service.

ACTION: Final rule.

SUMMARY: This regulation revises free and restricted percentages for red tart cherries effective during the period November 1–11, 1980, to permit the Cherry Administrative Board to offer about 18.9 million pounds of reserve pool cherrires for sale to handlers for use in normal commerical outlets.

EFFECTIVE DATE: November 1, 1980 to November 11, 1980.

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 Analysis relative to this final rule is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "not significant". This regulation is issued under § 930.53 of marketing Order No. 930, which regulates the handling of cherries grown in eight designated states. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Cherry Administrative Board, and other information. The Board is the agency established under the order to administer its terms and provisions.

Free and restricted percentages of 76 percent and 24 percent, respectively, for the 1980–81 fiscal period (May 1, 1980–April 30, 1981) are set forth in § 930.300 which was published in the **Federal Register** on July 9, 1980 (45 FR 46061). Such percentages were intended to provide a free tonnage of cherries of about 210 million pounds. Adverse weather during the season reduced the size of the cherry crop and, as a result, the free tonnage available to handlers was about 18.9 million pounds less than the amount intended.

Section 930.53(a) of the order requires the Board to determine the total quantity of free percentage cherries handled from the current crop as soon as practicable after completion of processing of the current crop of cherries. If the total quantity of such cherries handled is less than the quantity determined as the quantity which should be available for handling, the Board should recommend to the Secretary an appropriate revision of free and reserve percentages to become effective during a 10-day period. Such revision permits the Board to offer a quantity of reserve pool cherries for sale to handlers which would be necessary to make the total available supply for use in normal commercial outlets equal to the amount needed to meet the demand in such outlets.

This action revises the free and restricted percentages effective during the period November 1–11, 1980, to permit the Cherry Administrative Board to offer for sale to handlers approximately 18.9 million pounds of reserve pool cherries.

This action was recommended at a public meeting October 15, 1980, 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. 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) in that (1) Handlers are aware of this action as proposed by the Cherry Administrative Board; (2) compliance with this regulation requires no preparation by handlers; and (3) this action relaxes restrictions relative to reserve pool cherries.

Therefore, § 930.300 (45 FR 46061) is revised to read as follows:

§ 930.300 Free and restricted percentages.

(a) Except as provided in paragraph (b) of this section, the free and restricted percentages applicable to all cherries acquired during the fiscal period May 1, 1980, through April 30, 1981, shall be 76 percent and 24 percent, respectively.

(b) The free and restricted percentages in paragraph (a) of this section are revised to 87 percent and 13 percent, respectively, effective during the period November 1–11, 1980, thereby permitting the Cherry Administrative Board to offer about 18.9 million pounds of reserve pool cherries (approximately 42 percent of the reserve pool) for sale to handlers in accordance with § 930.591.

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

Dated: October 20, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-33125 Filed 10-22-80; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 984

Walnuts Grown in California; Expenses of the Walnut Marketing Board and Rate of Assessment for the 1980–81 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses and a rate of assessment for the 1980–81 marketing year, to be collected from handlers to support activities of the Board which locally administers the Federal marketing order covering walnuts grown in California.

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

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447–5053.

SUPPLEMENTARY INFORMATION: Findings: Pursuant to Marketing Order No. 984, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, effective under the Agricultural Marketing Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Board, established under this marketing order, and upon other information, it is found that the expenses and rate of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is further found that it is impractible, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rulemaking, and that good cause exists for not postposing the effective time until 30 days after publication in the **Federal Register** (5 U.S.C. 553), as the order requires that the rate of assessment for a particular marketing year shall apply to all assessable walnuts from the beginning of such year which began August 1, 1980. To enable the Board to meet marketing year obligations, approval of the expenses and assessment rate is necessary without delay. Handlers and other interested persons were given an opportunity to submit information and views on the expenses and assessment rate at an open meeting of the Board. To effectuate the declared purposes of the act, it is necessary to make these provisions effective as specified.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication without opportunity for further comments. The regulation has not been classified significant under USDA criteria for implementing the Executive Order.

An Impact Analysis is available from J. S. Miller (202) 447–5053.

§ 984.332 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Board during the 1980–81 marketing year, will amount to $599,300.

(b) The rate of assessment for said year payable by each handler in accordance with § 984.69 is fixed at 0.40 cent per 100 pounds kernelweight of certified merchantable walnuts.

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

Dated: October 16, 1980.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 80-33124 Filed 10-22-80; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1421

[CCC Grain Price Support—1980-Crop Flaxseed Supplement]

1980-Crop Flaxseed Purchase Program; Grain and Similarly Handled Commodities

Correction

In FR Doc. 80–30053, appearing at page 64547 in the issue for Tuesday, September 30, 1980, make the following correction:

On page 64548, in the middle column, in § 1421.177, in the table, in list of counties under Minnesota, "Otter Trail" should have read "Otter Tail".

BILLING CODE 1505-01-M

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7 CFR Part 1421

[CCC Grain Price Support Regulations, 1980—Crop Sorghum Supplement]

1980—Crop Sorghum Loan and Purchase Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final Rule.

SUMMARY: The purpose of this rule is set forth the (1) final loan and purchase availability dates, (2) maturity dates, and (3) loan and purchase rates and premiums and discounts under which Commodity Credit Corporation (CCC) will extend price support on 1980-crop sorghum. This rule will enable eligible sorghum producers to obtain loans and purchases on their eligible 1980-crop sorghum.

EFFECTIVE DATE: October 22, 1980.

ADDRESS: Price Support and Loan Division, ACSC, USDA, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: W. W. Beesley, ASCS, (202) 447–7923. With respect to the availability of an impact analysis, the increases in the basic county loan and purchase rates announced by this final rule were considered under the provisions of the "Notice of Determinations of the 1980 Crop Normal Crop Acreages (NCA), Established 'Target Prices,' Loan and Purchase Rates for Feed Grains, Soybeans, Wheat, and Rice, and Loan

Rates for Upland and ELS Cotton" published in the **Federal Register** (945 FR 53501) on August 12, 1980, and specifically considered in the Final Impact Statement prepared for that action. Thus, the Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from Bruce R. Weber, Agricultural Program Specialist, Production Adjustment Division, ASCS–USDA, P.O. Box 2415, Washington, D.C. 20013, (202) 447–6688.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "not significant." Also for, "Improving USDA Regulations" (43 FR 50988), initiation of review of the regulations contained in 7 CFR 1421.235–.239 for need, accuracy, clarity, and effectiveness will be made within the next five years. The next review will take into consideration problems, issues, etc., which are experienced in program administration during the intervening period.

A "Notice of Determinations of 1980-Crop Normal Crop Acreages (NCA) Established "Target" Prices, Loan and Purchase Rates for Feed Grains, Soybeans, Wheat, and Rice, and Loan Rates for Upland and Extra Long Staple (ELS) Cotton" was published in the **Federal Register** on August 12, 1980, (45 FR 53501), effective August 7, 1980. The notice included the Secretary's determination that the 1980 loan and purchase rate for sorghum was being increased to $3.82 per hundredweight in accordance with Section 105A of the Agricultural Act of 1949, as amended (7 U.S.C. 1444c). The announcement of this action by the Secretary had to be made immediately so that farmers could indicate their 1980 program participation. Therefore, it was and remains impractical and contrary to the public interest to comply with the public rulemaking requirements of 5 U.S.C. and Executive Order 12044. Thus, this final rule shall become effective upon filing with the Director, Office of the Federal Register.

This rule announces the individual basic county loan and purchase rates to conform with the above notice of determination which increased the national average loan and purchase rate to $3.82 per hundredweight for the 1980 crop of sorghum. Producers who wish to secure loans can do so by contacting their local county ASCS office or Agricultural Service Center.

The program title and number from the "Catalog of Federal Domestic Assistance" is Commodity Loan and Purchases, 10.051. This action will not have a significant impact specifically on area and community development. Therefore, review was established by OMB Circular A–95 was not used to assure that units of local government are informed of this action.

Final Rule

The General Regulations Governing Price Support for 1978 and Subsequent Crops and any amendments thereto, and the 1978 and Subsequent Crops Sorghum Loan and Purchase Regulations and any amendments thereto in this Part 1421 are further supplemented for the 1980 crop of sorghum. Accordingly, the regulations in 7 CFR § 1421. 235 through § 1421.239 and the title of the subpart are revised to read as provided below effective as to the 1980 crop of sorghum. The material previously appearing in these sections shall remain in full force and effect as to the crops to which it is applicable.

PART 1421—GRAINS AND OTHER SIMILARLY HANDLED COMMODITIES

Subpart—1980-Crop Sorghum Loan and Purchase Program

Sec.

1421.235 Purpose.
1421.236 Availability.
1421.237 Maturity of loans.
1421.238 Warehouse charges.
1421.239 Loan and purchase rates and premiums and discounts.

Authority: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c); Secs. 105A, 401, 63 Stat. 1051, as amended (7 U.S.C. 1444c, 1421).

§ 1421.111 Purpose.

This supplement contains additonal program provisions which, toegether with the provisions of the General Regulations Governing Price Support for the 1978 and Subsequent Crops, the 1978 and Subsequent Crop Sorghum Loan and Purchase Program regulations and any amendments thereto, apply to loans on and purchases of the 1980 crop of sorghum.

§ 1421.112 Availability.

(a) Loans. Producers desiring to participate in the program through loans must request a loan on their 1980 crop of eligible sorghum on or before May 31, 1981.

(b) Purchases. A producer desiring to offer eligible 1980-crop sorghum not under loan for purchase must execute and deliver to the county ASCS office on or before May 31, 1981, a Purchase Agreement (Form CCC–614) indicating the approximate quantity of 1980-crop sorghum the producer will sell to CCC.

§ 1421.113 Maturity of loans

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

§ 1421.114 Warehouse charges.

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

§ 1421.115 Loan and purchase rates, premiums and discounts.

(a) *Basic loan and purchase rates (counties).* Basic rates per hundredweight (cwt) for loan settlement purposes for sorghum grading No. 2 or better are as follows:

1980-Crop Sorghum Loan and Purchase Rates

[Basic County Loan and Purchase Rates for Sorghum No. 2 or Better]

County	Rate per Cwt
Alabama	
All Counties	$3.81
Arizona	
Apache	3.83
Cochise	4.05
Coconino	3.83
Gila	3.83
Graham	3.87
Greenlee	3.83
Maricopa	4.19
Mohave	4.31
Navajo	3.83
Pima	4.11
Pinal	4.19
Santa Cruz	4.08
Yavapai	3.83
Yuma	4.24
Wght. State Avg	4.11
Arkansas	
Arkansas	3.86
Ashley	3.82
Baxter	3.74
Benton	3.71
Boone	3.72
Bradley	3.80
Calhoun	3.79
Carroll	3.70
Chicot	3.82
Clark	3.78
Clay	3.88
Cleburne	3.81
Cleveland	3.82
Columbia	3.80
Conway	3.78
Craighead	3.89
Crawford	3.76
Crittenden	3.90
Cross	3.89
Dallas	3.80
Desha	3.84
Drew	3.82
Faulkner	3.80
Franklin	3.75
Fulton	3.79
Garland	3.76
Grant	3.77
Greene	3.88
Hampstead	3.79
Hot Spring	3.77

1980-Crop Sorghum Loan and Purchase Rates—Continued

[Basic County Loan and Purchase Rates for Sorghum No. 2 or Better]

County	Rate per Cwt
Arkansas—Continued	
Howard	3.77
Independence	3.81
Izard	3.77
Jackson	3.86
Jefferson	3.82
Johnson	3.75
Lafayette	3.81
Lawrence	3.86
Lee	3.89
Lincoln	3.83
Little River	3.79
Logan	3.75
Lonoke	3.84
Madison	3.71
Marion	3.72
Miller	3.81
Mississippi	3.90
Monroe	3.88
Montgomery	3.75
Nevada	3.78
Newton	3.73
Ouachita	3.79
Perry	3.77
Phillips	3.89
Pike	3.77
Poinsett	3.89
Polk	3.76
Pope	3.76
Prairie	3.86
Pulaski	3.82
Randolph	3.85
St. Francis	3.89
Saline	3.77
Scott	3.76
Searcy	3.74
Sebastian	3.76
Sevier	3.77
Sharp	3.81
Stone	3.77
Union	3.80
Van Buren	3.79
Washington	3.72
White	3.84
Woodruff	3.87
Yell	3.77
Wght. State Avg	3.86
California	
Alameda	4.33
Amador	4.32
Butte	4.22
Calaveras	4.32
Colusa	4.26
Contra Costa	4.33
El Dorado	4.31
Fresno	4.25
Glenn	4.23
Humboldt	3.97
Imperial	4.28
Inyo	4.04
Kern	4.29
Kings	4.24
Lake	4.16
Lassen	4.01
Los Angeles	4.33
Madera	4.28
Marin	4.29
Mariposa	4.28
Mendocino	4.08
Merced	4.29
Modoc	4.00
Monterey	4.20
Napa	4.27
Orange	4.33
Placer	4.26
Plumas	4.08
Riverside	4.28
Sacramento	4.33
San Benito	4.26
San Bernardino	4.31
San Diego	4.33
San Francisco	4.33
San Joaquin	4.33
San Louis Obispo	4.17
San Mateo	4.32
Santa Barbara	4.20
Santa Clara	4.33
Santa Cruz	4.25
Shasta	4.03
Sierra	4.10
Siskiyou	3.99
Solano	4.32
Sonoma	4.28
Stanislaus	4.33
Sutter	4.26
Tehama	4.21
Tulare	4.23
Tuolumne	4.28
Ventura	4.30
Yolo	4.26
Yuba	4.25
Wght. State Avg	4.27
Colorado	
Baca	3.77
All other counties	3.72
Wght. State Avg	3.72
Delaware	
All counties	3.86
Florida	
All counties	3.81
Georgia	
All counties	3.86
Idaho	
All counties	3.59
Illinois	
Alexander	3.85
Bond	3.77
Calhoun	3.73
Clay	3.77
Clinton	3.79
Edwards	3.79
Franklin	3.80
Gallatin	3.79
Hamilton	3.81
Hardin	3.82
Jackson	3.82
Jefferson	3.79
Jersey	3.73
Johnson	3.83
Lawrence	3.75
Madison	3.79
Marion	3.78
Massac	3.84
Monroe	3.79
Perry	3.80
Pope	3.83
Pulaski	3.85
Randolph	3.80
Richland	3.76
St. Clair	3.79
Saline	3.81
Union	3.84
Wabash	3.76
Washington	3.79
Wayne	3.79
White	3.79
Williamson	3.82
All other counties	3.67
Wght. State Avg	3.78
Indiana	
All counties	3.73
Iowa	
Adair	3.71
Adams	3.70
Appanoose	3.67
Audubon	3.69
Calhoun	3.64
Carroll	3.68
Cass	3.72
Clarke	3.68
Crawford	3.69
Decatur	3.69
Fremont	3.72
Greene	3.65
Guthrie	3.68
Harrison	3.71
Ida	3.66
Lucas	3.67
Madison	3.69
Marion	3.64
Mills	3.72
Monona	3.70
Monroe	3.65
Montgomery	3.72
Page	3.72
Pottawattamie	3.72
Ringgold	3.71
Sac	3.66
Shelby	3.70
Taylor	3.71
Union	3.69
Warren	3.67
Wayne	3.68
Woodbury	3.68
All other counties	3.60
Wght. State Avg	3.67
Kansas	
Allen	3.79
Anderson	3.80
Atchison	3.83
Barber	3.70
Barton	3.66
Bourbon	3.80
Brown	3.80
Butler	3.71
Chase	3.76
Chautauqua	3.75
Cherokee	3.78
Cheyenne	3.63
Clark	3.70
Clay	3.71
Cloud	3.70
Coffey	3.78
Comanche	3.70
Cowley	3.71
Crawford	3.79
Decatur	3.65
Dickinson	3.71
Doniphan	3.79
Douglas	3.81
Edwards	3.66
Elk	3.75
Ellis	3.66
Ellsworth	3.68
Finney	3.67
Ford	3.70
Franklin	3.82
Geary	3.75
Gove	3.66
Graham	3.66
Grant	3.67
Gray	3.69
Greeley	3.63
Greenwood	3.76
Hamilton	3.65
Harper	3.70
Harvey	3.70
Haskell	3.68
Hodgeman	3.68
Jackson	3.81
Jefferson	3.82
Jewell	3.68
Johnson	3.82
Kearny	3.65
Kingman	3.69
Kiowa	3.68
Labette	3.79
Lane	3.64
Leavenworth	3.83
Lincoln	3.69
Linn	3.82
Logan	3.64
Lyon	3.77
McPherson	3.70
Marion	3.71
Marshall	3.75
Meade	3.69
Miami	3.82
Mitchell	3.68
Montgomery	3.78
Morris	3.75
Morton	3.69
Nemaha	3.77
Neosho	3.79
Ness	3.65
Norton	3.66
Osage	3.79
Osborne	3.68
Ottawa	3.70
Pawnee	3.66
Phillips	3.66

1980-Crop Sorghum Loan and Purchase Rates—Continued

[Basic County Loan and Purchase Rates for Sorghum No. 2 or Better]

County	Rate per Cwt
Kansas—Continued	
Pottawatomie	3.77
Pratt	3.68
Rawlins	3.64
Reno	3.68
Republic	3.70
Rice	3.68
Riley	3.75
Rooks	3.68
Rush	3.66
Russell	3.66
Saline	3.70
Scott	3.64
Sedgwick	3.70
Seward	3.69
Shawnee	3.80
Sheridan	3.66
Sherman	3.63
Smith	3.67
Stafford	3.66
Stanton	3.67
Stevens	3.69
Sumner	3.70
Thomas	3.64
Trego	3.66
Wabaunsee	3.77
Wallace	3.63
Washington	3.71
Wichita	3.64
Wilson	3.78
Woodson	3.77
Wyandotte	3.83
Wght. State Avg	3.72
Kentucky	
All counties	3.81
Louisiana	
All counties	3.83
Maryland	
All counties	3.86
Michigan	
All counties	3.68
Minnesota	
All counties	3.63
Mississippi	
All counties	3.81
Missouri	
Adair	3.66
Andrew	3.79
Atchison	3.71
Audrain	3.71
Barry	3.69
Barton	3.73
Bates	3.79
Benton	3.73
Bollinger	3.82
Boone	3.70
Buchanan	3.81
Butler	3.88
Caldwell	3.81
Callaway	3.69
Camden	3.72
Cape Girardeau	3.83
Carroll	3.80
Carter	3.82
Cass	3.81
Cedar	3.72
Chariton	3.76
Christian	3.70
Clark	3.61
Clay	3.83
Clinton	3.82
Cole	3.69
Cooper	3.73
Crawford	3.72
Dade	3.69
Dallas	3.72
Daviess	3.76
De Kalb	3.76
Dent	3.75
Douglas	3.75
Dunklin	3.91
Franklin	3.75
Gasconade	3.70
Gentry	3.72
Greene	3.69
Grundy	3.75
Harrison	3.71
Henry	3.77
Hickory	3.73
Holt	3.74
Howard	3.73
Howell	3.78
Iron	3.81
Jackson	3.83
Jasper	3.72
Jefferson	3.79
Johnson	3.79
Knox	3.65
Laclede	3.72
Lafayette	3.81
Lawrence	3.69
Lewis	3.63
Lincoln	3.73
Linn	3.73
Livingston	3.79
McDonald	3.69
Macon	3.70
Madison	3.82
Maries	3.70
Marion	3.65
Mercer	3.71
Miller	3.71
Mississippi	3.84
Moniteau	3.69
Monroe	3.70
Montgomery	3.72
Morgan	3.73
New Madrid	3.87
Newton	3.69
Nodaway	3.74
Oregon	3.81
Osage	3.70
Ozark	3.76
Pemiscot	3.92
Perry	3.81
Pettis	3.73
Phelps	3.70
Pike	3.70
Platte	3.83
Polk	3.70
Pulaski	3.70
Putnam	3.69
Ralls	3.66
Randolph	3.71
Ray	3.83
Reynolds	3.77
Ripley	3.87
St. Charles	3.75
St. Clair	3.75
St. Francois	3.79
Ste. Genevieve	3.80
St. Louis	3.79
Saline	3.77
Schuyler	3.63
Scotland	3.61
Scott	3.83
Shannon	3.77
Shelby	3.67
Stoddard	3.85
Stone	3.70
Sullivan	3.69
Taney	3.72
Texas	3.72
Vernon	3.76
Warren	3.74
Washington	3.78
Wayne	3.85
Webster	3.69
Worth	3.72
Wright	3.71
Wght. State Avg	3.78
Nebraska	
Antelope	3.67
Burt	3.70
Butler	3.69
Cass	3.71
Colfax	3.69
Cuming	3.69
Dodge	3.70
Douglas	3.71
Gage	3.71
Hall	3.66
Hamilton	3.67
Jefferson	3.68
Johnson	3.71
Lancaster	3.70
Madison	3.68
Merrick	3.66
Nemaha	3.72
Otoe	3.70
Pawnee	3.72
Pierce	3.68
Platte	3.68
Polk	3.68
Richardson	3.74
Saline	3.70
Sarpy	3.71
Saunders	3.70
Seward	3.70
Stanton	3.69
Thayer	3.66
Thurston	3.69
Washington	3.71
York	3.69
All other counties	3.65
Wght. State Avg	3.68
Nevada	
All counties	3.75
New Mexico	
Chaves	3.82
Curry	3.84
De Baca	3.81
Guadalupe	3.81
Harding	3.83
Hidalgo	3.87
Lea	3.84
Luna	3.87
Quay	3.84
Roosevelt	3.84
Union	3.80
All other counties	3.79
Wght. State Avg	3.84
North Carolina	
All counties	3.86
North Dakota	
All counties	3.58
Ohio	
All counties	3.73
Oklahoma	
Adair	3.86
Alfalfa	3.84
Atoka	3.94
Beaver	3.81
Beckham	3.90
Blaine	3.91
Bryan	3.94
Caddo	3.93
Canadian	3.92
Carter	3.94
Cherokee	3.91
Choctaw	3.94
Cimarron	3.81
Cleveland	3.94
Coal	3.94
Comanche	3.93
Cotton	3.93
Craig	3.84
Creek	3.92
Custer	3.91
Delaware	3.86
Dewey	3.85
Ellis	3.85
Garfield	3.87
Garvin	3.94
Grady	3.94
Grant	3.84
Greer	3.91
Harmon	3.90
Harper	3.81
Haskell	3.92
Hughes	3.93
Jackson	3.91
Jefferson	3.94
Johnston	3.94
Kay	3.84
Kingfisher	3.90
Kiowa	3.93
Latimer	3.93
Le Flore	3.92
Lincoln	3.93

1980-Crop Sorghum Loan and Purchase Rates—Continued

[Basic County Loan and Purchase Rates for Sorghum No. 2 or Better]

County	Rate per Cwt
Oklahoma—Continued	
Logan	3.90
Love	3.94
McClain	3.94
McCurtain	3.92
McIntosh	3.92
Major	3.85
Marshall	3.95
Mayes	3.86
Murray	3.94
Muskogee	3.92
Noble	3.88
Nowata	3.84
Okfuskee	3.92
Oklahoma	3.93
Okmulgee	3.92
Osage	3.86
Ottawa	3.84
Pawnee	3.89
Payne	3.90
Pittsburg	3.93
Pontotoc	3.94
Pottawatomie	3.93
Pushmataha	3.94
Roger Mills	3.86
Rogers	3.86
Seminole	3.93
Sequoyah	3.91
Stephens	3.94
Texas	3.81
Tillman	3.91
Tulsa	3.91
Wagoner	3.90
Washington	3.83
Washita	3.91
Woods	3.84
Woodward	3.83
Wght. State Avg	3.84
Oregon	
All counties	3.74
Pennsylvania	
All counties	3.86
South Carolina	
All counties	3.86
South Dakota	
Bon Homme	3.67
Clay	3.69
Hutchinson	3.66
Lincoln	3.68
Turner	3.66
Union	3.69
Yankton	3.69
All other counties	3.65
Wght. State Avg	3.65
Tennessee	
Shelby	3.93
All other counties	3.81
Wght. State Avg	3.81
Texas	
Anderson	4.01
Andrews	3.80
Angelina	4.06
Aransas	4.14
Archer	3.90
Armstrong	3.85
Atascosa	4.06
Austin	4.11
Bailey	3.84
Bandera	4.02
Bastrop	4.01
Baylor	3.90
Bee	4.13
Bell	3.98
Bexar	4.01
Blanco	4.02
Borden	3.82
Bosque	3.94
Bowie	3.91
Brazoria	4.14
Brazos	4.05
Brewster	3.73
Briscoe	3.86
Brooks	4.12
Brown	3.92
Burleson	4.03
Burnet	4.01
Caldwell	4.02
Calhoun	4.10
Callahan	3.90
Cameron	4.18
Camp	3.92
Carson	3.85
Cass	3.91
Castro	3.84
Chambers	4.18
Cherokee	3.98
Childress	3.88
Clay	3.92
Cochran	3.84
Coke	3.88
Coleman	3.91
Collin	3.94
Collingsworth	3.87
Colorado	4.08
Comal	4.01
Comanche	3.94
Concho	3.92
Cooke	3.94
Coryell	3.95
Cottle	3.88
Crane	3.80
Crockett	3.78
Crosby	3.86
Culberson	3.73
Dallam	3.80
Dallas	3.94
Dawson	3.82
Deaf Smith	3.84
Delta	3.93
Denton	3.94
DeWitt	4.07
Dickens	3.89
Dimmit	3.95
Donley	3.85
Duval	4.09
Eastland	3.93
Ector	3.79
Edwards	3.92
Ellis	3.94
El Paso	3.73
Erath	3.94
Falls	4.00
Fannin	3.94
Fayette	4.03
Fisher	3.88
Floyd	3.86
Foard	3.88
Fort Bend	4.14
Franklin	3.92
Freestone	3.99
Frio	3.97
Gaines	3.83
Galveston	4.18
Garza	3.85
Gillespie	4.00
Glasscock	3.82
Goliad	4.13
Gonzales	4.03
Gray	3.85
Grayson	3.95
Gregg	3.91
Grimes	4.10
Guadalupe	4.01
Hale	3.84
Hall	3.86
Hamilton	3.94
Hansford	3.80
Hardeman	3.88
Hardin	4.18
Harris	4.18
Harrison	3.92
Hartley	3.80
Haskell	3.90
Hays	4.01
Hemphill	3.83
Henderson	3.97
Hidalgo	4.15
Hill	3.95
Hockley	3.84
Hood	3.94
Hopkins	3.93
Houston	4.06
Howard	3.82
Hudspeth	3.74
Hunt	3.94
Hutchinson	3.80
Iron	3.84
Jack	3.94
Jackson	4.06
Jasper	4.08
Jeff Davis	3.74
Jefferson	4.18
Jim Hogg	4.09
Jim Wells	4.15
Johnson	3.94
Jones	3.90
Karnes	4.11
Kaufman	3.9r
Kendall	4.02
Kenedy	4.12
Kent	3.88
Kerr	4.01
Kimble	3.96
King	3.89
Kinney	3.94
Kleberg	4.15
Knox	3.90
Lamar	3.93
Lamb	3.84
Lampasas	3.96
La Salle	3.98
Lavaca	4.04
Lee	4.03
Leon	4.01
Liberty	4.14
Limestone	3.99
Lipscomb	3.80
Live Oak	4.11
Llano	3.98
Loving	3.79
Lubbock	3.84
Lynn	3.84
McCulloch	3.92
McLennan	3.98
McMullen	4.02
Madison	4.05
Marion	3.92
Martin	3.82
Mason	3.96
Matagorda	4.12
Maverick	3.88
Medina	4.00
Menard	3.92
Midland	3.81
Milam	4.02
Mills	3.94
Mitchell	3.85
Montague	3.94
Montgomery	4.15
Moore	3.80
Morris	3.92
Motley	3.88
Nacogdoches	3.99
Navarro	3.98
Newton	4.08
Nolan	3.88
Nueces	4.18
Ochiltree	3.80
Oldham	3.84
Orange	4.14
Palo Pinto	3.94
Panola	3.98
Parker	3.94
Parmer	3.84
Pecos	3.78
Polk	4.11
Potter	3.84
Presidio	3.73
Rains	3.93
Randall	3.84
Reagan	3.81
Real	3.99
Red River	3.92
Reeves	3.80
Refugio	4.15
Roberts	3.81
Robertson	4.01
Rockwall	3.94
Runnels	3.89
Rusk	3.95
Sabine	4.03
San Augustine	4.03
San Jacinto	4.09

1980-Crop Sorghum Loan and Purchase Rates—Continued

[Basic County Loan and Purchase Rates for Sorghum No. 2 or Better]

County	Rate per Cwt
San Patricio	4.18
San Saba	3.93
Schleicher	3.85
Scurry	3.85
Shackelford	3.91
Shelby	3.99
Sherman	3.80
Smith	3.95
Somervell	3.94
Starr	4.11
Stephens	3.93
Sterling	3.84
Stonewall	3.90
Sutton	3.90
Swisher	3.84
Tarrant	3.94
Taylor	3.90
Terrell	3.78
Terry	3.84
Throckmorton	3.91
Titus	3.92
Tom Green	3.88
Travis	4.01
Trinity	4.07
Tyler	4.08
Upshur	3.92
Upton	3.79
Uvalde	3.99
Val Verde	3.89
Van Zandt	3.93
Victoria	4.10
Walker	4.10
Waller	4.12
Ward	3.80
Washington	4.11
Webb	3.96
Wharton	4.10
Wheeler	3.86
Wichita	3.89
Wilbarger	3.89
Willacy	4.17
Williamson	4.01
Wilson	4.06
Winkler	3.79
Wise	3.94
Wood	3.93
Yoakum	3.84
Young	3.93
Zapata	4.06
Zavala	3.93
Wght. State Avg.	3.98
Utah	
All counties	3.72
Virginia	
All counties	3.86
Washington	
All counties	3.74
Wisconsin	
All counties	3.63
Wyoming	
All counties	3.64

(b) Schedule of Discounts for 1980-Crop Sorghum:

	Cents per hundredweight
1. Discounts apply per hundredweight—Test Weight, lbs:	
51.0 to 51.9	−1
52.0 to 52.9	−2
2. Total damaged kernels, percent:	
5.1 to 6.0	−2
6.1 to 7.0	−4
7.1 to 8.0	−6
8.1 to 9.0	−8
9.1 to 10.0	−10
10.1 to 11.0	−12
11.1 to 12.0	−14
12.1 to 13.0	−16
13.1 to 14.0	−18
14.1 to 15.0	−20
3. Heat damaged kernels, percent:	
.051 to 1.00	−2
1.01 to 2.00	−6
2.01 to 3.00	−10
4. Broken kernels, foreign material and other grains, percent:	
8.1 to 9.0	−2
9.1 to 10.0	−4
10.1 to 11.0	−6
11.1 to 12.0	−8
12.1 to 13.0	−10
13.1 to 14.0	−12
14.1 to 15.0	−14
5. Weed Control Law (where required by § 1421.24)	−15

6. *Other.* Sorghum with quality factors exceeding limits shown in foregoing schedule or sorghum that (1) contains in excess of 14.0 percent moisture, (2) is weevily, (3) is musty, or (4) is sour, shall not be eligible for loan. In the event quantities of sorghum exceeding limits shown are delivered in satisfaction of loan obligations, such quantities will be discounted on the basis of the schedule of discounts as provided by the Kansas City Commodity Office for settlement purposes. Such discounts will be established not later than the time delivery of sorghum to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedule of such factors and discounts at county ASCS offices approximately one month prior to the loan maturity date.

Signed at Washington, D.C. on October 16, 1980.

John W. Goodwin,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 80-33061 Filed 10-22-80; 8:45 am]

BILLING CODE 3410-05-M

7 CFR Part 1421

[CCC Grain Price Support Regs., 1980—Crop Soybeans Supplement]

1980—Crop Soybeans Loan and Purchase Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to set forth the (1) final loan and purchase availability dates, (2) maturity dates, and (3) loan and purchase rates and premiums and discounts under which Commodity Credit Corporation (CCC) will extend price support on 1980-crop soybeans. This rule will enable eligible soybean producers to obtain loans and purchases on their eligible 1980-crop soybeans.

EFFECTIVE DATE: October 23, 1980.

ADDRESS: Price Support and Loan Division, ASCS, USDA, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Thomas Fink, ASCS, (202) 447-7923. With respect to the availability of an impact analysis, the increases in the basic county loan and purchase rates announced by this final rule were considered under the provisions of the "Notice of Determinations of the 1980 Crop Normal Crop Acreages (NCA), Established 'Target Prices', Loan and Purchase Rates for Feed Grains, Soybeans, Wheat, and Rice, and Loan Rates for Upland and ELS Cotton" published in the **Federal Register** (45 FR 53501) on August 12, 1980, and specifically considered in the Final Impact Statement prepared for that action. Thus, the Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from Bruce R. Weber, Agricultural Program Specialist, Production Adjustment Division, ASCS-USDA, P.O. Box 2415, Washington, D.C., 20013, (202) 447-6688.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "not significant." Also for "improving USDA Regulations" (43 FR 50988), initiation of review of the regulations contained in 7 CFR 1421.390-.394 for need, accuracy, clarity, and effectiveness will be made within the next five years. The next review will take into consideration problems, issues, etc., which are experienced in program administration during the intervening period.

A "Notice of Determinations of 1980-Crop Normal Crop Acreages (NCA) Established 'Target' Prices, Loan and Purchase Rates for Feed Grains, Soybeans, Wheat, and Rice, and Loan Rates for Upland and Extra Long Staple (ELS) Cotton" was published in the **Federal Register** on August 12, 1980, (45 FR 53501), effective August 7, 1980. The notice included the Secretary's determination that the 1980 loan and purchase rate for soybeans was being increased to $5.02 per bushel in accordance with Section 201 of the Agricultural Act of 1949, as amended (7 USC 1446, 1421). The announcement of this action by the Secretary had to be made immediately so that farmers could indicate their 1980 program

participation. Therefore, it was and remains impractical and contrary to the public interest to comply with the public rulemaking requirements of 5 U.S.C. 553 and Executive Order 12044. Thus, this final rule shall become effective upon filing with the Director, Office of the Federal Register.

This rule announces the individual basic county loan and purchase rates to conform with the above notice of determination which increased the national average loan and purchase rate to $5.02 per bushel for the 1980 crop of soybeans. Producers who wish to secure loans can do so by contacting their local county ASCS office or Agricultural Service Center.

The program title and number from the "Catalog of Federal Domestic Assistance" is Commodity Loan and Purchases, 10.051. This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A-95 was not used to assure that units of local government are informed of this action.

Final Rule

The General Regulations Governing Price Support for 1978 and Subsequent Crops and any amendments thereto, and the 1978 and Subsequent Crops Soybean Loan and Purchase Regulations and any amendments thereto in this Part 1421 are further supplemented for the 1980 crop of soybeans. Accordingly, the regulations in 7 CFR 1421.390 through 1421.394 and the title of the subpart are revised to read as provided below effective as to the 1980 crop of soybeans. The material previously appearing in these sections shall remain in full force and effect as to the crops to which it is applicable.

PART 1421—GRAINS AND OTHER SIMILARLY HANDLED COMMODITIES

Subpart—1980—Crop Soybeans Loan and Purchase Program

Sec.

1421.390 Purpose.
1421.391 Availability.
1421.392 Maturity of loans.
1421.393 Warehouse charges.
1421.394 Loan and purchase rates and premiums and discounts.

Authority: Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 201, 401, 63 Stat. 1051, as amended (7 U.S.C. 1446, 1421).

Subpart—1980—Crop Soybeans Loan and Purchase Program

§ 1421.390 Purpose.

This supplement contains additional program provisions which, together with the provisions of the General Regulations Governing Price Support for the 1978 and Subsequent Corps, the 1978 and Subsequent Crop Soybean Loan and Purchase Program regulations and any amendments thereto, apply to loans on and purchases of the 1980 crop of soybeans.

§ 1421.391 Availability.

(a) *Loans.* Producers desiring to participate in the program through loans must request a loan on their 1980 crop of eligible soybeans on or before May 31, 1981.

(b) *Purchases.* A producer desiring to offer eligible 1980-crop soybeans not under loan for purchase must execute and deliver to the county ASCS office on or before May 31, 1981, a Purchase Agreement (Form CCC-614) indicating the approximate quantity of 1980-crop soybeans the producer will sell to CCC.

§ 1421.392 Maturity of loans.

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

§ 1421.393 Warehouse charges.

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

§ 1421.394 Loan and purchase rates, premiums and discounts.

(a) *Basic loan and purchase rates (counties).* Basic county rates per bushel for loan and settlement purposes for soybeans of the classes Green and Yellow containing 12.8 to 13.0 percent moisture and grading not lower than No. 2 on the factors of test weight, splits, and heat damage and No. 1 on all other factors are as follows:

1980—Crop Soybeans

County	Rate per bushel
Alabama	
All counties	$5.00
Arizona	
All counties	4.88
Arkansas	
Arkansas	5.07
Ashley	5.06
Baxter	5.02
Benton	4.96
Boone	4.99
Bradley	5.06
Calhoun	5.04
Carroll	4.98
Chicot	5.06
Clark	5.02
Clay	5.06
Cleburne	5.03
Cleveland	5.06

1980—Crop Soybeans—Continued

County	Rate per bushel
Columbia	5.02
Conway	5.03
Craighead	5.05
Crawford	4.99
Crittenden	5.07
Cross	5.07
Dallas	5.04
Desha	5.06
Drew	5.06
Faulkner	5.04
Franklin	5.00
Fulton	5.03
Garland	5.02
Grant	5.04
Greene	5.06
Hempstead	4.99
Hot Spring	5.03
Howard	4.98
Independence	5.03
Izard	5.03
Jackson	5.05
Jefferson	5.05
Johnson	5.01
Lafayette	4.99
Lawrence	5.05
Lee	5.07
Lincoln	5.06
Little River	4.99
Logan	5.00
Lonoke	5.06
Madison	4.98
Marion	5.01
Miller	4.99
Mississippi	5.07
Monroe	5.07
Montgomery	4.99
Nevada	5.01
Newton	4.99
Ouachita	5.03
Perry	5.03
Phillips	5.07
Pike	4.99
Poinsett	5.05
Polk	4.99
Pope	5.02
Prairie	5.07
Pulaski	5.04
Randolph	5.05
St. Francis	5.07
Saline	5.03
Scott	4.99
Searcy	5.01
Sebastian	4.99
Sevier	4.98
Sharp	5.05
Stone	5.03
Union	5.04
Van Buren	5.02
Washington	4.97
White	5.04
Woodruff	5.07
Yell	5.01
Wght. State avg	5.06
California	
All counties	4.88
Colorado	
All counties	4.91
Delaware	
All counties	5.00
Florida	
All counties	5.00
Georgia	
All counties	5.00
Illinois	
Adams	5.07
Alexander	5.07
Bond	5.09
Boone	5.06
Brown	5.08
Bureau	5.06
Calhoun	5.07
Carroll	5.04
Cass	5.09
Champaign	5.10
Christian	5.10
Clark	5.09
Clay	5.08
Clinton	5.07
Coles	5.09

1980—Crop Soybeans—Continued

County	Rate per bushel
Cook	5.10
Crawford	5.08
Cumberland	5.09
De Kalb	5.08
De Witt	5.10
Douglas	5.09
Du Page	5.10
Edgar	5.09
Edwards	5.03
Effingham	5.09
Fayette	5.09
Ford	5.10
Franklin	5.03
Fulton	5.08
Gallatin	5.02
Greene	5.08
Grundy	5.10
Hamilton	5.03
Hancock	5.07
Hardin	5.02
Henderson	5.06
Henry	5.06
Iroquois	5.10
Jackson	5.07
Jasper	5.09
Jefferson	5.04
Jersey	5.07
Jo Daviess	5.04
Johnson	5.05
Kane	5.09
Kankakee	5.10
Kendall	5.09
Knox	5.08
Lake	5.09
La Salle	5.08
Lawrence	5.06
Lee	5.06
Livingston	5.10
Logan	5.10
McDonough	5.08
McHenry	5.07
McLean	5.10
Macon	5.10
Macoupin	5.09
Madison	5.08
Marion	5.08
Marshall	5.10
Mason	5.09
Massac	5.01
Menard	5.09
Mercer	5.05
Monroe	5.07
Montgomery	5.09
Morgan	5.09
Moultrie	5.09
Ogle	5.06
Peoria	5.09
Perry	5.06
Piatt	5.10
Pike	5.07
Pope	5.02
Pulaski	5.05
Putnam	5.06
Randolph	5.07
Richland	5.07
Rock Island	5.04
St. Clair	5.07
Saline	5.07
Sangamon	5.10
Schuyler	5.08
Scott	5.09
Shelby	5.09
Stark	5.09
Stephenson	5.04
Tazewell	5.10
Union	5.07
Vermilion	5.10
Wabash	5.03
Warren	5.08
Washington	5.07
Wayne	5.04
White	5.02
Whiteside	5.04
Will	5.10
Williamson	5.05
Winnebago	5.05
Woodford	5.10
Wght. State avg	5.08
Indiana	
Adams	5.05
Allen	5.05

1980—Crop Soybeans—Continued

County	Rate per bushel
Bartholomew	5.04
Benton	5.09
Blackford	5.04
Boone	5.05
Brown	5.04
Carroll	5.05
Cass	5.05
Clark	5.04
Clay	5.06
Clinton	5.05
Crawford	5.05
Daviess	5.04
Dearborn	5.05
Decatur	5.04
De Kalb	5.05
Delaware	5.04
Dubois	5.04
Elkhart	5.04
Fayette	5.04
Floyd	5.04
Fountain	5.09
Franklin	5.05
Fulton	5.05
Gibson	5.04
Grant	5.04
Greene	5.05
Hamilton	5.05
Hancock	5.04
Harrison	5.05
Hendricks	5.04
Henry	5.04
Howard	5.05
Huntington	5.04
Jackson	5.04
Jasper	5.08
Jay	5.05
Jefferson	5.04
Jennings	5.04
Johnson	5.04
Knox	5.04
Kosciusko	5.04
Lagrange	5.04
Lake	5.10
La Porte	5.07
Lawrence	5.04
Madison	5.04
Marion	5.05
Marshall	5.05
Martin	5.04
Miami	5.05
Monroe	5.04
Montgomery	5.06
Morgan	5.04
Newton	5.09
Noble	5.04
Ohio	5.05
Orange	5.04
Owen	5.05
Parke	5.07
Perry	5.05
Pike	5.04
Porter	5.09
Posey	5.05
Pulaski	5.07
Putnam	5.06
Randolph	5.05
Ripley	5.04
Rush	5.04
St. Joseph	5.05
Scott	5.04
Shelby	5.04
Spencer	5.05
Starke	5.07
Steuben	5.05
Sullivan	5.06
Switzerland	5.05
Tippecanoe	5.07
Tipton	5.05
Union	5.05
Vanderburgh	5.05
Vermillion	5.09
Vigo	5.08
Wabash	5.04
Warren	5.09
Warrick	5.05
Washington	5.04
Wayne	5.05
Wells	5.04
White	5.07
Whitley	5.04
Wght. State avg	5.05

1980—Crop Soybeans—Continued

County	Rate per bushel
Iowa	
Adair	4.98
Adams	4.98
Allamkee	4.99
Appanoose	5.01
Audubon	4.97
Benton	5.02
Black Hawk	4.99
Boone	4.99
Bremer	4.98
Buchanan	5.00
Buena Vista	4.97
Butler	4.98
Calhoun	4.97
Carroll	4.97
Cass	4.98
Cedar	5.03
Cerro Gordo	4.98
Cherokee	4.97
Chickasaw	4.98
Clarke	5.00
Clay	4.97
Clayton	5.00
Clinton	5.04
Crawford	4.97
Dallas	4.99
Davis	5.03
Decatur	5.00
Delaware	5.00
Des Moines	5.06
Dickinson	4.97
Dubuque	5.01
Emmet	4.97
Fayette	4.99
Floyd	4.97
Franklin	4.99
Fremont	4.97
Greene	4.97
Grundy	5.00
Guthrie	4.97
Hamilton	4.99
Hancock	4.98
Hardin	5.00
Harrison	4.96
Henry	5.05
Howard	4.98
Humboldt	4.98
Ida	4.97
Iowa	5.02
Jackson	5.04
Jasper	5.01
Jefferson	5.04
Johnson	5.02
Jones	5.03
Keokuk	5.04
Kossuth	4.98
Lee	5.06
Linn	5.02
Louisa	5.05
Lucas	5.01
Lyon	4.96
Madison	4.99
Mahaska	5.03
Marion	5.01
Marshall	5.01
Mills	4.97
Mitchell	4.97
Monona	4.96
Monroe	5.01
Montgomery	4.97
Muscatine	5.04
O'Brien	4.97
Osceola	4.97
Page	4.97
Palo Alto	4.97
Plymouth	4.96
Pocahontas	4.97
Polk	5.00
Pottawattamie	4.97
Poweshiek	5.02
Ringgold	4.99
Sac	4.97
Scott	5.04
Shelby	4.97
Sioux	4.96
Story	5.00
Tama	5.02
Taylor	4.98
Union	4.99
Van Buren	5.05
Wapello	5.03

1980—Crop Soybeans—Continued

County	Rate per bushel
Iowa—Continued	
Warren	5.00
Washington	5.05
Wayne	5.01
Webster	4.99
Winnebago	4.98
Winneshiek	4.99
Woodbury	4.96
Worth	4.98
Wright	4.98
Wght. State avg	4.99
Kansas	
All counties	4.95
Kentucky	
All counties	5.04
Louisiana	
All counties	5.04
Maryland	
All counties	5.00
Michigan	
Allegan	4.96
Arenac	4.96
Barry	4.96
Bay	4.96
Berrien	5.01
Branch	5.01
Calhoun	4.98
Cass	5.01
Clinton	4.96
Eaton	4.97
Genesee	4.96
Gladwin	4.96
Gratiot	4.96
Hillsdale	5.02
Huron	4.96
Ingham	4.97
Ionia	4.96
Isabella	4.96
Jackson	4.99
Kalamazoo	4.98
Lapeer	4.96
Lenawee	5.02
Livingston	4.97
Macomb	4.97
Midland	4.96
Monroe	5.03
Montcalm	4.96
Oakland	4.97
Saginaw	4.96
St. Clair	4.96
St. Joseph	5.00
Sanilac	4.96
Shiawassee	4.96
Tuscola	4.96
Van Buren	4.98
Washtenaw	4.99
Wayne	4.99
All other counties	4.95
Wght. State avg	4.99
Minnesota	
Aitkin	4.90
Anoka	4.97
Becker	4.91
Beltrami	4.90
Benton	4.94
Big Stone	4.94
Blue Earth	4.99
Brown	4.98
Carlton	4.91
Carver	4.99
Cass	4.90
Chippewa	4.96
Chisago	4.94
Clay	4.91
Clearwater	4.90
Cottonwood	4.95
Crow Wing	4.90
Dakota	4.99
Dodge	4.97
Douglas	4.93
Faribault	4.98
Fillmore	4.97
Freeborn	4.98
Goodhue	4.97
Grant	4.93
Hennepin	4.99
Houston	4.97
Hubbard	4.91
Isanti	4.94
Itasca	4.90

1980—Crop Soybeans—Continued

County	Rate per bushel
Jackson	4.95
Kanabec	4.92
Kandiyohi	4.95
Kittson	4.88
Koochiching	4.90
Lac Qui Parle	4.96
Lake of the Woods	4.89
Le Sueur	4.99
Lincoln	4.93
Lyon	4.94
McLeod	4.98
Mahnomen	4.90
Marshall	4.88
Martin	4.97
Meeker	4.96
Mille Lacs	4.92
Morrison	4.92
Mower	4.97
Murray	4.94
Nicollet	4.99
Nobles	4.95
Norman	4.90
Olmsted	4.97
Otter Tail	4.91
Pennington	4.89
Pine	4.92
Pipestone	4.93
Polk	4.89
Pope	4.94
Ramsey	4.99
Red Lake	4.89
Redwood	4.95
Renville	4.96
Rice	4.98
Rock	4.94
Roseau	4.88
Scott	4.99
Sherburne	4.97
Sibley	4.99
Stearns	4.94
Steele	4.98
Stevens	4.94
Swift	4.94
Todd	4.92
Traverse	4.93
Wabasha	4.97
Wadena	4.91
Waseca	4.98
Washington	4.97
Watonwan	4.98
Wilkin	4.91
Winona	4.97
Wright	4.97
Yellow Medicine	4.97
Wght. State avg	4.96
Mississippi	
All counties	5.06
Missouri	
Adair	5.02
Andrew	4.98
Atchison	4.98
Audrain	5.04
Barry	4.98
Barton	4.97
Bates	4.97
Benton	4.98
Bollinger	5.06
Boone	5.01
Buchanan	4.98
Butler	5.05
Caldwell	4.98
Callaway	5.01
Camden	4.99
Cape Girardeau	5.06
Carroll	5.00
Carter	5.02
Cass	4.97
Cedar	4.96
Chariton	5.01
Christian	4.98
Clark	5.06
Clay	4.98
Clinton	4.98
Cole	5.00
Cooper	5.00
Crawford	5.02
Dade	4.97
Dallas	4.98
Daviess	4.98
De Kalb	4.98

1980—Crop Soybeans—Continued

County	Rate per bushel
Dent	5.02
Douglas	4.98
Dunklin	5.07
Franklin	5.04
Gasconade	5.02
Gentry	4.98
Greene	4.98
Grundy	5.00
Harrison	4.98
Henry	4.97
Hickory	4.98
Holt	4.98
Howard	5.00
Howell	5.01
Iron	5.04
Jackson	4.97
Jasper	4.97
Jefferson	5.06
Johnson	4.97
Knox	5.04
Laclede	4.98
Lafayette	4.97
Lawrence	4.97
Lewis	5.06
Lincoln	5.05
Linn	5.01
Livingston	5.00
McDonald	4.97
Macon	5.02
Madison	5.04
Maries	5.00
Marion	5.06
Mercer	5.00
Miller	4.99
Mississippi	5.06
Moniteau	5.00
Monroe	5.04
Montgomery	5.02
Morgan	4.99
New Madrid	5.07
Newton	4.97
Nodaway	4.98
Oregon	5.03
Osage	5.00
Ozark	5.00
Pemiscot	5.07
Perry	5.06
Pettis	4.99
Phelps	5.00
Pike	5.06
Platte	4.98
Polk	4.98
Pulaski	4.99
Putnam	5.01
Ralls	5.06
Randolph	5.02
Ray	4.98
Reynolds	5.02
Ripley	5.03
St. Charles	5.05
St. Clair	4.97
St. Francois	5.04
Ste. Genevieve	5.06
St. Louis	5.06
Saline	4.99
Schuyler	5.02
Scotland	5.04
Scott	5.06
Shannon	5.02
Shelby	5.04
Stoddard	5.06
Stone	4.98
Sullivan	5.01
Taney	4.99
Texas	5.00
Vernon	4.96
Warren	5.03
Washington	5.04
Wayne	5.04
Webster	4.98
Worth	4.98
Wright	4.98
Wght. State avg	5.02
Montana	
All counties	4.88
Nebraska	
All counties	4.93
New Jersey	
All counties	4.98

1980—Crop Soybeans—Continued

County	Rate per bushel
New Mexico	
All counties	4.88
New York	
All counties	4.90
North Carolina	
All counties	5.00
North Dakota	
All counties	4.88
Ohio	
Adams	5.05
Allen	5.06
Ashland	5.05
Ashtabula	5.03
Athens	5.05
Auglaize	5.06
Belmont	5.05
Brown	5.05
Butler	5.05
Carroll	5.03
Champaign	5.05
Clark	5.04
Clermont	5.05
Clinton	5.05
Columbiana	5.03
Coshocton	5.03
Crawford	5.05
Cuyahoga	5.03
Darke	5.04
Defiance	5.05
Delaware	5.04
Erie	5.05
Fairfield	5.05
Fayette	5.05
Franklin	5.04
Fulton	5.07
Gallia	5.05
Geauga	5.03
Greene	5.04
Guernsey	5.05
Hamilton	5.05
Hancock	5.06
Hardin	5.07
Harrison	5.03
Henry	5.07
Highland	5.05
Hocking	5.05
Holmes	5.03
Huron	5.05
Jackson	5.05
Jefferson	5.03
Knox	5.03
Lake	5.03
Lawrence	5.05
Licking	5.03
Logan	5.06
Lorain	5.05
Lucas	5.08
Madison	5.04
Mahoning	5.03
Marion	5.06
Medina	5.05
Meigs	5.05
Mercer	5.05
Miami	5.04
Monroe	5.05
Montgomery	5.04
Morgan	5.05
Morrow	5.05
Muskingum	5.05
Noble	5.05
Ottawa	5.06
Paulding	5.05
Perry	5.05
Pickaway	5.05
Pike	5.05
Portage	5.03
Preble	5.04
Putnam	5.06
Richland	5.05
Ross	5.05
Sandusky	5.06
Scioto	5.05
Seneca	5.06
Shelby	5.05
Stark	5.03
Summit	5.03
Trumbull	5.03
Tuscarawas	5.03
Union	5.04

1980—Crop Soybeans—Continued

County	Rate per bushel
Van Wert	5.05
Vinton	5.05
Warren	5.05
Washington	5.05
Wayne	5.03
Williams	5.05
Wood	5.07
Wyandot	5.06
Wght. State avg	5.05
Oklahoma	
All counties	4.91
Pennsylvania	
All counties	4.96
South Carolina	
All counties	5.00
South Dakota	
All counties	4.91
Tennessee	
All counties	5.00
Texas	
All counties	4.91
Vermont	
All counties	4.89
Virginia	
All counties	5.00
West Virginia	
All counties	4.98
Wisconsin	
All counties	4.95

(b) Premiums and discounts

Moisture (percent)	Cents per bushel
(1)Premiums:	
12.2 or less	+7.0
12.3 through 12.7	+3.5
12.8 through 13.0	0
(2) Discounts:	
(i) Class:	
Black	−25
Brown	−25
Mixed	−25
(ii) Moisture:	
13.1 through 13.5	−3.5
13.6 through 14.0	−7.0
(iii) Test weight per bushel (lbs.):	
53.9−53.0	−0.5
52.9−52.0	−1.0
51.9−51.0	−1.5
50.9−50.0	−2.0
49.9−49.0	−2.5
(iv) Splits:	
20.1−25.0	−0.25
25.1−30.0	−0.50
30.1−35.0	−0.75
35.1−40.0	−1.00
(v) Damaged kernels:	
(A) Heat damage (%):	
0.6−1.0	−1.0
1.1−1.5	−2.0
1.6−2.0	−3.0
2.1−2.5	−4.0
2.6−3.0	−5.0
(B) Total damage:	
2.1−3.0	−1.0
3.1−4.0	−2.0
4.1−5.0	−3.0
5.1−6.0	−5.0
6.1−7.0	−7.0
7.1−8.0	−9.0
(vi) Black, brown and/or bicolored soybeans in yellow or green soybeans:	
1.1−2.0	−0.5
2.1−5.0	−1.5
5.1−10.0	−3.5
(vii) Special factors:	
(A) Materially weathered	−5.0
(B) Stained	−2.0
(C) Purple mottled	−2.0
(D) Weed control laws (where required by § 1421.25)	−10

(c) Other: Soybeans exceeding limits shown in this schedule or soybeans containing in excess of 14.0 percent moisture are not eligible for loan. In the event quantities of soybeans exceeding limits shown are delivered in satisfaction of loan obligations, such quantities will be discounted on the basis of the schedule of discounts as provided by the Kansas City ASCS Commodity Office for settlement purposes. That schedule will also provide discounts for certain quality factors not specified above which affect the value of soybeans, e.g., musty, sour, heating, etc. Such discounts will be established prior to loan maturity and will thereafter be adjusted from time to time as CCC determined appropriate to reflect changes in market conditions. Producers may obtain schedule of such factors, discounts and adjustments at county ASCS offices prior to their loan maturity date or as soon thereafter as practicable.

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

John W. Goodwin,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 80-33078 Filed 10-22-80; 8:45 am]

BILLING CODE 3410-05-M

7 CFR Part 1464

Tobacco; 1980 Crop Grade Loan Rates—Fire-Cured, Dark Air-Cured and Sun-Cured Tobacco

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule sets forth the schedule of loan rates applicable to the various grades of 1980-crop Virginia Fire-Cured, Kentucky-Tennessee Fire-Cured, Dark Air-Cured and Sun-Cured Tobacco. These rates will provide the level of support required by the Agricultural Act of 1949, as amended. Eligible fire-cured, dark air-cured and sun-cured tobacco can be delivered for price support at the specified rates.

EFFECTIVE DATE: October 23, 1980.

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

FOR FURTHER INFORMATION CONTACT: Betty A. Lucas, ASCS (202) 447-6733. The Final Impact Statement considered in developing this final rule is available on request from Robert L. Tarczy, Price Support and Loan Division (ASCS), Room 3754 South Building, P.O. Box 2415, Washington, D.C. 20013, (202) 447-6733.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "not significant."

In compliance with Secretary's Memorandum No. 1955 and "Improving USDA Regulations" (45 FR 50988), initiation of review of these regulations contained in 7 CFR 1464.17, 1464.18, 1464.19, and 1464.20 for need, currency, clarity, and effectiveness is planned for the period August–October 1981.

The title and number of the Federal Assistance Program that the Final Rule applies to is: Title-Commodity Loans and Purchases; Number 10.051. This action will not have a significant impact on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local government are informed of this action.

On April 25, notice was published in the **Federal Register** (45 FR 27944) inviting written comments, not later than May 27, on the proposed national average loan level for 1980 fire-cured, dark air-cured and sun-cured tobacco.

Discussion of Comments

No comments were received.

Section 106 of the Agricultural Act of 1949, as amended, prescribes a formula for computing, in cents per pound, the level of price support for each crop of tobacco for which marketing quotas are in effect or have not been disapproved by producers. Application of this formula requires that the 1980 crop of fire-cured tobacco be supported at the level of 98.9 cents per pound, and that dark air-cured and sun-cured tobacco be supported at the level of 88.0 cents per pound.

Price support will be provided through loans to producer associations which will receive eligible tobacco from producers and make price support advances to the producers for the tobacco received. The price support advances will be based on the grade loan rates, which will average the required level of support when weighted by estimated grade percentages, in accordance with Section 403 of the Act. The price support advances for fire-cured, dark air-cured and sun-cured tobacco will be the amounts determined by multiplying the pounds of each grade received by the respective grade loan rate less 1 cent per pound which the associations are authorized to deduct and to apply against overhead costs.

Final Rule

Accordingly, 7 CFR Part 1464 is amended by revising § 1464.17, § 1464.18, § 1464.19, and § 1464.20 to read as set forth below, effective for the 1980 crop of fire-cured, dark air-cured and sun-cured tobacco. The material previously appearing under § 1464.17, § 1464.18, § 1464.19, and § 1464.20 remains applicable to the crop to which each refers.

§ 1464.17 1980 crop Virginia fire-cured tobacco, type 21 grade loan rates.[1]

Loan Rates

[Dollars per 100 lb, farm sales weigh]

Grade	Length				
	47	46	45	44	43
A1F	156	156	156	.....	.....
A2F	153	154	154	.....	.....
A1D	156	156	156	.....	.....
A2D	153	154	154	.....	.....
B1F	149	154	154	.....	.....
B2F	138	141	142	136	.....
B3F	125	129	129	129	96
B4F	107	114	118	112	86
B5F	89	91	94	91	78
B1D	148	154	154	.....	.....
B2D	138	141	141	136	.....
B3D	125	127	127	123	86
B4D	101	103	103	100	87
B5D	91	94	95	91	78
B3M	101	107	110	108	85
B4M	91	98	99	98	83
B5M	86	88	89	86	75
B3G	100	102	103	100	79
B4G	93	95	97	94	78
B5G	78	87	83	78	68
C1L	161	161	158	.....	.....
C2L	151	152	152	136	.....
C3L	130	132	132	115	.....
C4L	109	113	113	101	.....
C5L	95	96	97	88	.....
C1F	161	161	161	.....	.....
C2F	151	152	152	125	.....
C3F	130	132	132	115	.....
C4F	109	115	118	111	.....
C5F	95	96	98	92	.....
C2D	96	97	97	94	.....
C3D	90	91	91	86	.....
C4D	81	84	86	82	.....
C5D	71	72	73	72	.....
C3M	103	104	105	101	.....
C4M	95	96	101	98	.....
C5M	78	79	81	79	.....
C3G	88	89	91	85	.....
C4G	81	82	84	79	.....
C5G	73	77	78	74	.....

Grade	Loan rates
X1L	109
X2L	108
X3L	106
X4L	91
X5L	85
X1F	109
X2F	108
X3F	106
X4F	93
X5F	85
X1D	108
X2D	106
X3D	101
X4D	88
X5D	79
X3M	93
X3M 45	85
X4M	79
X4M 45	76
X5M	66
X5M 45	65
X3G	95
X3G 45	93
X4G	87
X4G 45	79
X5G	71
X5G 45	66
N1L	51
N1D	49
N1GL	20
N1DG	51
N2	[2]

[1] Only the original producer is eligible to receive advances. Tobacco graded "U" (unsound), "No-G" (no grade), "W" (doubtful keeping order), or scrap will not be accepted. The association through which advances are made is authorized to deduct $1 per hundred pounds to apply against overhead costs.

[2] N2 is not eligible for support.

§ 1464.18 1980 crop Kentucky and Tennessee fire-cured tobacco, types 22 and 23 grade loan rates.[1]

Loan Rates

Grade	Length				
	47	46	45	44	43
A1F	145	145	145	.....	.....
A2F	140	140	140	.....	.....
A3F	132	132	132	.....	.....
A1D	145	145	145	.....	.....
A2D	140	140	140	.....	.....
A3D	132	132	132	.....	.....
B1F	130	130	130	125	.....
B2F	126	126	126	122	.....
B3F	121	121	121	118	112
B4F	116	116	116	113	106
B5F	109	109	109	106	100
B1D	129	129	129	124	.....
B2D	125	125	125	121	.....
B3D	120	120	120	116	112
B4D	115	115	115	112	105
B5D	106	106	106	102	96
B3M	112	112	112	108	103
B4M	107	107	107	103	96
B5M	102	102	102	97	92
B3VF	112	112	112	108	101
B4VF	110	110	110	107	100
B5VF	104	104	104	101	94
B3G	112	112	112	108	100
B4G	107	107	107	103	95
B5G	97	97	97	92	87
C1L	132	132	132	128	.....
C2L	128	128	128	125	.....
C3L	123	123	123	119	113
C4L	118	118	118	115	109
C5L	111	111	111	109	102
C1F	132	132	132	128	.....
C2F	128	128	128	125	.....
C3F	123	123	123	120	113
C4F	118	118	118	115	108
C5F	111	111	111	107	100
C1D	131	131	131	126	.....
C2D	122	122	122	119	.....
C3D	116	116	116	113	107
C4D	109	109	109	107	101
C5D	102	102	102	100	93
C3M	111	111	111	108	102
C4M	107	107	107	106	99
C5M	100	100	100	97	88
C3VF	115	115	115	112	106
C4VF	110	110	110	108	102
C5VF	105	105	105	103	94
C3G	104	104	104	101	96
C4G	96	96	96	92	87
C5G	91	91	91	88	85

Grade	Loan rates
X1L	110
X2L	107
X3L	102
X4L	97
X5L	94
X1F	111
X2F	108
X3F	103

Loan Rates—Continued

Grade	Loan rates
X4F	99
X5F	96
X1D	107
X2D	102
X3D	97
X4D	91
X5D	86
X3M	88
X4M	82
X5M	79
X3VF	95
X4VF	91
X5VF	86
X3G	85
X4G	74
X5G	65
N1L	68
N1D	58
N1G	50
N2	28

[1]Only the original producer is eligible to receive advances. Tobacco graded "No-G" (no grade), "U" (unsound), or scrap will not be accepted. Tobacco graded "W" (Doubtful keeping order) shall have an advance rate 20 percent below the advance rate otherwise applicable. Tobacco is eligible for loan only if consigned by the original producer. The association through which advances are made is authorized to deduct $1 per hundred pounds to apply against overhead costs.

§ 1464.19 1980 crop dark air-cured tobacco, types 35 and 36 grade loan rates.[1]

Loan Rates

[Dollars per 100 lb, farm sales weight]

Grade	Length			
	47	46	45	44
A1F		141	141	
A2F	137	137	137	
A3F		131	131	
A1R		141	141	
A2R		137	137	
A3R		131	131	
B1F	132	132	132	129
B2F		127	127	126
B3F	122	122	122	120
B4F	112	112	112	111
B5F	104	104	104	103
B1R		131	131	129
B2R	126	126	126	125
B3R	120	120	120	119
B4R	111	111	111	110
B5R	103	103	103	102
B1D		130	130	128
B2D		125	125	124
B3D		119	119	118
B4D		110	110	109
B5D		102	102	101
B3M	109	109	109	108
B4M		101	101	100
B5M	95	95	95	94
B3G	107	107	107	106
B4G	101	101	101	100
B5G	94	94	94	93
C1L		134		
C2L	130	130	130	129
C3L	126	126	126	125
C4L	116	116	116	115
C5L	106	106	106	104
C1F		134	134	133
C2F	130	130	130	129
C3F	125	125	125	123
C4F	116	116	116	115
C5F	106	106	106	104
C1R		133	133	132
C2R	129	129	129	128
C3R	124	124	124	122
C4R	113	113	113	112
C5R	104	104	104	103
C3M	109	109	109	108
C4M	102	102	102	101
C5M	95	95	95	94
C3G	111	111	111	109
C4G	101	101	101	100
C5G	91	91	91	90

Loan Rates—Continued

Grade	Loan rates
T3F	90
T4F	87
T5F	79
T3R	91
T4R	87
T5R	80
T3D	90
T4D	87
T5D	79
T3M	88
T4M	84
T5M	76
T3G	88
T4G	85
T5G	76
X1L	120
X2L	116
X3L	114
X4L	108
X5L	101
X1F	120
X2F	117
X3F	114
X4F	108
X5F	102
X1R	118
X2R	115
X3R	112
X4R	106
X5R	99
X3D	95
X4D	88
X5D	81
X3M	92
X4M	86
X5M	75
X3G	83
X4G	70
X5G	57
N1L	55
N2L	42
N1R	50
N2R	38
N1G	44
N2G	26

[1] Tobacco graded "No-G" (no grade), "U" (unsound) or scrap will not be accepted. A reduction of 20 percent in the advance (loan) rate will be made for tobacco graded "W" (doubtful keeping order), grades marked with the special factor "BH" and type 35 grades marked with the special factor "BL." The association through which advances are made is authorized to deduct $1 per hundred pounds to apply against overhead costs.

§ 1464.20 1980 crop Virginia sun-cured tobacco, type 37 grade loan rates.[1]

Loan Rates

[Dollars per 100 lb, farm sales weight]

Grade	Length		
	46	45	44
A1F	140	140	135
A2F	135	135	130
A3F	130	130	128
A1R	140	140	135
A2R	135	135	130
A3R	130	130	130
B1F	137	137	130
B2F	134	134	130
B3F	126	126	124
B4F	115	115	112
B5F	95	95	91
B1R	137	137	130
B2R	128	128	126
B3R	121	121	120
B4R	110	115	115
B5R	96	96	95
B1D	120	120	115
B2D	115	115	112
B3D	112	112	110
B4D	96	99	96
B5D	87	87	82
B3M	99	99	95
B4M	91	91	88
B5M	83	83	80
B3G	101	101	100
B4G	91	92	85

Loan Rates—Continued

[Dollars per 100 lb, farm sales weight]

Grade	Length		
	46	45	44
B5G	81	81	81
C1L	140	140	130
C2L	135	135	120
C3L	125	125	118
C4L	112	112	110
C5L	88	88	86
C1F	140	140	130
C2F	135	135	128
C3F	125	125	120
C4F	114	114	111
C5F	90	90	88
C1R	110	110	105
C2R	99	99	93
C3R	95	95	
C4R	84	84	82
C5R	75	75	74
C3M	95	95	91
C4M	85	89	86
C5M	83	83	80
C3G	84	85	82
C4G	80	81	79
C5G	74	76	74

Grade	Loan rates
T3F	79
T4F	77
T5F	71
T3R	80
T4R	77
T5R	72
T3D	77
T4D	75
T5D	69
T3M	77
T4M	74
T5M	69
T3G	79
T4G	77
T5G	71
X1L	98
X2L	95
X3L	90
X4L	84
X5L	82
X1F	98
X2F	95
X3F	92
X4F	87
X5F	84
X1R	92
X2R	90
X3R	85
X4R	80
X5R	73
X3D	77
X4D	74
X5D	66
X3M	93
X4M	82
X5M	73
X3G	82
X4G	77
X5G	70
N1L	41
N2L	19
N1R	41
N2R	19
N1G	41
N2G	19

[1] Only the original producer is eligible to receive advances. Tobacco graded "No-G" (no grade), "U" (unsound), or scrap will not be accepted. Tobacco graded "W" (doubtful keeping order) or scrap will not be accepted. The association through which advances are made is authorized to deduct $1 per hundred pounds to apply against overhead costs. Grades marked with special factor "BH" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. Cooperatives are authorized to deduct $1 per hundred pounds to apply against overhead costs.

Signed at Washington, D.C., on October 9, 1980.

John W. Goodwin,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 80-32804 Filed 10-22-80; 8:45 am]

BILLING CODE 3410-05-M

Animal and Plant Health Inspection Service

9 CFR Part 92

Importation of Certain Animals; Harry S. Truman Animal Import Center

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment provides additional standards for a foreign embarkation quarantine facility to be used in conjunction with the exportation of animals from rinderpest or foot-and-mouth disease infected countries to the United States through the Harry S Truman Animal Import Center (HSTAIC). This action is necessary to provide disease free facilities in which animals to be exported to the United States through HSTAIC can be assembled and processed prior to their embarkation. The intended effect of this amendment is to provide for the use of pesticides for the control of small flying insects as facilities in foreign countries through which animals may be exported to the United States through HSTAIC.

DATES: Effective date: October 20, 1980. Comments must be received on or before: December 19, 1980.

ADDRESS: Written comments to the Deputy Administrator, USDA, APHIS, VS, Federal Building, Room 817, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8170.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, Federal Building, Room 817, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified as "not significant". The emergency nature of this action warrants publication of this final action without completion of a Final Impact Statement. A Final Impact Statement will be developed after public comments have been received. Dr. M. J. Tillery, Director, National Program Planning Staffs, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action. This action is required to assist in providing disease free facilities in which animals to be exported to the United States through HSTAIC can be assembled and processed prior to their embarkation.

The second importation of animals to be imported into HSTAIC are presently scheduled to enter the foreign embarkation quarantine facility in October, 1980. Therefore, the amendment is of an emergency nature and must be placed in effect immediately in order to serve the purpose intended.

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

On July 26, 1977 there was published in the **Federal Register** (42 FR 37968-37070) an amendment to 9 CFR Part 92 which provided in § 92.4 standards for a foreign embarkation quarantine facility to be used in conjunction with the exportation of animals from rinderpest or foot-and-mouth disease infected countries to the United States through the HSTAIC. Section 92.4(a)(2) provided standards for the building that is used for quarantine purposes.

Section 92.4a was redesignated § 92.42 at 44 FR 10056, February 16, 1979.

Subparagraph (iv) of § 92.42(b) provides that all openings in the building shall be double screened, with such mesh as to preclude the entrance of small flying insects such as mosquitos into the animal holding area.

The control of flying insects such as mosquitos is necessary as these insects are known vectors of communicable disease of animals. In order to guard against the importation into the HSTAIC of animals infected with or exposed to disease, it is necessary that such animals held in a foreign embarkation quarantine facility prior to shipment to HSTAIC be protected from insect vectors.

It has been the Department's experience that screening alone will not, in all cases, provide adequate security during the care, feeding, testing and handling to minimize the chance of exposure to insect borne disease. This includes situations where the animals may be removed from the buildings for processing, cleaning the facility, for blood sampling, or when insects are managing to enter the facility despite the double screening.

Therefore, the Department is amending § 92.42(b)(2)(iv) to provide that there shall be a program of insect vector control established by Veterinary Services which may include the treatment of animals, building interiors and the areas around the buildings of the embarkation quarantine facility with pesticides registered by the United States Environmental Protection Agency for such use and approved for such purpose by the national government of the country in which the facility is located. This program would be instituted in those situations where the double screening is not sufficient to prevent exposure of the animals to be imported from insect borne disease.

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended as follows:

In § 92.42(b) subparagraph (2)(iv) is amended to read:

§ 92.42 Embarkation quarantine facility; criteria and standards for approval.

* * * * *

(b) *Standards for approval of embarkation quarantine facilities.* * * *

(2) *Building* * * *

* * * * *

(iv) All openings in the building shall be double screened with such mesh as to preclude the entrance of small flying insects such as mosquitos into the animal holding area. There shall be a program of insect vector control established by Veterinary Services if the cattle are removed from the double screened building any time prior to export to the Harry S Truman Animal Import Center or in any other circumstance when it is determined by the USDA Veterinarian in Charge of the quarantine operation that insects which may transmit communicable animal diseases are entering the animal holding area. Such insect vector control program shall include the treatment of animals, building interiors and the areas around the buildings with pesticides registered by the United States Environmental Protection Agency for such use and in accordance with its labeling, and approved by the national government of the country in which the facility is located.

(Sec. 2, of the Act of February 2, 1903, as amended, 32 Stat. 792; Sec. 1 Pub. L. 91-239, 84 Stat. 202 (21 U.S.C. 111 and 135); 37 FR 28464, 28477; 38 FR 19141))

All written submission made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 815, Hyattsville, MD, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the **Federal Register.**

Done at Washington, D.C. this 20th day of October 1980.

Pierre A. Chaloux,

Deputy Administrator, Veterinary Services.

[FR Doc. 80-33129 Filed 10-22-80; 8:45 am]

BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 9

Revised Costs for the Reproduction of Agency Records

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to reflect the new costs for the reproduction of records made available to the public. The revised rates reflect specific costs in a copying service contract that was awarded after competitive bidding.

EFFECTIVE DATE: October 23, 1980.

FOR FURTHER INFORMATION CONTACT: Lynn Scattolini, Chief, Public Document Room, Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 202-634-3273.

SUPPLEMENTARY INFORMATION: Requests by the public for the reproduction of records at the NRC Public Document Room in Washington, DC, have traditionally been accommodated by a copying service contractor. The NRC recently solicited bids for a new contract, and a contract has been awarded to Literature Research Company. The changes in copying costs to the public which result from the letting of the new contract are reflected in the amendments below to paragraph (a) of § 9.14. In addition, paragraph (b) of § 9.14 has been revised to reduce the per page copying cost for documents made available at locations other than the Public Document Room. Further information on the services available at the Public Document Room are described in NUREG/BR-0004, Public Document Users Guide.

A single copy of this publication may be obtained after November 1, 1980, by writing to the U.S. Nuclear Regulatory Commission, Public Document Room, Washington, D.C. 20555.

Since these amendments reduce the costs for reproducing records, and because they reflect the specific costs in a copying service contract recently awarded after competitive bidding, notice of proposed rulemaking and public comment are unnecessary, and good cause exists to make the amendments effective upon publication in the **Federal Register.**

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 9 are published as a document subject to codification.

Section 9.14 is amended by revising paragraphs (a) and (b)(1) to read as follows:

§ 9.14 Charges for production of records.

(a)(1) Charges for the copying of records at the NRC Public Document Room (PDR), 1717 H St. NW., Washington, D.C. by the copying service contractor are as follows:

(i) Five cents per page for paper copy to paper copy, except for engineering drawings and any other records larger than 8½ x 14 inches for which the charge varies between $1.00 to $2.00 per square foot, depending upon size.

(ii) Twenty-four cents per page for microform to paper copy, except for engineering drawings and other records larger than 8½ x 14 inches for which the charge is $3.00 per square foot or $6.00 for a reduced size print (18 x 24 inches).

(iii) Twenty-two cents per microfiche to microfiche.

(iv) Forty cents per aperture card to aperture card.

(v) Charges for records copied by the contractor at the PDR must be paid when the copies are furnished.

(2) Self service, coin operated, copying machines are available at the PDR for the use of the public. Paper to paper is $0.05 per page. Microform to paper is $0.10 per page on the reader-printers.

(3) Mail order requests for contractor copying of NRC records may be made by writing to the PDR.

(i) The charges for mail order reproduction of records are the same as those set out in paragraph (a)(1) of this section, except there is a $2.00 minimum charge for records, plus mailing or shipping charges.

(ii) Each order submitted by mail must contain a statement that the requester is willing to pay the applicable charges. The contractor will include an invoice when it sends the order to the requester. A requester may also open an account with the copying service contractor, Literature Research Company, P.O. Box 1001, Annandale, VA 22003 (703-941-8010).

(b) * * *

(1) Sizes up to 8½ x 14 inches made on office copying machines—$0.05 per page of copy.

* * * * *

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841))

Dated at Bethesda, Md., this 8th day of October 1980.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 80-32819 Filed 10-22-80; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 20851, Amdt. 39-3955]

Societe Nationale Industrielle Aerospatiale Model AS 350 Series Helicopters; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of Societe Nationale Industrielle Aerospatiale Model AS 350 series helicopters by individual telegrams. The AD requires modification of the tail rotor drive shaft assembly and tail rotor transmission, inspection of the tail rotor flapping hinge bearings on unmodified helicopters, inspection of the tail rotor transmission for oil leaks and cracks, and replacement of defective components as necessary. The AD is necessary to prevent deterioration of the tail rotor flapping hinge bearings and failure of the tail rotor transmission, which could result in loss of directional control of the helicopter.

DATES: Effective October 23, 1980, as to all persons except those persons to

whom it was made immediately effective by telegraphic AD T79EU19, issued November 30, 1979, which contained this amendment.

Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin and Work Cards may be obtained from: Societe Nationale Industrielle Aerospatiale (SNIAS), 37, blvd. de Montmorency, 75781 Paris Cedex 16, France.

A copy of the service bulletin and each Work Card is contained in the Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Acting Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: 202-426-8192.

SUPPLEMENTARY INFORMATION: On November 23, 1979, telegraphic AD T79EU18 was issued and made effective immediately as to all known U.S. owners and operators of Societe Nationale Industrielle Aerospatiale Model AS 350 series helicopters. The AD required checking the clearance of the tail rotor head assembly to the tail rotor drive shaft attachment, inspection of the tail rotor transmission for oil leaks, replacement of defective components as necessary, and modification of the tail rotor drive system. AD action was necessary because of the possible failure of the tail rotor transmission and deterioration of the tail rotor flapping hinge bearing, which could result in loss of directional control of the helicopter. The AD was superseded on November 30, 1979, by telegraphic AD T79EU19, in order to revise the inspection requirements for the tail rotor flapping hinge bearings and eliminate the requirement of the inspection when helicopters were modified.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making the AD effective immediately as to all known U.S. owners and operators of Societe Nationale Industrielle Aerospatiale Model AS 350 series helicopters by telegraphic means. These conditions still exist and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of the Federal Aviation Regulations to make it effective as to all persons. Dates have been added to the manufacturer's service bulletin and Work Cards, and editorial changes have been made concerning the FAA-approved equivalent to the manufacturer's service literature.

Adoption of the Amendment

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

Societe Nationale Industrielle Aerospatiale (SNIAS). Applies to Model AS 350 series helicopters, certificated in all categories.

Compliance required as indicated, unless already accomplished.

To prevent failure of the tail rotor transmission and deterioration of the tail rotor flapping hinge bearings, which could result in loss of directional control of the helicopter, accomplish the following:

(a) Within the next 100 hours time in service after the effective date of this AD—

(1) Modify the tail rotor drive shaft assembly by incorporating Aerospatiale Modification No. AMS 350A-07-6519, or an FAA-approved equivalent.

(2) Modify the tail rotor transmission, P/N 350A-33-0006-03, by incorporating Aerospatiale Modification No. AMS 07-8519, or an FAA-approved equivalent.

(3) Incorporate paragraph 2.D, "Operating Instructions," of Aerospatiale Service Bulletin 65.13, dated November 6, 1979, or an FAA-approved equivalent, and Aerospatiale Work Card 05.23.203, page 1, dated October 1979, page 2, dated November 1979, page 3, dated November 1978, and page 4, dated November 1979, or an FAA-approved equivalent, into the helicopter maintenance manual, and perform the last flight of the day checks accordingly.

(b) For helicopters not modified in accordance with Aerospatiale Modification Nos. AMS 350A-07-6519 and AMS 07-8519.

(1) Before further flight, except that the helicopter may be flown in accordance with FAR § 21.197 to a base where these inspections can be performed, and thereafter following the last flight of each day:

(i) Inspect the tail rotor flapping hinge bearings, P/N 704A.33.633.038, to determine the out of flush dimension "M" of the bearing inner to outer bushing in accordance with Work Card 65.40.605, dated October 1979, of the maintenance manual, or an FAA-approved equivalent.

(ii) Inspect the tail rotor transmission, P/N 350A-33-0006-03, for evidence of oil leaks and cracks.

(2) If as a result of the determination required in paragraph (b)(1)(i) of this AD, dimension "M" is found to be less than 0.04 inches/1 millimeter, or more than 0.08 inches/2 millimeters, before further flight, replace the laminated bearing, P/N 704A-33-633-038, with a new or serviceable bearing of the same P/N, and continue the repetitive inspections of paragraph (b)(1)(i) of this AD.

(3) If as a result of the determination required in paragraph (b)(1)(i) of this AD, dimension "M" is found to be greater than 0.04 inches/1 millimeter but less than 0.08 inches/2 millimeters, return the helicopter to service and repeat the inspections required in paragraphs (b)(1)(i) of this AD.

(4) If as a result of the determination required in paragraph (b)(1)(ii) of this AD, evidence of an oil leak, or cracking is found, replace the tail rotor transmission, P/N 350A-33-0006-03, with a serviceable tail rotor transmission which has Aerospatiale Modification AMS 07-8519 incorporated, and discontinue the repetitive inspection of paragraph (b)(1)(ii) of this AD.

(c) For all tail rotor transmissions held as spares and not already modified, install Aerospatiale Modification No. AMS 07-8519, or an FAA-approved equivalent, before installation of the tail rotor transmission on the helicopter.

(d) If an equivalent means of compliance is used in complying with paragraphs (a), (b), or (c) of this AD, that equivalent must be approved by the Chief, Aircraft Certification Staff, Europe, Africa and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium.

Notes.—1. Aerospatiale AS 350 Service Bulletin No. 65-08, revision 1, dated August 13, 1979, refers to the same subject as paragraphs (a)(2) and (c) of this AD.

2. Aerospatiale AS 350 Service Bulletin No. 65-13, dated November 6, 1979, refers to the same subject as paragraphs (a)(1), and (b)(1) of this AD.

This amendment becomes effective October 23, 1980, as to all persons except those persons to whom it was made immediately effective by telegraphic AD T79EU19, issued November 30, 1979, which contained this amendment.

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

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

Issued in Washington, D.C., on October 15, 1980.

Jerold M. Chavkin,

Acting Director of Airworthiness.

[FR Doc. 80-32815 Filed 10-22-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 20850; Amdt. 39-3957]

Costruzioni Aeronautiche Giovanni Agusta Model A109A Series Helicopters; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires repetitive inspections of the aluminum engine lateral fitting foward mounting tab for cracks, and replacement as necessary, until a steel fitting is installed on certain Costruzioni Aeronautiche Giovanni Agusta Model A109A series helicopters. The AD is prompted by reports of cracking and failure of the fitting which could result in loss of engine mounting integrity and subsequent loss of engine power to the helicopter rotor drive system.

DATES: Effective November 6, 1980. Compliance schedule—as prescribed in the body of AD.

ADDRESSES: The applicable service bulletin may be obtained from: Customer Service, Costruzioni Aeronautiche Giovanni Agusta Cascina Costa (Gallarate), Italy.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Acting Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: 202-426-8192.

SUPPLEMENTARY INFORMATION: There have been reports of cracking and failure of the aluminum engine outer lateral fitting, P/N 109-0320-97-4, on certain Costruzioni Aeronautiche Giovanni Agusta Model A109A series helicopters which could result in loss of engine mounting integrity and subsequent loss of engine power to the helicopter rotor drive system.

Since this condition is likely to exist or develop on other helicopters of the same type design, an airworthiness directive is being issued which requires inspection of the engine lateral fitting foward mounting tab for cracks and replacement as necessary, to prevent failure of the engine mount structure. Repetitive inspections are required until the aluminum fitting is replaced with a steel fitting on certain Costruzioni Aeronautiche Giovanni Agusta Model A109A series helicopters.

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

Adoption of Amendment

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

Costruzioni Aeronautiche Giovanni Agusta. Applies to Model A109A series helicopters, certificated in all categories, except for the following serial numbered helicopters: 7107, 7109, 7110, 7113, 7114, 7117, 7119, 7128, 7132, 7138, 7140, 7142, 7143, 7144, 7145, 7148, 7150, 7152, 7158, 7160, 7166, and subsequent.

Compliance required as indicated, unless already accomplished.

To prevent failure of the engine mount structure, accomplish the following:

(a) Within the next 25 hours time in service after the effective date of this AD, and thereafter at intervals not to exceed 25 hours time in service since the last inspection, visually inspect the foward mounting tab of the aluminum engine outer lateral fitting, P/N 109-0320-97-4, for cracks in accordance with "ACCOMPLISHMENT INSTRUCTIONS" of Costruzioni Aeronautiche Giovanni Agusta Service Bulletin No. 109-18, dated April 27, 1979 (hereinafter referred to as the Service Bulletin), or an FAA-approved equivalent.

(b) If, as a result of the inspections required in paragraph (a) of this AD, no cracking is found, return the helicopter to service and continue to inspect in accordance with paragraph (a) or comply with paragraph (d) of this AD.

(c) If, as a result of any inspection required in paragraph (a) of this AD, cracking is found, before further flight, except as provided in paragraph (e) of this AD—

(1) Replace the cracked fitting with a serviceable fitting of the same part number and continue to inspect in accordance with paragraph (a) of this AD; or

(2) Replace the cracked fitting with a new steel fitting, P/N 109-0320-97-6, or an FAA-approved equivalent.

(d) Compliance with the repetitive inspections required by paragraphs (a), (b) and (c)(1) of this AD may be discontinued when a steel fitting, P/N 109-0320-97-6, or an FAA-approved equivalent, is installed.

(e) In accordance with FAR §§ 21.197 and 21.199, the helicopter may be flown to a base where the maintenace required by this AD may be accomplished. Ferrying of the helicopter with a failed fitting or an engine inoperative is not permitted.

(f) If an equivalent means of compliance is used in complying with paragraphs (a), (c)(2) and (d) of this AD, that equivalent means must be approved by the Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium.

(g) Upon request of an operator, the Chief, Aircraft Certification Staff, Europe, Africa and Middle East Office, may approve an equivalent modification or replacement fitting provided the request is made through an FAA Maintenance Inspector and the request contains substantiating data to justify the request for that operator.

This amendment becomes effective November 6, 1980.

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

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

Issued in Washington, D.C., on October 10, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80-32816 Filed 10-22-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 20594, Amdt. 39-3956]

Mitsubishi Heavy Industries, Ltd., Model MU-2B Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to certain Mitsubishi Heavy Industries, Ltd., Model MU-2B airplanes by adjusting the compliance time for the initial inspection of the nose landing gear strut assembly.

DATES: Effective October 23, 1980. Compliance schedule—as indicated in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from:

Mitsubishi Heavy Industries, Ltd., 10, Oye-Cho, Minato-ku, Nagoya, Japan

or,

Mitsubishi Aircraft International, Inc., P.O. Box 3848, San Angelo, Texas 76901.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591. The document may also be examined in Room 7321, Federal Aviation Administration, Pacific-Asia Region, Engineering and Manufacturing District Office, 300 Ala Moana Boulevard, Honolulu, Hawaii 96850.

FOR FURTHER INFORMATION CONTACT:

Gary K. Nakagawa, Chief, Engineering and Manufacturing District Office, APC-210, Pacific-Asia Region, Federal Aviation Administration, P.O. Box 50109, Honolulu, Hawaii 96850, telephone: (808) 546-8650 or 546-8658, or C. Chapman, Acting Chief, Technical Standards Branch, AWS-110, Federal

Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone: (202) 426-8374.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-3892 (45 FR 54729), AD 80-18-12, which currently requires magnetic particle inspection and replacement as necessary of the critical components of the nose landing gear strut assembly on certain Mitsubishi Heavy Industries Model MU-2B airplanes. After issuing Amendment 39-3892, the FAA has determined that the initial inspection should apply only to nose landing gear strut assembly, Part Numbers 010A-39131 or 030A-39111, that have accumulated 4,000 hours time in service, and was inadvertently omitted from the text of paragraph (a). This omission made the AD effective within 200 hours for all nose landing gear strut assemblies, regardless of the time in service rather than the intended compliance as specified in Mitsubishi MU-2 Service Bulletin No. 181. Therefore, the FAA is amending Amendment 39-3892 by adjusting the compliance time in paragraph (a) and clarifying the inspection schedule for replacement parts in paragraph (b).

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-3892 (45 FR 54729), AD 80-18-12, as follows:

(1) By revising the lead in sentence of paragraph (a) to read:

Prior to the accumulation of 4,000 hours time in service on the nose landing gear strut assembly, P/N's 010A-39131 or 030A-39111, or within the next 200 hours time in service after the effective date of this AD, whichever occurs later, unless already accomplished within the last 100 hours time in service, and thereafter at intervals not to exceed 200 hours time in service from the last inspection, inspect the critical components of the NLG strut assembly for cracks in accordance with the instructions contained in Mitsubishi MU-2 Service Bulletin No. 181, dated July 12, 1979 (hereinafter referred to as the Service Bulletin), or an FAA-approved equivalent.

(2) By revising paragraph (b) to read:

If a crack is discovered during any inspection required by paragraph (a) of this AD, replace the defective part with a new part of the same part number in accordance with the instructions contained in the Service Bulletin or an FAA-approved equivalent, and comply with the inspection schedule set forth in paragraph (a) of this AD for the new part.

This amendment becomes effective October 23, 1980.

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

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

Issued in Washington, D.C., on October 10, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80-32817 Filed 10-22-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-WE-48-AD, Amdt. 39-3947]

McDonnell Douglas DC-10 Series Airplanes; Airworthiness Directives

AGENCY: Federal Avation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires deactivation of the potentiometer linkage (spoiler) in the Airborne Integated Data Systems (AIDS) on certain McDonnell Douglas DC-10 series airplanes until an approved modification is installed. The AD is needed to ensure the deployment of the spoiler/speedbrake system when selected.

DATE: Effective October 23, 1980. Compliance schedule—As prescribed in the body of the AD.

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

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

Rules Docket in Room 916, FAA, 800 Independence Avenue S.W., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

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

SUPPLEMENTARY INFORMATION: There have been four reports of spoiler/speedbrake not deploying as selected because the AIDS potentiometer linkage traveled overcenter and blocked the linkage from further movement necessary to initiate deployment.

Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires deactivation of the potentiometer linkage (spoiler) of the AIDS system until an approved modification is installed.

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

Adoption of the Amendment

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

McDonnell Douglas: Applies to DC-10, series 10, 30, and 40 airplanes; fuselage numbers 2, and 183 through 292, certified in all categories, equipped with Airborne Integrated Data System (AIDS) spoiler handle position sensor.

Compliance is required, unless already accomplished.

To prevent blocking of initiation of spoiler/speedbrake deployment due to AIDS potentiometer link traveling overcenter, accomplish the following:

(a) Within 300 hours time in service from the effective date of this AD remove speedbrake potentiometer linkage P/N ABH 7486-1 Rod and ABH 7485-1 Crank in accordance with Douglas Aircraft Company Alert Service Bulletin A27-178, issued March 19, 1980 and Revision 1, dated May 2, 1980.

(b) Prior to reactivation of AIDS, modify the AIDS potentiometer linkage bracket by adding a stop consisting of a lock bolt, spacer, washer, and collar in accordance with the "Accomplishment Instuctions", Part 2 of Douglas Aircraft Company Service Bulletin A27-178, dated May 6, 1980.

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

(d) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved

by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective October 23, 1980.

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

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

Issued in Los Angeles, Calif., on October 6, 1980.

H. C. McClure,

Acting Director, FAA Western Region.

[FR Doc. 80-32677 Filed 10-22-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-WE-45-AD; Amdt. 39-3946]

McDonnell Douglas DC-8 Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection and repair if necessary of wing skins on certain McDonnell Douglas DC-8 airplanes. The AD is needed to prevent crack growth which could result in structural failure of the wing lower skin and rear spar lower cap.

DATE: Effective October 23, 1980.

Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Aircraft Company, Customer Service Department, 3855 Lakewood Boulevard, Long Beach, California 90846.

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

Rules Docket in Room 916, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

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

SUPPLEMENTARY INFORMATION: There have been reports of cracks in lower inboard aft wing skin panels at station Xcw = 69.500 on certain McDonnell Douglas DC-8 airplanes which could, if uncorrected, result in structural failure of the wing lower skin and rear spar lower cap. Since this condition is likely to exist or develop on other airplanes of the same type design an airworthiness directive is being issued which requires inspection and repair, if necessary, of wing skins on McDonnell Douglas DC-8 airplanes.

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

Adoption of the Amendment

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

McDonnell Douglas: Applies to Model DC-8 series airplanes with 20,000 or more hours time in service, certificated in all categories. Compliance required as indicated unless already accomplished. To prevent crack growth which could result in structural failure of the wing lower skin and rear spar lower cap, accomplish the following:

(a) Visually inspect the lower inboard aft wing skin panels and aft tang of the rear spar cap in the vicinity of the dihedral break at wing station Xcw = 69.500 per the Phase 1 accomplishment instructions (Part 2) of McDonnell Douglas Service Bulletin 57-88 dated January 23, 1980 (hereinafter referred to as SB57-88) within the times specified below:

For airplanes with total hours time in service on or after the effective date of this AD	Inspect within additional hours time in service from the effective date of this AD
20,000 to 24,999	900
25,000 to 29,999	700
30,000 to 34,999	500
35,000 and over	300

(b) Modify Clip P/N 5649893-47 (Left Side) and -48 (Right Side) per SB57-88, Part 2, Accomplishment Instructions, Paragraph G within the compliance schedule specified in Paragraph (a) of this AD.

(c) Precoin ream the six holes in lower wing skin identified in SB57-88, Part 2.H per instructions of SB57-88, Part 2.H, Condition II, Paragraph 1, within the compliance schedule specified in Paragraph (a) of this AD.

(d) Ream five attachment holes identified in SB57-88 Part 2.H per instructions of SB57-88 Part 2.H Condition II, Paragraph 2, within the compliance schedule specified in Paragraph (a) of this AD.

(e) Inspect the eleven attachment holes identified in Paragraphs (c) and (d) of this AD for cracks in wing skin and rear spar lower cap aft tang using eddy current methods per SB57-88, Part 2.H, Condition II, Paragraph 3, within the compliance schedule specified in Paragraph (a) of this AD.

(f) If cracks are found, as a result of the inspections of Paragraphs (a) or (e) of this AD, repair prior to further flight as indicated:

1. If cracks are less than 2.5 inches in length, rework in accordance with appropriate Condition of Service Sketch (SS) 3154, or Paragraph (f)(2) of this AD. Rework per SS 3154 requires repetitive inspections per Paragraphs (a) and (e) of this AD at intervals not to exceed: 1200 hours additional time in service since the last inspection for Conditions I and VI of SS 3154 or 1800 hours additional time in service for Conditions II through V of SS 3154, and repair within 3600 additional hours time in service subsequent to rework per Paragraph (f)(2) of this AD.

2. Repair cracks which are 2.5 inches in length or greater, but less than 7.0 inches in length per SB57-88, Part 2.H, Condition I, Paragraph 3.

3. Repair cracks which are 7.0 inches in length or greater after obtaining approval of the proposed repair from the Chief, Aircraft Engineering Division, FAA Western Region. Submit exact location and dimension of crack with the proposed repair.

(g) If no cracks are found as a result of inspections of Paragraphs (a) and (e) of this AD, coin six holes outboard of wing station Xcw = 69.500 per SB57-88, Part 2.H, Condition II, Paragraph 4, and revert to repetitive inspection requirements of Paragraph (i) of this AD.

(h) Return the aircraft to serviceable condition per the appropriate instructions of SB57-88 prior to flight.

(i) Conduct repetitive visual inspections per Paragraph (a) and eddy-current inspection of the 11 attachment holes per Paragraph (e) at intervals not to exceed 3,600 hours time in service since the last such inspection. (Note: Do Not re-ream the eleven attachment holes inboard of station Xcw = 69.500 after the initial inspection of Paragraph (e) of this AD).

(j) Installation of the preventive modification per S/B 57-88, Part 2.H, Condition I, Paragraph 3, eliminates the requirement for repetitive inspections required by Paragraph (i) of this AD.

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

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

This amendment becomes effective October 23, 1980.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421,

1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

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

Issued in Los Angeles, Calif., on October 6, 1980.

H. C. McClure,

Acting Director, FAA Western Region.

[FR Doc. 80-32678 Filed 10-22-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 79-NW-46-AD, Amdt. 39-3951]

Airworthiness Directives: Boeing Model 707/720/727/737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) to require the addition of leading edge device position logic that will provide aural warning when the leading edge devices are not deployed for takeoff on Boeing Model 707/720/727/737 series airplanes.

This AD is necessary because service experience indicates that during the routine use of the preflight checklist, the flight crew may overlook the unlighted leading edge position lights which indicates that the leading edge devices (slats and flaps) are not extended. A hazardous condition exists when a takeoff is attempted with the leading edge devices retracted because this configuration would greatly increase the likelihood of an airplane stall.

DATES: Effective date November 24, 1980.

Compliance times as described in the body of this AD.

FOR FURTHER INFORMATION CONTACT: Mark I. Quam, Systems and Equipment Section, ANW-213, Engineering and Manufacturing Branch, FAA, Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2500.

SUPPLEMENTARY INFORMATION:

History

The status of the 707/720/727/737 leading edge devices prior to takeoff is determined by the use of a Before Takeoff checklist coupled with the observation of the leading edge position lights. Green lights indicate the leading edge devices have extended. Amber lights indicate the leading edge devices are unlocked or in transit. Absence of leading edge position lights would indicate either a system failure or that the pilot had failed to put the flap handle in or beyond the first flap detent position.

Service experience indicates that during routine use of the Before Takeoff checklist, the flight crew may overlook the "no light" leading edge position light condition. They then may attempt a takeoff with the leading edge devices retracted. The latest reported occurrence is the Indian Airlines Boeing 737 crash at Hyderabad, India on December 17, 1978. The Government of India Civil Aviation Department preliminary accident report of that incident indicates that the flight crew had failed to notice the lack of leading edge device lights during the use of the Before Flight checklist and then attempted a takeoff with the leading edge devices retracted.

Public Participation

A Notice of Proposed Rule Making (NPRM) was published in the **Federal Register** (45 FR 2657) on January 14, 1980, proposing an amendment which would require (a) a positive aural warning when the leading edge devices have not been extended prior to takeoff and (b) a visual amber caution warning when the leading edge devices have not been extended and the trailing edge flaps have been extended to the takeoff setting. Interested persons were invited to participate in the making of the amendment and due consideration has been given to all comments received.

Subsequent to publishing the NPRM the Air Transport Association of America (ATA) requested an extension to the comment period and a meeting to provide public input to the NPRM. The request for extension was granted and a public meeting was announced in the **Federal Register** (45 FR 32012) dated May 15, 1980. Comments from that meeting, which was held on June 19, 1980, have also been considered in the making of this rule. Except as changed herein, the rule as proposed is adopted.

Comments

The FAA has received numerous comments from the ATA, operators, and the airframe manufacturer. A summary of these comments and the FAA responses follows.

A. The Regulation Generally

ATA/Operator Comment

The ATA and two operators commented that the proposed AD appears to be an attempt by the FAA to retroactively adopt Amendment 25-42 which requires that the takeoff warning systems include the leading edge devices. They believe these new requirements should be proposed as retroactive rules of general applicability, if the FAA feels they are necessary, rather than propose them as discriminatory rules against the Boeing aircraft.

Response

Section 25.703 of the Federal Aviation Regulations (FAR's)—takeoff warning system—was added by Amendment 25-42 and, in part, requires an aural warning if the leading edge devices are not in the proper positions. This AD action stems from service experience which indicates that flight crews may overlook the absence of a green light which indicates the leading edge devices are not properly extended. This action as well as that following the Nairobi accident involving a B-747 (discussed later) are predicated upon a finding of an unsafe condition within the meaning of Part 39. It is not based upon Part 25. The Administrative Procedure Act (5 U.S.C. 500 *et seq.)* is satisfied because full public participation in the rule making has been afforded. Furthermore, Part 25 addresses problems prospectively, while Part 39 deals with inservice problems. Any further amendment to Part 25 is unnecessary in view of the adoption of Amendment 25-42.

B. Leading Edge Visual Warning

ATA/Operator/Manufacturer Comment

All of the comments concerning the amber caution light proposal were unfavorable. The operators have stated the light would be impractical and ambiguous when considering the existence of the leading edge indication green and amber caution lights system. One operator commented that if a rule is adopted, an aural warning system should be considered sufficient and should tie into the existing takeoff warning system.

The airframe manufacturer stated that the incorporation of an amber light on the center panel which illuminates when some degree of trailing edge flap has been selected will not add to dispatch safety and could encourage a practice of looking for "NO AMBER" rather than the checklist "GREEN LIGHT" requirement. They also stated that these lights are capable of being dimmed, and are, therefore, not readily visible during a period of increased crew workload.

Response

Upon reconsideration, the FAA has determined that the amber caution light

requirement should be deleted from the rule. The light, as proposed in the NPRM, provided the function of pointing out to the flight crew that the takeoff aural warning was activated by the leading edge device position logic, and the aural warning was not activated from the speed brake, stabilizer trim, or trailing edge flap logic. This is a feature that would have provided a convenience; however, it does not appear to be necessary in the interests of safety and it is hereby withdrawn.

C. Leading Edge Aural Warning

1. *ATA/Operator Comment:*

The Indian Government final accident report on the Indian Airlines 737 accident at Hyderabad is not available. Therefore, the airlines believe there is insufficient evidence to support the FAA's conclusion that flight crew failure to notice the "no leading edge device lights" was the primary cause. They state that the possibility of improper configuration of the aircraft for takeoff and the improper use of the checklist by the flight crew in a single incident should not be the basis for "wholesale modifications" of systems proven satisfactory by long operating experience.

Response

The FAA has not received the final accident report on the Indian Airlines accident at Hyderabad and it is not known whether an operational or mechanical failure caused the leading edge devices not to deploy. That failure may never be established. However, the preliminary report, signed on April 8, 1979, by the Indian Government authorities, has established that the leading edge devices were retracted and the trailing edge flaps were close to the number one position. The warning horn did not sound. Messages received from the Indian Airworthiness Authority in July 1980 indicated that they consider that retraction of leading edge devices on the B–737 cannot be ruled out if the flap lever is not positively housed into the detent at takeoff.

This rule making is not centered around what causes leading edge devices not to extend. As was the case in the Lufthansa 747 crash at Nairobi, the subject of AD 75–05–11, 44 FR 8542, dated February 28, 1975, the rule making is in recognition that flight crews may overlook the lack of leading edge position lights even with the use of a checklist. Therefore, the existing warning presentation coupled with the improper (or lack of) use of the checklist is considered to be unsafe, and the warning presentation can be improved by coupling the leading edge device position logic to the aural warning system.

2. *ATA/Operator Comment:*

The airlines believe the Lufthansa 747 accident should be considered in the light of the unique design characteristics of that airplane.

Primary power for the 747 trailing edge flaps is hydraulic, while the power for the leading edge devices is pneumatic. A 747 flight crew, using normal cockpit controls, could inadvertently "set up the cockpit" in a manner that would lead to takeoff with trailing edge flaps properly extended but with the leading edge devices retracted.

The commenters stated that the commonality of power source and sequential train of operation of the 707/720/727/737 airplanes combine to produce a design "extremely invulnerable" to a failure that would result in improper positioning of the leading edge devices with the trailing edge flaps in a takeoff position. With regard to exposure to an inadvertent flight crew action they state that, unlike the 747, such an inadvertency on these narrow body aircraft is extremely improbable (approximately one in 1.43×10^9).

Response

a. *Operational Reliability:*

From an operational standpoint, the 737 flap lever can be set up to extend the trailing flaps without leading edge extension and the aural warning will not sound, which may have been the case on the 737 crash at Hyderabad, India. Other operational errors can occur such as was the case when a flap handle on a 707 was inadvertently knocked out of the detent position in two instances (flap handle configuration is similar on the 720, 727 and 737). Therefore, operational type failures cannot be ruled out.

b. *Mechanical Reliability:*

The ATA has made the assessment that the probability of exposure to failure (commonality of power source and sequential train of operation) yields a probability of occurrences of approximately one in 1.43×10^8 hours for 707/720/727/737 fleets. This may be a reasonable assessment if the reliability figures could be assessed as accurate and the leading edge actuation systems were exactly the same on all three airplanes. The conceptual designs are similar but parts and linkage configuration including the valves are not the same. Therefore, the conclusion is questionable.

From a mechanical/hydraulic system standpoint, the 707/720/727/737 leading edge actuation systems have been reliable, but not without failures. The worn flap handle has caused inadvertent flap selection (five known 707 cases, and the 720/727/737 aircraft are similar in design). There has been a failure reported in the crank rivets in the extend system of the 707 leading edge devices, and there has been one reported leading edge valve failure that led to loss of leading edge device position control. There have been failures in the 737 flap worm gear that can have any number of failure effects. It was fortuitous these failures occurred with the leading edge flaps extended and at a time other than the takeoff condition.

Further, it was assumed in the certification presentation of the 707, 720, 727, and 737 leading edge actuating systems that they may fail and that the leading edge position light system would provide adequate warning information in that eventuality. Therefore, from an historical standpoint, that is from service history and from the aircraft certification proceedings, the probability of failure of the leading edge actuation systems has not been established as "extremely improbable".

3. *ATA/Operator Comment:*

ATA maintained that there would be an increased likelihood of false warnings following installation of the leading edge device warning systems; and that these false warnings were likely to occur during the takeoff roll, resulting in unnecessary rejected takeoffs. They recommend that, in the event that the AD is issued requiring installation of the leading edge device warning system, operators be permitted to install an inhibit system which would prevent the leading edge device warning from activating once the takeoff roll has begun.

Response

The service history of the existing aural takeoff warning system, with respect to false warnings, has been satisfactory. However, in coupling the existing B–707 aural warning system to the leading edge device position indicating system, Lufthansa experienced false warnings during takeoffs on rough runways. This problem was resolved by the installation of a throttle advance inhibit system. The FAA is cognizant of the hazard that results from false warnings, particularly during the high speed segment of the takeoff roll. During the design evaluation of the aural warning modification, the need for warning inhibit circuitry will be fully evaluated, and where it is found necessary it will be required as a condition for approval of the modification procedure. Further, any operator may develop and submit a

system for FAA-approval. For the above reasons, it is considered unnecessary to include a specific inhibit circuitry requirement as part of the rule.

4. *ATA/Operator Comment:*

ATA maintained that the modifications cannot be accomplished within the proposed 2,400 flight hour period without major service disruptions. They said that in order to avoid grounding of airplanes and loss of service to the public it will be necessary for the compliance time to be adjusted to accommodate the availability of service bulletins and parts, and the scheduled aircraft major maintenance operations where the required time, facilities, manpower, and equipment will be available. They stated that compliance would require at least 18 months after delivery of service bulletins and parts if service disruptions are to be minimized.

Response

The FAA has reconsidered the proposed compliance time, in view of the comments received concerning both the time required for the manufacturer to develop and the FAA to approve the modifications, and the amount of time that the operators will require to install the modifications. Upon consideration of all of the information presently available, it has been determined that an additional period of 18 months is necessary to effect the changes required herein. It has also been determined that a reasonable addition of time will not adversely affect safety. Since the Hyderabad accident, as well as the commencement of this rule-making action, operators have been on notice of the potential hazards of flight crews overlooking unlighted leading edge position lights and have had the opportunity to stress the importance of this in training and otherwise. Further, the existing visual warning system remains in place. It will, therefore, not significantly affect the intent of the proposal to extend the proposed compliance time somewhat. The final date for compliance will, therefore, be extended until 18 months following the proposal date which was the earlier of 2,400 hours or one year, thereby adjusting the time on a calendar basis to March 31, 1983.

In addition to extending the compliance time, the proposed visual warning system change has been withdrawn. These adjustments in the proposed rule should significantly reduce the cost burden, without adversely affecting safety.

5. *ATA/Operator Comment:*

The ATA stated that in addition to publication of the subject NPRM, the FAA recently revised all transport category airplane Master Minimum Equipment Lists (MMEL's) to require that takeoff warning system be operative at all times. The ATA was advised that this action was taken as a result of the Indian Airlines Hyderabad accident. The ATA argues that the application of two simultaneous solutions to the problem; i.e., revision of MMEL's and this proposal, appears to be illogical.

Response

Prior to FAR 25.703, takeoff warning systems were not required for aircraft certification. As a result, the takeoff warning systems have been on the MMEL's to permit them to be inoperative for dispatch. Due to takeoff accidents (Chicago/DC–10 and Nairobi/747) where retractions and/or missettings of lift devices have been involved, the takeoff warning systems have been deleted from the MMEL's for the 747 and DC–10 aircraft.

In the interest of safety, and to avoid similar accidents in other aircraft, the Flight Operations Evaluation Policy Board decided to remove the takeoff warning systems from all MMEL's. This proposal, which would add a feature to the takeoff warning system, does not contradict but rather complements the earlier FAA action in making the system mandatory.

6. *ATA/Operator Comment*

ATA suggested that since Boeing 707/720 aircraft will have been "noise regulated" out of service by the end of 1984, those aircraft should be exempt from any such modifications at this late date.

Response

The final date for retirement of subsonic aircraft which do not comply with the noise standards of Part 36, does not occur until January 1, 1985, nearly two years after this rule will have mandated the leading edge warning modification. And then it is only speculative that all 707/720 aircraft will be removed from service. The Aviation Safety and Noise Abatement Act of 1979 revoked the "No-Trades" provisions of the original Sub-Part E of FAR 91. As a result, now that trades can be used, there appears to be considerably more interest in complying with the noise requirements of FAR Part 36 by use of reductions in maximum operating weights, and the use of other operating limitations with less emphasis on the application of acoustic treatment to the airplane. Therefore, it cannot be said that the 707/720 airplanes will not be operating within the U.S. beyond 1984. Moreover, the "retirement" regulations do not apply to aircraft engaged in foreign air commerce (flights between the United States and foreign locations). In addition, the 707/720 design configuration is the most easily traced for a history of problems in the leading edge actuation system. Therefore, this rule will not exempt these models.

Adoption of the Amendment

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

Boeing: Applies to all Model 707, 720, 727, and 737 series airplanes. Compliance time as follows: To assure the flight crew has positive warning when the leading edge devices are not extended for takeoff, accomplish the following:

On or before March 31, 1983, unless already accomplished, install in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, leading edge device logic that will provide aural warning when the leading edge devices have not been extended prior to takeoff.

Note.—Boeing service bulletins that meet the requirement of this AD will so state.

This amendment becomes effective November 24, 1980.

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

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

Issued in Seattle, Wash., on October 9, 1980.

Charles R. Foster,

Director, Northwest Region.

Note.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 80-32679 Filed 10-22-80; 8:45 a.m.]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-SO-61, Amdt. No. 39-3948]

Teledyne Continental Models TSIO-520-M, TSIO-520-P and TSIO-520-R; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD)

which requires the installation of crankshaft front oil seal retainer plates on certain Teledyne Continental Models TSIO-520-M, TSIO-520-P and TSIO-520-R engines installed in, but not limited to certain Cessna Models T206, T207, T210M, T210N and P210N series airplanes. The AD is prompted by reports of the crankshaft front oil seal being dislodged under certain operating periods of high internal crankcase pressure. Displacement of this seal has allowed release of engine oil onto the windshield, obscuring pilot vision, and oil released into the engine compartment has caused an engine fire.

DATES: Effective October 24, 1980.

Compliance required within the next 25 hours time in service after the effective date of this AD unless already accomplished.

FOR FURTHER INFORMATION CONTACT:

Gil Carter, ASO-214, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7435.

SUPPLEMENTARY INFORMATION: There have been reports of the crankshaft front oil seal being dislodged due to high crankcase internal pressure which has allowed the release of engine oil which impinged on the pilot's windshield and resulted in a landing accident. Also, the release of oil into an engine compartment has resulted in an engine fire. Since this condition is likely to exist or develop on other engines of the same or similar type design, an Airworthiness Directive is being issued which requires the installation of oil seal retention plates on Teledyne Continental Models TSIO-520-M, TSIO-520-P and TSIO-520-R engines installed in, but not limited to, certain Cessna T206, T207, T210M, T210N and P210N airplanes.

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

Adoption of the Amendment

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

Teledyne Continental Motors: Applies to engine models as follows:

TSIO-520-M, serial numbers 511000 through 520187, 230126R through 230129R, 230131R through 230142R, and 230144R through 230146R, installed in, but not limited to, certain Cessna Models T206 and T207 airplanes certificated in all categories; TSIO-520-P, serial numbers 513000 through 513620, and 236401R, installed in, but not limited to, certain Cessna Model P210N airplanes certificated in all categories; TSIO-520-R, serial numbers 512000 through 517961, 230226R, 230228R, 230230R through 230233R, 230235R through 230246R, and 230248R, installed in, but not limited to, certain Cessna Models T210M and T210N airplanes certificated in all categories.

Compliance is required within the next 25 hours time in service after effective date of this AD, unless already accomplished.

To prevent the crankshaft front oil seal being dislodged from the engine crankcase, accomplish the following:

(a) Remove engine top cowl panel and left and right nose cowl sections.

(b) Inspect the crankshaft front oil seal which is located on the crankshaft where it passes through the front engine case. If the seal is displaced or there is evidence of oil leakage, replace the oil seal in accordance with the appropriate maintenance manual.

(c) Install two (2) seal half plates, TCM Part No. 641361, on the forward face of the crankshaft with four (4) TCM Part No. 628321-.38 bolts. Torque bolts to 21-25 in-lbs.

(d) Reinstall left and right nose cowl sections and engine top cowl panel, ensuring that baffle seals are fitted and turned in the correct direction.

(e) Run the engine until normal operating temperature is reached and inspect crankshaft front oil seal for leaks.

(f) Make an appropriate maintenance record entry.

Note.—Teledyne Continental Service Bulletin No. M80-20, dated September 12, 1980, pertains to this subject.

An equivalent method of compliance may be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

This amendment is effective October 24, 1980.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "For Further Information Contact."

Issued at East Point, Ga., on October 8, 1980.

Louis J. Cardinali,

Director, Southern Region.

[FR Doc. 80-32682 Filed 10-22-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-CE-35-AD; Amdt. 39-3949]

Cessna Models 210K, 210L, 210M, 210N, T210K, T210L, T210M, T210N and P210N Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), AD 80-21-03, applicable to Cessna Models 210K, 210L, 210M, 210N, T210K, T210L, T210M, T210N and P210N airplanes with a King Radio Corporation Model KFC-200 autopilot on which the roll axis servo actuator is mounted in the right wing. The AD requires, prior to further flight, inspection of the aileron system to verify that the autopilot is correctly connected to the aileron system. This situation, if not corrected, could cause the loss of the primary aileron control and the autopilot roll axis control, with resultant safety hazards to the airplane's occupants.

EFFECTIVE DATE: October 23, 1980, to all persons except those to whom it has already been made effective by airmail letter from the FAA dated October 2, 1980.

Compliance: Prior to further flight.

ADDRESSES: King Radio Corporation Installation Bulletin No. 170, dated October 1, 1980, referenced in this AD, may be obtained from King Radio Corporation, 400 North Rogers Road, Olathe, Kansas 66061; Telephone (913) 782-0400. A copy of the Installation Bulletin is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106; and Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Ed Mosman, ACE-213, Aircraft Certification Program, FAA, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-4281.

SUPPLEMENTARY INFORMATION: In 1979, King Radio Corporation (King) obtained approval of their KFC-200 Flight Control System for Cessna Model P210N airplanes under Supplemental Type Certificate (STC) SA1487CE. King subsequently amended STC SA1202CE which approved the KFC-200 Flight Control System in certain Cessna Model 210 series airplanes to use an identical wing-mounted roll axis servo actuator as that used in Cessna Model P210N airplanes. On these wing-mounted roll servo installations, the original Cessna

primary aileron cable clevis bolt was replaced with a longer bolt to provide a means to attach the roll servo bridle cable with the aileron cable to the aileron bellcrank. There were no instructions provided to reinstall the castellated nut and cotter pin when the clevis bolt was replaced.

The FAA has received a report involving a Cessna Model P210N airplane which indicated that the aileron bellcrank nut was not secured with a cotter pin and that the clevis bolt installed was not the specified type drilled for the cotter pin. The report further indicated that the clevis bolt nut loosened and allowed the bolt to release both the primary aileron cable and the autopilot roll servo bridle cable. All aileron control of the airplane roll axis was lost when the clevis bolt slipped from the bellcrank. This created an unsafe condition in which, had it occurred in flight, normal roll control or recovery from an upset with the ailerons would not have been possible.

The FAA determined that this is an unsafe condition that may exist in other airplanes of the same type design, thereby requiring the issuance of an AD. It was also determined that an emergency condition existed, that immediate corrective action was required and that notice and public procedure thereon was impractical and contrary to the public interest. Accordingly, the FAA notified all known registered owners of the airplanes affected by this AD by letter dated October 2, 1980. The AD became effective immediately as to these individuals upon receipt of that letter and is identified as AD 80-21-03.

The AD is applicable to Cessna Models 210K, 210L, 210M, 210N, T210K, T210L, T210M, T210N and Model P210N airplanes with a King Radio Corporation Model KFC-200 autopilot on which the roll axis servo actuator is mounted in the right wing. The AD requires, prior to further flight, visual inspection of the clevis bolt and nut which secures the autopilot bridle cable and the aileron cable to the aileron bellcrank to verify that there is a cotter pin installed to secure the nut. Since the unsafe condition described herein may still exist on other models of the above-mentioned Cessna airplanes, the AD is being published in the **Federal Register** as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective to all persons who did not receive the letter notification.

Adoption of the Amendment

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

Cessna: Applies to Models 210K, 210L, 210M, 210N, T210K, T210L, T210M, T210N and Model P210N airplanes certified in all categories which have the King Radio Model KFC-200 autopilot installed in accordance with the Supplemental Type Certificates (STCs) SA1202CE or SA1487CE and have the roll axis servo actuator mounted in the right outboard wing.

Compliance: Required as indicated unless the requirements of Paragraphs (A)1, 2 and 3 have been previously accomplished.

To prevent loss of roll axis flight control:

(A) Prior to further flight:

1. Gain access to the right wing aileron bellcrank by removing the aft cover plate on the underside of the wing between wing stations 155 and 172 in accordance with the appropriate Cessna service manual.

2. Visually inspect the clevis bolt and nut which secures the autopilot bridle cable and the aileron cable to the aileron bellcrank to verify there is a cotter pin installed to secure the nut.

3. If a cotter pin is installed, reinstall the cover plate and comply with Paragraph B.

4. If no cotter pin is installed, further visually inspect the clevis bolt to determine if the bolt was cross drilled for a cotter pin.

5. If there is a cotter pin hole and the nut is still in place, install an AN380-2-2, or equivalent, cotter pin and reinstall the cover plates.

6. If there is no cotter pin hole, replace the clevis bolt with a proper AN23-15, or equivalent, bolt as defined by Advisory Circular AC43.13. Reinstall the washers between the cable end fittings and install the nut and cotter pin. After securing the nut and cotter pin, re-rig the aileron system in accordance with the appropriate Cessna service manual and adjust the bridle cable to 20 ± 2 pounds tension.

King Radio Corporation Installation Bulletin No. 170, dated October 1, 1980, has information applicable to this AD.

(B) Make the prescribed entry in the airplane maintenance records.

(C) Within 10 days notify, in writing, the Chief, Aircraft Certification Program, Federal Aviation Administration, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209 of any incorrect clevis bolt or lack of cotter pin in complying with paragraphs (A)4. or (A)6. One acceptable means of making these reports is Malfunction or Defect Report (FAA Form 8010-4). (Reporting approved by the Office of Management and Budget under OMB No. 04-R0174.)

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

This amendment becomes effective on October 23, 1980, to all persons except those to whom it has already been made effective by an airmail letter from the FAA dated October 2, 1980, and is identified as AD 80-21-03.

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

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

Issued in Kansas City, Missouri, on October 8, 1980.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 80-32683 Filed 10-22-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-SO-67]

Alteration of Transition Area, Rocky Mount, N.C.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Rocky Mount, North Carolina, Transition Area by revoking the portion associated with the Rocky Mount Downtown Airport, which has been permanently closed.

EFFECTIVE DATE: 0901 G.m.t., December 4, 1980.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION: In the Rocky Mount, North Carolina, Transition Area, described in § 71.181 (45 FR 445), a portion was designated to provide controlled airspace for instrument operations at the Rocky Mount Downtown Airport. Since the airport is permanently closed and the associated instrument flight procedures have been canceled, it is necessary to revoke the designated airspace. Since this amendment lessons the burden on the public, notice and public procedure hereon are unnecessary.

Adoption of the Amendment

Accordingly, Subpart G, § 71.181 (45 FR 445) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t. December 4, 1980, as follows:

Rocky Mount, N.C.

The present description is deleted and ". . . That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Rocky Mount-Wilson Airport (Lat. 35°51'17" N, Long. 77°53'34" W) * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in East Point, Ga., on October 10, 1980.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 80-32681 Filed 10-22-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-SO-37]

Alteration of Transition Area, Alabaster, Ala.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Alabaster, Alabama, Transition Area. A new standard instrument approach procedure has been developed for the Shelby County Airport. Additional controlled airspace is required to protect aircraft executing the approach procedure and must be designated before the procedure can become effective.

EFFECTIVE DATE: 0901 G.m.t., December 4, 1980.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the **Federal Register** on Monday, August 4, 1980 (45 FR 51590), which proposed the alteration of the Alabaster, Alabama, Transition Area. A new standard instrument approach procedure, NDB RWY 33, has been developed for the Shelby County Airport. A transition area extension south of the airport is required to protect aircraft executing the approach procedure. The establishment of a non-Federal, nondirectional radio beacon south of the airport, which will support the approach procedure, is presently being accomplished.

No objections were received from this Notice.

Adoption of the Amendment

Accordingly, Subpart G, § 71.181 (45 FR 445) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., December 4, 1980, as follows:

Alabaster, Ala.

The present description is deleted and "* * * that airspace extending upward from 700 feet above the surface within a 7-mile radius of Shelby County Airport (Lat. 33°10'40"N., Long. 86°47'00"W.); within 3 miles each side of the 171° bearing from the Calera RBN (Lat. 33°07'04"N., Long. 86°46'14"W.), extending from the 7-mile radius area to 8.5 miles south of the RBN; within a 6.5-mile radius of Bessemer Airport (Lat. 33°18'49"N., Long. 86°55'29"W.); within 3 miles each side of the 241° bearing from Bessemer RBN (Lat. 33°18'42"N., Long. 86°55'25"W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN; excluding that portion within the Birmingham Transition Area * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequenbt and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in East Point, Ga., on October 10, 1980.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 80-32698 Filed 10-22-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ARM-18]

Correction to Previously Altered Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment corrects the Eagle, Colorado control zone description. This action is necessary as a result of the amendment to the Eagle, Colorado control zone (Airspace Docket No. 80-ARM-08) which had a typographical error in the description.

EFFECTIVE DATE: 0901 G.m.t. December 25, 1980.

FOR FURTHER INFORMATION CONTACT: Pruett B. Helm, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

SUPPLEMENTARY INFORMATION:

History

On Monday, July 21, 1980, the FAA published for comment (45 FR 48651) a proposal to alter the Eagle, Colorado Control Zone. As a result of this circular the only comments received expressed no objections. On Thursday, September 11, 1980, the FAA published the Final Rule (45 FR 59839) which altered the Eagle, Colorado control zone. However, there was a typographical error in the description which placed the boundaries of the Control Zone 13 miles northeast of the Wolcott NDB rather than 9 miles northeast of the Wolcott NDB as described in the NPRM dated July 21, 1980.

Drafting Information

The principal authors of this document are Pruett B. Helm, Operations, Procedures and Airspace Branch, Air Traffic Division, and Daniel J. Peterson, office of Regional Counsel.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective 0901 G.m.t., December 25, 1980, as follows:

By amending Subpart F, § 71.171 (45 FR 356) so as to alter the following control zone to read:

Eagle, Colo.

Within a 5-mile radius of the Eagle County Airport (latitude 39°38'42" N., longitude 106°54'43" W.); within 3 miles each side of 072° and 252° bearings from the Wolcott NDB (latitude 39°40'33" N., longitude 106°45'34" W.); extending from the 5-mile radius area to 9 miles northeast of the Wolcott NDB.

(Sec. 307(a) Federal Aviation Act of 1958 as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Aurora, Colo., on October 10, 1980.

Paul K. Bohr,

Acting Director, Rocky Mountain Region.

[FR Doc. 80-32675 Filed 10-22-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 71, 73

[Airspace Docket No. 80-AWA-13]

Temporary Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action designates a temporary restricted area in the vicinity of Clear Creek, Alaska, to contain a major joint military exercise entitled BRIM FROST 81. Applicable portions of the area are designated as controlled airspace within the Continental Control Area to permit joint use of the affected airspace when military activity permits. Federal Airways B-26 and V-444 are excluded within the restricted area to facilitate military aircraft performing maneuvers which are not compatible with the existence of an airway. This action prohibits unauthorized flight operations by nonparticipating aircraft within the restricted area during its designated time of use.

EFFECTIVE DATE: December 25, 1980.

FOR FURTHER INFORMATION CONTACT: George O. Hussey, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3715.

SUPPLEMENTARY INFORMATION:

History

On August 25, 1980, the FAA proposed to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to: (1) Designate a temporary restricted area identified as R-2213, Clear Creek, Alaska; (2) to designate as controlled airspace those portions of the area that penetrate the Continental Control Area; and (3) to exclude Federal Airways B-26 and V-444 within the restricted area (45 FR 56352). The area is required to contain a major joint military exercise (BRIM FROST 81) which involves air activities of such a volume and nature that a hazard exists for nonparticipating aircraft within the restricted area when the area is in use by the military. Communications equipment will be installed and maintained between the appropriate military and FAA facilities to coordinate movement of nonparticipating aircraft through the exercise area when military activity permits. Additionally, a reverse charge telephone number and VHF/UHF radio frequencies will be established and published for pilots of nonparticipating aircraft to coordinate directly with the military if desired. The temporary restricted area will be designated as joint use to permit use of the area by the controlling agency for nonparticipating VFR and IFR air traffic when the area is not in use for its designated purpose. The military will provide aerial access to private or public use lands within the temporary restricted area. These amendments are the same as those proposed in the notice. Of the comments received on the notice of proposed rulemaking, none objected to the proposal. The Department of the Air Force, Alaskan Air Command, is the lead agency for purposes of compliance with the National Environmental Policy Act (NEPA). Sections 71.109, 71.125 and 71.151 of Part 71 and § 73.22 of Part 73 were republished in the **Federal Register** on January 2, 1980 (45 FR 306, 342, 346 and 680).

The Rule

These amendments designate temporary joint use Restricted Area R-2213, Clear Creek, Alaska, for continuous use from 0001 January 28 until 2359 local time, February 3, 1981. Those portions of the area which penetrate the Continental Control Area are designated as controlled airspace and Federal Airways B-26 and V-444 are excluded within the temporary restricted area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.109, § 71.125, § 71.151 and § 73.22 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as republished (45 FR 306, 342, 346 and 680) are amended, effective 0901 G.m.t., December 25, 1980, as follows:

1. In § 71.109, under B-26, the following is added: "The airspace within Restricted Area R-2213 is excluded from 0001 January 28 until 2359 local time February 3, 1981."

2. In § 71.125, under V-444, the following is added: "The airspace within Restricted Area R-2213 is excluded from 0001 January 28 until 2359 local time February 3, 1981."

3. In § 71.151, between "R-2211 Blair Lakes, Alaska" and "R-2301 Ajo, Arizona" the following is added: "R-2213 Clear Creek, Alaska, from 0001 January 28 until 2359 local time February 3, 1981."

4. In § 73.22, After "R-2211 Blair Lakes, Alaska;" the following is added:

R-2213 Clear Creek, Alaska

Boundaries. Beginning at Lat. 64°41'00"N., Long. 147°55'00"W.; to Lat. 64°40'00"N., Long. 147°20'00"W.; to Lat. 64°20'00"N., Long. 147°00'00"W.; to Lat. 64°14'45"N., Long. 146°43'15"W.; thence along the East bank of the East Fork and Little Delta Rivers to Lat. 63°50'50"N., Long. 146°47'30"W.; to Lat. 63°56'00"N., Long. 147°02'00"W.; to Lat. 63°58'00"N., Long. 148°00'00"W.; to Lat. 64°23'00"N., Long. 148°05'00"W.; to point of beginning.

Designated altitudes. Surface to FL200.

Time of designation. Continuous, from 0001 January 28 until 2359 local time February 3, 1981.

Controlling agency. Federal Aviation Administration, Anchorage ARTCC.

Using agency. Alaskan Air Command, Elmendorf AFB, Alaska.

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on October 14, 1980.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-32690 Filed 10-22-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 80-AWA-15]

Special Use Airspace; Amendment of Restricted Area at Queets, Wash.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action amends Restricted Area R-6707, Queets, Wash., to correct a technical error in the boundary description which incorrectly extends the western boundary to the extent that the restricted area encompasses twice the intended amount of airspace. This action relieves the restriction on the use of that airspace and makes it available for public use.

DATES: Effective date—December 25, 1980. Comments on the rule must be received by November 30, 1980.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Northwest Region, Attention: Chief, Air Traffic Division, Docket No. 80-AWA-15, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108.

Send comments on environmental aspects to: Commander, Medium Attack Tactical, Electronic Warfare Wing, NAS Whidbey Island, Wash. 98277.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-204), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: George O. Hussey, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-3715.

SUPPLEMENTARY INFORMATION:

Request for Comments

The purpose of this amendment is to correct the technical description of Restricted Area R-6707, Queets, Wash. Although the current description has been in effect for several years, a recomputation of the location of a line 3 miles parallel to the shoreline caused an unintended westward extension of the restricted area. The new description corrects this discrepancy and describes the western boundary on a north/south axis as originally intended, however, comments are invited on the rule. When the comment period ends, the FAA will use the comments and any other available information to review the regulation. Commander, Medium Attack Tactical Electronic Warfare Wing, NAS Whidbey Island, Wash., has certified that the requirements of the National Environmental Policy Act (NEPA) have been met.

The Rule

This amendment to Part 73 of the Federal Aviation Regulations (14 CFR Part 73) changes the boundary description of Restricted Area R-6707, Queets, Wash., to delete reference to "3 nautical miles from and parallel to the shoreline." Section 73.67 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) was republished in the **Federal Register** on January 2, 1980 (45 FR 726). Since this action returns to unrestricted, public use airspace inadvertently assigned within the restricted area, I find that notice and public procedure is unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (45 FR 726) is amended, effective 0901 GMT, December 25, 1980, as follows:

§ 73.67 [Amended]

In § 73.67 Washington, under R-6707 Queets, Wash., the boundary description is deleted and the following is substituted therefor. "Boundaries. Beginning at Lat. 47°29'35" N., Long. 124°25'00" W.; clockwise along the arc of a 3 mile radius circle centered at Lat. 47°27'00" N., Long. 124°24'15" W.; to Lat. 47°24'25" N., Long. 124°24'30" W.; to point of beginning."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order No. 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on October 14, 1980.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-32721 Filed 10-22-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 159

[Docket No. 20200; Amendment 159-21]

Solicitation and Leafletting Procedures at Washington National and Dulles International Airports

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This rule amends the regulations pertaining to charitable, religious, and political leafletting and soliciting at National and Dulles Airports. These amendments are editorial in nature or remove restrictions and are intended to clarify the requirements imposed on applicants for leafletting or soliciting permits.

DATE: This Amendment becomes effective on October 26, 1980. Comments may be submitted by November 24, 1980.

ADDRESS: Comments may be submitted to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Edward Faggen, Legal Counsel, AMA-7, Metropolitan Washington Airports, Washington National Airport, Washington, D.C. 20001, telephone: (703) 557-8123.

SUPPLEMENTARY INFORMATION:

Background Information

On May 20, 1980, FAA issued a final rule amending 14 CFR Part 159 (45 FR 35306, 5/27/80), National Capital Airports, to provide for regulation of solicitation and leafletting by noncommercial organizations at National and Dulles Airports. This final rule was issued in accordance with Title V of Public Law 96-193 enacted February 18, 1980. Subsequent to publication of the final rule, the original effective date of July 28, 1980, was deferred 90 days to October 26, 1980, to permit completion of various administrative requirements associated with implementation of rule. (45 FR 49917, July 28, 1980).

Since the final rule was issued, FAA has received petitions for

reconsideration of the rule from the following organizations:

Aviation Consumer Action Project;
Alliance for Preservation of Religious Liberty;
American Civil Liberties Union Fund of the National Capital Area.

These petitions were considered as petitions for rulemaking under Part 11 of the Federal Aviation Regulations (14 CFR Part 11). The petitions were published in full in the **Federal Register**, 45 FR 59897, September 11, 1980. Comments on them were requested by November 10.

Consideration will be given to amending the final rule based on the petitions and the comments received. In the meantime, the rule as clarified in this amendment will become effective October 26, 1980.

The amendments remove restrictions on noncommercial activity at the airports and clarify possibly ambiguous language.

The restrictions that permit the sale of written or printed matter only by persons doing so for the sole benefit of religious beliefs, §§ 159.93(a)(3) and 159.93(c)(2)(v)(A) and (B) are removed.[1]

The regulations will not distinguish between sales by religious solicitors on the one hand and sales of written or printed matter by political or tax exempt organizations on the other. This regulation will allow sale of written or printed matter for noncommercial purposes primarily because it is difficult to distinguish between the act of selling written or printed matter and the exchange of such material for a solicited contribution. The airport's interest in preventing congestion, in regulating commercial activity and protecting the public from fraud are equally affected by a sale or exchange of material.

Also, in § 159.93(c)(2) which establishes the permit application procedure, the reference to distribution of written or printed matter is modified to further clarify that the person who seeks only to distribute written or printed matter on the airport without soliciting funds or selling the printed matter is not subject to the procedure of § 159.93(c)(2). Section 159.93(c)(2) applies to those persons seeking to solicit contributions or sell written or printed matter on the airport. Those who seek only to distribute will be given a permit, if available, upon request under § 159.93(c)(1). Language is being added to that section to make clear those persons to whom it applies.

[1] Sections 159.91(a), which prohibits persons from engaging in any business or commercial activity at the airport without approval, is not affected by this amendment.

Sections 159.93 (c)(2) and (c)(2)(ii) are being modified to further clarify that each person who seeks to solicit contributions or sell printed matter may do so only as a representative of a noncommercial organization or in connection with religious expression. With the exception of those soliciting for religious purposes, solicitors must represent an organization although membership in the organization is not required.

Section 159.93(c)(2)(v)(B) was intended to allow a person to solicit funds on the airports on behalf of a political organization. The definition of a political organization was not intended to be restrictive. For this reason the requirement that the organization have as its "primary" function the influence of the nomination, election, or appointment of one or more individuals to Federal, state, or local public office; to influence legislation or to advocate issues or causes to the public is not appropriate. The word "primary" is deleted. Therefore, noncommercial organizations that engage in some political activity are not excluded by this definition from soliciting.

Finally, § 159.94 is modified to more clearly prohibit the solicitation of funds or the selling of written or printed matter without displaying a solicitation permit.

Since these amendments are clarifying and editorial in nature and implement changes required to carry out the intent of Amendment 159–18 which becomes effective on October 26, 1980, I find that notice and public procedure are impractical and that good cause exists for making them effective in less than 30 days. However, the FAA invites interested persons to submit such written data, views, or arguments as they may desire regarding these amendments. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue, S.W., Washington, D.C. 20591. All communications received on or before Nov. 24, 1980 will be considered by the Administrator and these amendments may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Adoption of the Amendment

Accordingly, Part 159 of the Federal Aviation Regulations (14 CFR Part 159) is amended effective October 26, 1980, as follows:

1. By amending paragraphs (a)(3) and (c) of § 159.93 to read as follows:

§ 159.93 Certain noncommercial activities.

(a) * * *

(3) The sale of written or printed matter. All other sales of any material, items, or services will be treated as a "commercial activity" under this Part.

* * * * *

(c) *Procedure:* Unless by prior application all available permits have been granted, applications will be processed as follows:

(1) Each person who seeks to distribute written or printed matter without soliciting funds or selling such matter shall immediately be given a single permit for leafletting for noncommercial purposes upon his request.

(2) Each person who seeks to solicit contributions or sell written or printed matter may do so only in connection with religious expression or as a representative of a noncommercial organization. Each such person shall immediately be given a single permit upon submission of an application, signed by the applicant, containing the following:

(i) The applicant's name, address, and telephone number.

(ii) The name, address, and telephone number of the organization that the applicant purports to represent, and a letter or other documentation that the applicant has authority to represent that organization. (This submission is not required of an individual who would be soliciting in connection with religious expression and who is not representing an organization.)

(iii) The name and title of the person in the organization who will have supervision of an responsibility for the activity at the airport, if applicable.

(iv) A statement that the sale of printed matter and/or the solicitation of funds is for noncommercial purposes.

(v) One of the following:

(A) A statement signed by the applicant that the applicant represents, and will be soliciting funds or selling written or printed matter for the sole benefit of, a religion or religious group.

(B) A statement signed by the applicant that the applicant represents, and will be soliciting funds or selling written or printed matter for the sole benefit of, a political organization a function of which is to influence the nomination, election, or appointment of one or more individuals to Federal, state, or local public office; to influence Federal, state, or local legislation; or to advocate issues or causes to the public.

(C) A statement signed by the applicant that the applicant's organization has received an official Internal Revenue Service (IRS) ruling or letter of determination stating that the organization or its parent organization qualifies for tax-exempt status under 26 U.S.C. 501(c)(3), (c)(4), or (c)(5).

(D) A statement signed by the applicant that the applicant's organization has applied to the IRS for a determination of tax-exempt status under 26 U.S.C. 501(c)(3), (c)(4), or (c)(5), and that the IRS has not yet issued a final administrative ruling or determination on such status.

(E) A statement signed by the applicant that the applicant's organization has on file with the Virginia Administrator of Consumer Affairs a current registration statement in accordance with the Virginia Annotated Code, Section 57–49 (1978 Cumulative Supplement), "Registration of Charitable Organizations."

* * * * *

2. By amending paragraph (e) of § 159.94 to read as follows:

§ 159.94 Prohibited conduct relating to noncommercial activity.

* * * * *

(e) If that person is selling written or printed matter or soliciting funds, without wearing or displaying, in a conspicuous manner, a solicitation permit and the name of the organization that the person represents.

* * * * *

(Secs. 2 and 4 of the Act for the Administration of Washington National Airport, 54 Stat. 686 as amended by 61 Stat. 94; Secs. 4 and 10 of the Second Washington Airport Act, 64 Stat. 770; sec. 313 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1359); sec. 6, Department of Transportation Act (29 U.S.C. 1655); sec. 501 of Pub. L. 96–193, February 18, 1980)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, since these amendments are editorial and clarifying in nature, or are relaxatory, and impose no additional burden on any person, the Federal Aviation Administration has determined that the anticipated impact is so minimal that an evaluation is not required.

Issued in Washington, D.C., on October 17, 1980.

Langhorne Bond,

Administrator.

[FR Doc. 80-33142 Filed 10-22-80; 8:45 am]

BILLING CODE 4910-13-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY
Agency for International Development

22 CFR Part 216

Environmental Procedures

AGENCY: Agency for International Development.

ACTION: Final amendment of regulations.

SUMMARY: These final regulations amend A.I.D.'s environmental procedures to increase their effectiveness and efficiency and to reduce unnecessary paperwork and delay.

EFFECTIVE DATE: October 23, 1980.*

FOR FURTHER INFORMATION CONTACT: Albert Printz, A.I.D. Environmental Coordinator, Agency for International Development, Department of State, Washington, D.C. 20523, 202–632–1036.

SUPPLEMENTARY INFORMATION: On October 1, 1979, the Agency for International Development (A.I.D.) published in the **Federal Register** (44 FR 56378) a notice of proposed rulemaking with proposed amendments to A.I.D.'s environmental procedures. All comments submitted with respect to the proposed amendments were given due consideration. These comments generally were favorable. There were, however, one general and several specific criticisms, each of which are discussed below. Except to the extent modified herein, the supplementary information to the proposed amendments contains a summary of the major changes to A.I.D.'s environmental procedures made by these final amendments.

A. General Comment

A.I.D.'s proposed amendments were criticized for incorporating into the environmental procedures some aspects of the Executive Order 12114, dated January 4, 1979, entitled Environmental Effects Abroad of Major Federal Actions (the Executive Order). The contention was made that reliance on the Executive Order is contrary to both A.I.D.'s obligations under the National Environmental Policy Act of 1970 (NEPA) and a Stipulation, approved by the United States District Court for the District of Columbia, (the Stipulation), in the case of *Environmental Defense Fund et al. v. the Agency for International Development, et al.* No. 75–0500 (D.D.C., December 5, 1975) (Order approving Stipulation.)[1]

A.I.D. does not agree that the amendments adapted from the Executive Order, which are applicable only to the extent an action does not significantly affect the environment of the United States, violate the Stipulation. A.I.D. recognizes its responsibilities to conduct its operations in a manner that mitigates or avoids any potential short- or long-term deleterious environmental effects of local, regional or global proportions. A.I.D. will continue to ensure that environmental consequences of proposed A.I.D. financed activities are identified and properly analyzed.

B. Specific Comments

1. *Section 216.1(a). Purpose.* One commentator suggested that the statement of purpose of the procedures should make it clear that the procedures are adopted in accordance with NEPA.

*Actions for which Environmental Assessments or Environmental Impact Statements have been instituted, or contracts for such studies executed, may be completed in accordance with the procedures in effect prior to these amendments or with the amended procedures at the option of the Bureau Environmental Officer.

[1] Plaintiffs in this case sought a declaratory judgment that NEPA applied to A.I.D. and to its assistance in the procurement and use of pesticides; that A.I.D. was in violation of section 102 (2)(C) of NEPA by failing to promulgate procedures ensuring that environmental values may be given appropriate consideration in decision making along with economic and technical considerations; and that A.I.D. failed to prepare, circulate for comment and consider in its decision making process a detailed environmental impact statement concerning A.I.D. financed assistance for the procurement and use of pesticides.

The Stipulation provided in relevant part: A.I.D. will prepare a detailed environmental impact statement in accordance with Section 102 (2) (C) of NEPA, the CEQ Guidelines and A.I.D. regulations on any aspect of A.I.D.'s activities * * * covered by NEPA *in each instance in which such a statement is required.* Where the proposed action will not require an impact statement, A.I.D. will, nevertheless, assess the potential environmental effects and results of the assessment will be an integral part of its decision making process.

The Stipulation did not conclude that NEPA is applicable to Agency actions that affect the environment of foreign countries. However, as a matter of law, A.I.D. agreed that NEPA does apply to any major A.I.D. action that has a significant effect on the environment of the United States. A.I.D. adopted regulations covering such cases and formalized procedures that institutionalize environmental review to determine when an A.I.D. action has a significant effect on the environment of the United States. These procedures, which are mandatory under NEPA, require an environmental impact statement to be prepared in accordance with CEQ guidelines for such documents whenever such action occurs.

The Stipulation did not require such "impact statements" in cases where Agency actions have significant effects limited to the environment of a foreign country or countries. However, A.I.D. agreed in the Stipulation that "where an action will not require an impact statement, A.I.D. will nevertheless assess the potential environmental effects and the results of that assessment will be an integral part of its decision making process. In 1978, after finding upon the suggestion of the parties that the requirements of the Stipulation had been satisfied, the District Court ordered that the lawsuit against A.I.D. be dismissed."

A.I.D. adopted this suggestion by indicating that § 216.7(a)(2) is intended to implement the requirements of NEPA.

2. *Section 216.1(c). Definition of "Significant Effect".* Objection was made to the proposed definition of "significant effect" as "an action that does significant harm to the environment." Although this definition is not used with respect to effects on the environment of the United States and is taken from the Executive Order, it was asserted that adoption of the definition is contrary to the requirement in the Stipulation that A.I.D. assess "every proposed new activity significantly affecting the environment."

A.I.D. disagrees. The Stipulation did not define the terms "significant effect" or "significantly affecting the environment." The original A.I.D. procedures adopted pursuant to the Stipulation did not define those terms. NEPA and the regulations implementing that Act which were adopted by the President's Council on Environmental Quality (CEQ) (43 FR 55978) are not applicable to agency actions that have effects limited to the environment of one or more foreign countries. Accordingly, A.I.D. remains free to adopt the definition of significant effect used in the Executive Order regarding environmental effects abroad. This provides consistency within the Executive Branch regarding the environment abroad. Further, it is A.I.D.'s judgment that this definition is adequate to ensure that A.I.D. financed activities are environmentally sound.

A.I.D. does not believe it is necessary to require by regulation a formal environmental assessment in order to study more beneficial alternatives. Other A.I.D. studies conducted in the process of project selection and design are intended to accomplish that purpose. The example of a reforestation project offered by the commentator illustrates this point. The commentator indicated that such a project might be viewed as wholly beneficial, but there are important matters that should be assessed such as the suitability of various tree species and tree planting arrangements. These considerations, however, would be carefully reviewed as standard A.I.D. procedure through technical analysis contained in the A.I.D. project design process. Therefore, it is unnecessary to conduct an environmental assessment for that purpose.

3. *Section 216.1(c)(4) and (5). Definitions of Environmental Assessment and Environmental Impact Statement.* One commentator pointed out that the difference in the description of an Environmental Assessment* in subsection (4) as a "concise evaluation" and an Environmental Impact Statement in subsection (5) as a "detailed study" can convey the mistaken impression that an Environmental Assessment will be less thorough than an Environmental Impact Statement.** A.I.D. notes that in either case the content and form of an Environmental Assessment is detailed in § 216.6(c), but the brief definition of an Environmental Assessment in § 216.1(c)(4) has been revised to describe it as a "detailed study."

4. *Section 216.1(c)(12). A.I.D. as a Minor Donor.* As proposed, the definition of a minor donor in a multidonor project, which is the subject of a categorical exclusion from preliminary environmental review, has been expanded to include situations in which A.I.D.'s contribution exceeds $1,000,000 but not 25 percent of total project cost and the environmental procedures of the donor in control over design of the project are followed. Commentators objected because the environmental procedures of other donors might be superficial or inadequate. As finally adopted, the definition requires a determination by the A.I.D. Environmental Coordinator that the environmental procedures of the donor in control of design are adequate. If the lead donor's environmental procedures are not adequate to identify and assess actions significantly affecting the environment, A.I.D. will cooperate with the recipient country and other donors in conducting an Environmental Assessment or conduct its own Environmental Assessment relying on studies performed by other donors when appropriate.

There are instances when planning for a multidonor project is quite advanced before A.I.D. is invited to participate in financing an activity. Frequently, such projects are organized and planned under the auspices of the World Bank or other substantial donor agencies. A.I.D.'s project review process, in these cases, often relies on the studies performed by the lead donor. To do otherwise would be time consuming, duplicative and sometimes wasteful of manpower and resources. Within the limits described in § 216.1(c)(12) A.I.D. believes it is appropriate for it to use the environmental procedures and studies relied on by the lead donor in the same manner as A.I.D. relies on the other studies, such as economic, technical and social analyses, used by the lead donor for decisionmaking.

If the A.I.D. Environmental Coordinator does not believe that the lead donor's procedures are adequate, A.I.D. is required to conduct its own assessment of the project, and A.I.D. may, of course, choose as a matter of policy to conduct an independent Environmental Assessment even when not required to do so by regulation.

5. *Section 216.2(c). Categorical Exclusions.* One commentator requested two changes in the criteria for determining classes of actions generally excluded from environmental review. First, it was suggested that criterion (i) should be changed from "the action does not have *an effect* on the natural or physical environment" to "the action has no reasonably foreseeable *significant impacts* on the environment."

A.I.D. has decided not to accept this suggestion because A.I.D. believes that the criterion as originally proposed is a more stringent test for activities included in the categorical exclusions. The A.I.D. formulated criterion does not exclude any action which has an effect on the natural or physical environment from the preliminary environmental review involved in an Initial Environmental Examination to determine whether an action is significant. For example, to the extent an action alters the physical environment, it is not excluded automatically from environmental review. An Initial Environmental Examination will be prepared regarding the alteration to support a Threshhold Determination whether its effects are significant. A.I.D. believes that a judgment regarding significance should be made after a threshhold environmental review.

The formulation proposed by the commentator, on the other hand, would exclude from environmental review all actions affecting the environment unless they are significant. A.I.D. believes that an action affecting the environment should be subject to environmental review until it can be shown in an Initial Environmental Examination that it will not have a significant effect.

Second, the commentator suggested that criterion (ii) should be revised to delete the reference to A.I.D.'s objective in furnishing the assistance requiring knowledge of or control over the details of the specific activities to be financed. The commentators suggested that the

*An Environmental Assessment is defined in § 216.1(c)(4) as a detailed study of the reasonably foreseeable significant effects, both beneficial and adverse, of a proposed action on the environment of a foreign country or countries.

**An Environmental Impact Statement is defined in Section 216.1(c)(5) as a detailed study of the reasonably foreseeable environmental impacts, both positive and negative, or a proposed A.I.D. action and its reasonable alternatives on the United States, the global environment or areas outside the jurisdiction of any nation as described in § 216.7 of these procedures.

test simply should be whether A.I.D. has knowledge of or control over the activities.

A.I.D.'s proposed criterion was an effort to have an objective standard. There may be instances when A.I.D. does not have knowledge or control, but the objective A.I.D. is attempting to accomplish should impose on A.I.D. the requirement to obtain knowledge or control over the specific activities. Again, A.I.D. was attempting to develop a more stringent test than that proposed by the commentator.

The amendment adopted by A.I.D. is an effort to clarify this position by requiring environmental review whenever A.I.D. has such knowledge or A.I.D.'s objective in furnishing the assistance requires A.I.D. to have knowledge of or control over the specific activities financed. This has also been clarified in subsection (IX) regarding commodity import programs as suggested by the commentator.

The suggestion made by the commentator that knowledge of specific kinds of proposed activities in Food for Development programs and PVO institutional support grants should prompt environmental review has not been accepted. In those cases, although A.I.D. may know that a local government in a Food for Development Program will conduct a particular activity, A.I.D. will not be involved in the planning or design of the activity. A.I.D. neither approves nor controls the details of specific activities that would have environmental significance, such as the location of activities or the manner in which they are carried out. In such cases, A.I.D. does not, for example, review economic, technical or social analyses. In keeping with the principle that environmental concerns should be integrated in decision making to the same extent as technical, social and economic factors, A.I.D. does not intend to review environmental analysis of specific activities.

Another commentator was concerned about the categorical exclusions for programs involving nutrition, health care or population and family planning services (subsection (c)(2)(viii)) and for programs of maternal or child feeding (subsection (c)(2)(xi)). Acknowledging that these areas traditionally are not viewed as having environmental impacts, the commentator noted that there have been reported cases of health damage, serious injuries and deaths associated with the use of and method of using particular kinds of IUDs and baby milk formulae. Concern was expressed that categorically excluding these activities from environmental review downgrades the importance of careful analysis by A.I.D. officials of the potentially adverse implications which such activities may have for the people served.

By making such activities the subject of categorical exclusions, A.I.D. did not and does not intend to downplay the importance of careful analysis of their effect on the people served. The effects on people participating in these programs are carefully studied as a matter of agency procedure before the assistance is furnished, and it is not necessary to implement A.I.D.'s concern regarding these programs through the environmental procedures.

With respect to population programs, A.I.D. furnishes to developing countries only pharmaceutical products for which information is available to attest to the safety, efficacy and quality of the product. Generally, such products are approved by the Food and Drug Administration. In addition, clinical trials are frequently conducted, in a manner that complys with regulations of the Department of Health and Welfare for the protection of human subjects, to evaluate health impact and efficacy in selected foreign countries before a new product is included in the program.

With respect to maternal child feeding programs, A.I.D. does not distribute baby milk formula. Food distribution programs are limited to whole grains or processed foods. Before any new food product is used in either domestic or foreign donation programs, it must be approved by the Processed Foods Committee, an interagency committee established by the Department of Agriculture. This committee consists of representatives from the Agricultural Stabilization Service, Science and Education Service, Food and Nutrition Service, Foreign Agricultural Service, Office of the General Sales Manager, Food Safety and Quality Service and the Office of Food for Peace.The committee makes a thorough analysis of the product, including specifications, nutritive value, shelflife, packaging and other aspects. Foods to be included in A.I.D. programs are also evaluated from the perspective of use potential regarding both the type of product and the target group as well as taste acceptance and shipping potential.

Under the circumstances, A.I.D. believes that the categorical exclusions should be retained but careful review of these programs will continue.

6. *Section 216.2(d). Classes of Actions Normally Having a Significant Effect on the Environment.* One commentator suggested adding "deforestation" to the list of classes of actions generally determined to have a significant effect on the environment for which an Environmental Assessment or Environmental Impact Statement is required without the need for an Initial Environmental Examination. However, the classes of actions in § 216.2(d) are not a catalogue of effects that are considered significant, but a list of actions undertaken for appropriate development purposes that have significant effects warranting an Environmental Assessment. Although A.I.D. believes that any action that has the effect of deforestation warrants an Environmental Assessment, A.I.D. conducts no action where the purpose is deforestation. The suggestion, therefore, has not been accepted.

7. *Section 216.3(a)(3). Negative Declarations.* Concern was raised regarding Negative Declarations * that might be made on the basis of "the fact that a substantial number of Environmental Assessments or Environmental Impact Statements relating to similar activities have been prepared in the past." Although this basis for a Negative Declaration has been in the environmental procedures since originally issued, the commentator stated that thus far A.I.D. environmental reviews have been site specific with little relevance to similar activities in different locations. The suggestion was made that A.I.D. should first determine whether the data collected and lessons learned from the previous assessments or impact statements on similar activities are generally applicable. A.I.D. has always construed this basis for a Negative Declaration to require relevance of the previously conducted environmental review for the proposed action, but § 216.3(a)(3) has been revised to make this requirement clear.

8. *Section 216.3(a)(4). Scoping.* Two comments were offered regarding the scoping process set forth in § 216.3(a)(4).** First the process should eliminate from consideration elements of actions that are adequately covered by approved project design standards or criteria. Second, the process should consider whether the various analyses required as part of an Environmental Assessment should be done in phases.

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* A Negative Declaration is a decision made by an Assistant Administrator or the Administrator that the agency will not develop an Environmental Assessment or an Environmental Impact Statement for an action normally requiring such a study. A Negative Declaration may be made on the basis set forth in section 216(a)(3) of the procedures.

** Scoping is a process, adopted from the CEQ Regulations, which attempts to focus analytical attention on the significant issues to be addressed in an Environmental Assessment or an Environmental Impact Statement thereby eliminating unnecessary detail and improving the usefulness of those documents in decision making.

Section 216.3(a)(4) has been revised to adopt both suggestions.

This section also has been revised to state that under certain circumstances the format of the Environmental Assessment that is prescribed in § 216.6 may be modified during the scoping process. This change is more fully described below in the section regarding the content and format of Environmental Assessments.

9. *Record of Decision.* One commentator suggested the addition of a new provision requiring that a concise record of decision be maintained for all actions involving an Environmental Assessment or Environmental Impact Statement. This suggestion has not been accepted. Such a record is presently available in the Environmental Assessment or Environmental Impact Statement sections of the Project Paper treating the environmental aspects of the action, and other documents used in the process of approving an action. All of these documents are available to the public upon request, and A.I.D. believes that the benefits to be obtained by pulling this information into a single record do not warrant the increased burden to the environmental staff that would be involved.

10. *Section 216.3(a)(8). Monitoring.* The suggestion was made that the monitoring provision be expanded to ensure that the environmental alternative selected is followed and that design criteria used and mitigating measures adopted are actually implemented. A.I.D. does not believe it is necessary to make such statements in the environmental procedures. Environmental factors are one important aspect among many considered in the authorization for funding of actions, and it is necessary that all important factors in an authorization be included in the implementation of an action or the authorization must be revised. It is not necessary to single out these environmental concerns as proposed because they are accommodated in A.I.D.'s standard operating procedures.

However, § 216.3(a)(8) has been revised to indicate clearly that implementation of A.I.D. actions will be monitored for environmental impacts to the same extent as other aspects of the action are monitored, and if in the course of implementation, it appears that the action will have a significant effect on the environment that was not previously studied in an Environmental Assessment or an Environmental Impact Statement, such a study will be made.

11. *Section 216.5. Endangered Species.* This proposed section was criticized for failing to require consultation with the Fish and Wildlife Service of the Department of the Interior (FWS) when endangered or threatened species or their critical habitat are affected by a proposed action. A.I.D. acknowledges that the FWS is the agency of the United States Government having the greatest amount of expertise about the protection of wildlife. A.I.D. has in the past and intends in the future to seek the assistance of FWS in designing actions financed by A.I.D. in order to eliminate or minimize harmful effects on such species and their habitat.

Section 216.3(a)(4) requires the originator of an action to include in the scoping process persons having expertise relevant to the environmental aspects of the proposed action, and requires the Bureau Environmental Officer to circulate the scoping statement to selected federal agencies when, in the judgment of this officer, comments by such agencies will be useful in preparing an Environmental Assessment. These steps would include, of course, FWS when an action involves endangered or threatened species or their critical habitat.

Section 216.5 has been revised to indicate that A.I.D. will not be limited to information supplied by the FWS or the host country regarding the presence of such species or their critical habitat in an area affected by a proposed action. A.I.D. will consider all relevant available information.

12. *Section 216.6(b). Collaboration with Affected Nations on Preparation of Environmental Assessments.* One commentator objected to the deletion from this section of the statement that A.I.D. missions should encourage and be responsive to host country requests for training and technical assistance to build their capacity to collaborate with A.I.D. in preparing Environmental Assessments. Such training and technical assistance are useful for the developing world and are a part of A.I.D.'s development program. A.I.D. does not believe, however, that it is necessary to include a provision in its regulatory procedures that singles out this type of training and technical assistance from other types routinely offered by A.I.D.

13. *Section 216.6(c). Content and Form of Environmental Assessments.* One commentator questioned the adoption by A.I.D., for purposes of Environmental Assessments, of the content and format prescribed by CEQ for Environmental Impact Statements that are used by decisionmakers in United States Government agencies when major federal actions significantly affect the environment of the United States. The commentator suggested that such a content and format places emphasis primarily on identification of impacts and the presentation of environmental problems rather than on useful solutions to those problems. The contention was made that although an enumeration of impacts is interesting to a developing country, the real benefit to a developing country is in identifying practical low cost solutions needed to mitigate adverse environmental impacts, to maximize the effective use of environmental resources and to integrate environmental planning with development projects.

A.I.D.'s experience has been that it is sometimes difficult to integrate effectively Environmental Assessments with realistic, timely development planning. On the other hand, A.I.D. believes that the content and format developed by CEQ eliminates repetitive discussion, stresses the major conclusions including mitigating measures, highlights the areas of controversy and focuses on the issues to be resolved. The content and format prescribed in § 216.6(c) generally will be followed. However, this will not be required inflexibly in all cases at the expense of effectively integrating environmental planning in the design of A.I.D. actions. If in the process of scoping it appears that variations should be made in the content or format of the Environmental Assessment to be prepared for the action in order to improve the benefit of the assessment to the developing country or to integrate environmental planning more effectively in the design of the action, the variations may be made. They should be described in the scoping statement and are subject to the review and approval of the Bureau Environmental Officer in the same manner as the remainder of the scoping statement.

Section 216.6(c) has been revised to indicate that the format prescribed will be followed, if appropriate, and § 216.3(a)(4) has been revised to indicate that the scoping statement may describe, subject to the approval of the Bureau Environmental Officer, variations in the format when appropriate for the reasons set forth above.

14. *Section 216.6(d). Program Assessments.* One commentator suggested that programmatic evaluations regarding the establishment of new categorical exclusions or approved project design standards or criteria should be made available for public comment. In addition, the section should indicate who within A.I.D. will be responsible for approving additional categorical exclusions and design standards or criteria. Section 216.6(d)

has been revised to adopt both suggestions. The Administrator of A.I.D. will approve additional categorical exclusions. Since design considerations will be approved by varying offices within A.I.D. depending on whether they involve health, engineering, agricultural and other factors, it is not possible to indicate who will be responsible for approving each set of such considerations. They will be approved in accordance with usual A.I.D. procedures.

15. *Section 216.6. Consultation and Review.* Objection was made to the deletion of former § 216.5(d) regarding consultation with and review by host governments at the outset and conclusion of Environmental Assessments. This provision was proposed for deletion because it was considered unnecessary. A.I.D. provides financing for actions that are requested by host countries which are involved in a collaborative manner with A.I.D. at each step of design and approval of an action. A.I.D. consults with the host government at the outset of an assessment and at its conclusion, as well as at other appropriate points, just as A.I.D. does with respect to other analyses that are important to A.I.D. and the host country in decision making. Moreover, A.I.D. will continue to encourage host governments to make Environmental Assessments available to the public. Although it is not necessary for A.I.D.'s environmental procedures to include these statements, they will be retained to emphasize the importance of such consultation and review. Former § 216.5(d)(5) has been reinstated as § 216.6(e).

16. *Section 216.9. Bilateral or Multilateral Studies and Concise Reviews.* Objection was made to the provision permitting the Administrator of A.I.D. to approve the use of bilateral or multilateral studies or a concise review of the environmental issues as a substitute for an Environmental Assessment. These are approved documents under the Executive Order, but the commentator contended that the use of such documents is contrary to the requirement of the Stipulation that "where the proposed action will not require an impact statement A.I.D. will nevertheless assess the potential environmental effects and results of that assessment will be an integral part of the decision making process."

Although the Stipulation indicated that A.I.D. will assess potential environmental effects, it did not prescribe the content or format of such an assessment. A.I.D. subsequently adopted its original environmental procedures which prescribed the content and form of an Environmental Assessment, but that does not mean that A.I.D. cannot satisfy its obligation under the Stipulation to "assess environmental consequences" by using some other format adequate to accomplish that purpose.

A.I.D. intends to continue to assess environmental consequences of proposed actions by means of Environmental Assessments. However, A.I.D. believes it is useful, in extraordinary circumstances, for the Administrator to have the opportunity to approve the use of other documents authorized under the Executive Order to assess the environmental consequences of A.I.D. actions. Such authority will be used sparingly and only when the Administrator concludes that it is appropriate and adequate to address environmental concerns.

17. *Section 216.10. Records and Reports.* One commentator suggested that scoping statements be made available to other federal agencies upon request and that final Initial Environmental Examinations and Scoping Statements be placed in a permanent file available to the public when requested. Section 216.10 has been revised to adopt both suggestions.

C. Finally, Substantial Editorial Changes Have Been Made in the Text of the Procedures

Accordingly 22 CFR Part 216 is amended as follows:

1. Sections 216.1, 216.2 and 216.3 (a) and (b)(1)(iii) (*g*) are revised to read as follows:

§ 216.1 Introduction.

(a) *Purpose.* In accordance with Sections 118(b) and 621 of the Foreign Assistance Act of 1961, as amended, (the FAA) the following general procedures shall be used by A.I.D. to ensure that environmental factors and values are integrated into the A.I.D. decision making process. These procedures also assign responsibility within the Agency for assessing the environmental effects of A.I.D.'s actions. These procedures are consistent with Executive Order 12114, issued January 4, 1979, entitled Environmental Effects Abroad of Major Federal Actions, and the purposes of the National Environmental Policy Act of 1970, as amended (42 U.S.C. 4371 et seq.) (NEPA). They are intended to implement the requirements of NEPA as they effect the A.I.D. program.

(b) *Environmental Policy.* In the conduct of its mandate to help upgrade the quality of life of the poor in developing countries, A.I.D. conducts a broad range of activities. These activities address such basic problems as hunger, malnutrition, overpopulation, disease, disaster, deterioration of the environment and the natural resource base, illiteracy as well as the lack of adequate housing and transportation. Pursuant to the FAA, A.I.D. provides development assistance in the form of technical advisory services, research, training, construction and commodity support. In addition, A.I.D. conducts programs under the Agricultural Trade Development and Assistance Act of 1954 (Pub. L. 480) that are designed to combat hunger, malnutrition and to facilitate economic development. Assistance programs are carried out under the foreign policy guidance of the Secretary of State and in cooperation with the governments of sovereign states. Within this framework, it is A.I.D. policy to:

(1) Ensure that the environmental consequences of A.I.D.-financed activities are identified and considered by A.I.D. and the host country prior to a final decision to proceed and that appropriate environmental safeguards are adopted;

(2) Assist developing countries to strengthen their capabilities to appreciate and effectively evaluate the potential environmental effects of proposed development strategies and projects, and to select, implement and manage effective environmental programs;

(3) Identify impacts resulting from A.I.D.'s actions upon the environment, including those aspects of the biosphere which are the common and cultural heritage of all mankind; and

(4) Define environmental limiting factors that constrain development and identify and carry out activities that assist in restoring the renewable resource base on which sustained development depends.

(c) *Definitions.*—(1) *CEQ Regulations.* Regulations promulgated by the President's Council on Environmental Quality (CEQ) (**Federal Register**, Volume 43, Number 230, November 29, 1978) under the authority of NEPA and Executive Order 11514, entitled Protection and Enhancement of Environmental Quality (March 5, 1970) as amended by Executive Order 11991 (May 24, 1977).

(2) *Initial Environmental Examination.* An Initial Environmental Examination is the first review of the reasonably foreseeable effects of a proposed action on the environment. Its function is to provide a brief statement of the factual basis for a Threshold Decision as to whether an Environmental Assessment or an

Environmental Impact Statement will be required.

(3) *Threshold Decision.* A formal Agency decision which determines, based on an Initial Environmental Examination, whether a proposed Agency action is a major action significantly affecting the environment.

(4) *Environmental Assessment.* A detailed study of the reasonably forseeable significant effects, both beneficial and adverse, of a proposed action on the environment of a foreign country or countries.

(5) *Environmental Impact Statement.* A detailed study of the reasonably foreseeable environmental impacts, both positive and negative, of a proposed A.I.D. action and its reasonable alternatives on the United States, the global environment or areas outside the jurisdiction of any nation as described in § 216.7 of these procedures. It is a specific document having a definite format and content, as provided in NEPA and the CEQ Regulations. The required form and content of an Environmental Impact Statement is further described in § 216.7 infra.

(6) *Project Identification Document (PID).* An internal A.I.D. document which initially identifies and describes a proposed project.

(7) *Program Assistance Initial Proposal (PAIP).* An internal A.I.D. document used to initiate and identify proposed non-project assistance, including commodity import programs. It is analogous to the PID.

(8) *Project Paper (PP).* An internal A.I.D. document which provides a definitive description and appraisal of the project and particularly the plan or implementation.

(9) *Program Assistance Approval Document (PAAD).* An internal A.I.D. document approving non-project assistance. It is analogous to the PP.

(10) *Environment.* The term environment, as used in these procedures with respect to effects occurring outside the United States, means the natural and physical environment. With respect to effects occurring within the United States see § 216.7(b).

(11) *Significant Effect.* With respect to effects on the environment outside the United States, a proposed action has a significant effect on the environment if it does significant harm to the environment.

(12) *Minor Donor.* For purposes of these procedures, A.I.D. is a minor donor to a multidonor project when A.I.D. does not control the planning or design of the multidonor project and either (i) A.I.D.'s total contribution to the project is both less than $1,000,000 and less than 25 percent of the estimated project cost, or (ii) A.I.D.'s total contribution is more than $1,000,000 but less than 25 percent of the estimated project cost and the environmental procedures of the donor in control of the planning of design of the project are followed, but only if the A.I.D. Environmental Coordinator determines that such procedures are adequate.

§ 216.2 Applicability of procedures.

(a) *Scope.* Except as provided in § 216.2(b), these procedures apply to all new projects, programs or activities authorized or approved by A.I.D. and to substantive amendments or extensions of ongoing projects, programs, or activities.

(b) *Exemptions.* (1) Projects, programs or activities involving the following are exempt from these procedures:

(i) International disaster assistance;

(ii) Other emergency circumstances; and

(iii) Circumstances involving exceptional foreign policy sensitivities.

(2) A formal written determination, including a statement of the justification therefore, is required for each project, program or activity for which an exemption is made under paragraphs (b)(1) (ii) and (iii) of this section, but is not required for projects, programs or activities under paragraph (b)(1)(i) of this section. The determination shall be made either by the Assistant Administrator having responsibility for the program, project or activity, or by the Administrator, where authority to approve financing has been reserved by the Administrator. The determination shall be made after consultation with CEQ regarding the environmental consequences of the proposed program, project or activity.

(c) *Categorical Exclusions.* (1) The following criteria have been applied in determining the classes of actions including in § 216.2(c)(2) for which an Initial Environmental Examination, Environmental Assessment and Environmental Impact Statement generally are not required;

(i) The action does not have an effect on the natural or physicial environment;

(ii) A.I.D. does not have knowledge of or control over, and the objective of A.I.D. in furnishing assistance does not require, either prior to approval of financing or prior to implementation of specific activities, knowledge of or control over, the details of the specific activities that have an effect on the physicial and natural environment for which financing is provided by A.I.D.;

(iii) Research activities which may have an affect on the physicial and natural environment but will not have a significant effect as a result of limited scope, carefully controlled nature and effective monitoring.

(2) The following classes of actions are not subject to the procedures set forth in § 216.3, except to the extent provided herein;

(i) Education, technical assistance, or training programs except to the extent such programs include activities directly affecting the environment (such as construction of facilities, etc.);

(ii) Controlled experimentation exclusively for the purpose of research and field evaluation which are confined to small areas and carefully monitored;

(iii) Analyses, studies, academic or research workshops and meetings;

(iv) Projects in which A.I.D. is a minor donor to a multidonor project and there is no potential significant effects upon the environment of the United States, areas outside any nation's jurisdiction or endangered or threatened species or their critical habitat;

(v) Document and information transfers;

(vi) Contributions to international, regional or national organizations by the United States which are not for the purpose of carrying out a specifically identifiable project or projects;

(vii) Institution building grants to research and educational institutions in the United States such as those provided for under Section 122(d) and Title XII of Chapter 2 of Part I of the FAA (22 USCA §§ 2151 p. (b) 2220a. (1979));

(viii) Programs involving nutrition, health care or population and family planning services except to the extent designed to include activities directly affecting the environment (such as construction of facilities, water supply systems, waste water treatment, etc.)

(ix) Assistance provided under a Commodity Import Program when, prior to approval, A.I.D. does not have knowledge of the specific commodities to be financed and when the objective in furnishing such assistance requires neither knowledge, at the time the assistance is authorized, nor control, during implementation, of the commodities or their use in the host country.

(x) Support for intermediate credit institutions when the objective is to assist in the capitalization of the institution or part thereof and when such support does not involve reservation of the right to review and approve individual loans made by the institution;

(xi) Programs of maternal or child feeding conducted under Title II of Pub. L. 480;

(xii) Food for development programs conducted by food recipient countries

under Title III of Pub. L. 480, when achieving A.I.D.'s objectives in such programs does not require knowledge of or control over the details of the specific activities conducted by the foreign country under such program;

(xiii) Matching, general support and institutional support grants provided to private voluntary organizations (PVOs) to assist in financing programs where A.I.D.'s objective in providing such financing does not require knowledge of or control over the details of the specific activities conducted by the PVO;

(xiv) Studies, projects or programs intended to develop the capability of recipient countries to engage in development planning, except to the extent designed to result in activities directly affecting the environment (such as construction of facilities, etc.); and

(xv) Activities which involve the application of design criteria or standards developed and approved by A.I.D.

(2) The originator of a project, program or activity shall determine the extent to which it is within the classes of actions described in paragraph (c)(2) of this section. This determination shall be made in writing and be submitted with the PID, PAIP or comparable document. This determination, which must include a brief statement supporting application of the exclusion shall be reviewed by the Bureau Environmental Officer in the same manner as a Threshold Decision under § 216.3(a)(2) of these procedures. Notwithstanding paragraph (c)(2) of this section, the procedures set forth in § 216.3 shall apply to any project, program or activity included in the classes of actions listed in paragraph (c)(2) of this section, or any aspect or component thereof, if at any time in the design, review or approval of the activity it is determined that the project, program or activity, or aspect or component thereof, is subject to the control of A.I.D. and may have a significant effect on the environment.

(d) *Classes of Actions Normally Having a Significant Effect on the Environment.* (1) The following classes of actions have been determined generally to have a significant effect on the environment and an Environmental Assessment or Environmental Impact Statement, as appropriate, will be required:

(i) Programs of river basin development;

(ii) Irrigation or water management projects, including dams and impoundments;

(iii) Agricultural land leveling;

(iv) Drainage projects;

(v) Large scale agricultural mechanization;

(vi) New lands development;

(vii) Resettlement projects;

(viii) Penetration road building or road improvement projects;

(ix) Powerplants;

(x) Industrial plants;

(xi) Potable water and sewerage projects other than those that are small-scale.

(2) An Initial Environmental Examination normally will not be necessary for activities within the classes described in § 216.2(d), except when the originator of the project believes that the project will not have a significant effect on the environment. In such cases, the activity may be subjected to the procedures set forth in § 216.3.

(e) *Pesticides.* The exemptions of § 216.2(b)(1) and the categorical exclusions of § 216.2(c)(2) are not applicable to assistance for the procurement or use of pesticides.

§ 216.3 Procedures.

(a) *General Procedures*—(1) *Preparation of the Initial Environmental Examination.* Except as otherwise provided, an Initial Environmental Examination is not required for activities identified in § 216.2(b)(1), (c)(2), and (d). For all other A.I.D. activities described in § 216.2(a) an Initial Environmental Examination will be prepared by the originator of an action. Except as indicated in this section, it should be prepared with the PID or PAIP. For projects including the procurement or use of pesticides, the procedures set forth in § 216.3(b) will be followed, in addition to the procedures in this paragraph. Activities which cannot be identified in sufficient detail to permit the completion of an Initial Environmental Examination with the PID or PAIP, shall be described by including with the PID or PAIP: (i) an explanation indicating why the Initial Environmental Examination cannot be completed; (ii) an estimate of the amount of time required to complete the Initial Environmental Examination; and (iii) a recommendation that a Threshold Decision be deferred until the Initial Environmental Examination is completed. The responsible Assistant Administrator will act on the request for deferral concurrently with action on the PID or PAIP and will designate a time for completion of the Initial Environmental Examination. In all instances, except as provided in § 216.3(a)(7), this completion date will be in sufficient time to allow for the completion of an Environmental Assessment or Environmental Impact Statement, if required, before a final decision is made to provide A.I.D. funding for the action.

(2) *Threshold decision.* (i) The Initial Environmental Examination will include a Threshold Decision made by the officer in the originating office who signs the PID or PAIP. If the Initial Environmental Examination is completed prior to or at the same time as the PID or PAIP, the Threshold Decision will be reviewed by the Bureau Environmental Officer concurrently with approval of the PID or PAIP. The Bureau Environmental Officer will either concur in the Threshold Decision or request reconsideration by the officer who made the Threshold Decision, stating the reasons for the request. Differences of opinion between these officers shall be submitted for resolution to the Assistant Administrator at the same time that the PID is submitted for approval.

(ii) An Initial Environmental Examination, completed subsequent to approval of the PID or PAIP, will be forwarded immediately together with the Threshold Determination to the Bureau Environmental Officer for action as described above.

(iii) A Positive Threshold Decision shall result from a finding that the proposed action will have a significant effect on the environment. An Environmental Impact Statement shall be prepared if required pursuant to § 216.7. If an impact statement is not required, an Environmental Assessment will be prepared in accordance with § 216.6. The cognizant Bureau or Office will record a Negative Determination if the proposed action will not have a significant effect on the environment.

(3) *Negative Declaration.* The Assistant Administrator, or the Administrator in actions for which the approval of the Administrator is required for the authorization of financing, may make a Negative Declaration, in writing, that the Agency will not develop an Environmental Assessment or an Environmental Impact Statement regarding an action found to have a significant effect on the environment when (i) a substantial number of Environmental Assessments or Environmental Impact Statements relating to similar activities have been prepared in the past, if relevant to the proposed action, (ii) the Agency has previously prepared a programmatic Statement or Assessment covering the activity in question which has been considered in the development of such activity, or (iii) the Agency has developed design criteria for such an action which, if applied in the design of the action, will avoid a significant effect on the environment.

(4) *Scope of Environmental Assessment or Impact Statement*—(i) *Procedure and Content.* After a Positive Threshold Decision has been made, or a determination is made under the presticide procedures set forth in § 216.3(b) that an Environmental Assessment or Environmental Impact Statement is required, the originator of the action shall commence the process of identifying the significant issues relating to the proposed action and of determining the scope of the issues to be addressed in the Environmental Assessment or Environmental Impact Statement. The originator of an action within the classes of actions described in § 216.2(d) shall commence this scoping process as soon as practicable. Persons having expertise relevant to the environmental aspects of the proposed action shall also participate in this scoping process. (Participants may include but are not limited to representatives of host governments, public and private institutions, the A.I.D. Mission staff and contractors.) This process shall result in a written statement which shall include the following matters:

(*a*) A determination of the scope and significance of issues to be analyzed in the Environmental Assessment or Impact Statement, including direct and indirect effects of the project on the environment.

(*b*) Identification and elimination from detailed study of the issues that are not significant or have been covered by earlier environmental review, or approved design considerations, narrowing the discussion of these issues to a brief presentation of why they will not have a significant effect on the environment.

(*c*) A description of (*1*) the timing of the preparation of environmental analyses, including phasing if appropriate, (*2*) variations required in the format of the Environmental Assessment, and (*3*) the tentative planning and decision making schedule; and

(*d*) A description of how the analysis will be conducted and the disciplines that will participate in the analysis.

(ii) These written statements shall be reviewed and approved by the Bureau Environmental Officer.

(ii) *Circulation of Scoping Statement.* To assist in the preparation of an Environmental Assessment, the Bureau Environmental Office may circulate copies of the written statement, together with a request for written comments, within thirty days, to selected federal agencies if that Officer believes comments by such federal agencies will be useful in the preparation of an Environmental Assessment. Comments received from reviewing federal agencies will be considered in the preparation of the Environmental Assessment and in the formulation of the design and implementation of the project, and will, together with the scoping statement, will be included in the project file.

(iv) *Change in Threshold Decision.* If it becomes evident that the action will not have a significant effect on the environment (i.e., will not cause significant harm to the environment), the Positive Threshold Decision may be withdrawn with the concurrence of the Bureau Environmental Officer. In the case of an action included in § 216.2(d)(2), the request for withdrawal shall be made to the Bureau Environmental Officer.

(5) *Preparation of Environmental Assessments and Environmental Impact Statement.* If the PID or PAIP is approved, and the Threshold Decision is positive, or the action is included in § 216.2(d), the originator of the action will be responsible for the preparation of an Environmental Assessment or Environmental Impact Statement as required. Draft Environmental Impact Statements will be circulated for review and comment as part of the review of Project Papers and as outlined further in § 216.7 of those procedures. Except as provided in § 216.3(a)(7), final approval of the PP or PAAD and the method of implementation will include consideration of the Environmental Assessment of final Environmental Impact Statement.

(6) *Processing and Review Within A.I.D.* (i) Initial Environmental Examinations, Environmental Assessments and final Environmental Impact Statements will be processed pursuant to standard A.I.D. procedures for project approval documents. Except as provided in § 216.3(a)(7), Environmental Assessments and final Environmental Impact Statements will be reviewed as an integral part of the Project Paper or equivalent document. In addition to these procedures, Environmental Assessments will be reviewed and cleared by the Bureau Environmental Officer. They may also be reviewed by the Agency's Environmental Coordinator who will monitor the Environmental Assessment process.

(ii) When project approval authority is delegated to field posts, Environmental Assessments shall be reviewed and cleared by the Bureau Environmental Officer prior to the approval of such actions.

(iii) Draft and final Environmental Impact Statements will be reviewed and cleared by the Environmental Coordinator and the Office of the General Counsel.

(7) *Environmental Review After Authorization of Financing.* (i) Environmental review may be performed after authorization of a project, program or activity only with respect to subprojects or significant aspects of the project, program or activity that are unidentified at the time of authorization. Environmental review shall be completed prior to authorization for all subprojects and aspects of a project, program or activity that are identified.

(ii) Environmental review should occur at the earliest time in design or implementation at which a meaningful review can be undertaken, but in no event later than when previously unidentified subprojects or aspects of projects, programs or activities are identified and planned. To the extent possible, adequate information to undertake deferred environmental review should be obtained before funds are obligated for unidentified subprojects or aspects of projects, programs or activities. (Funds may be obligated for the other aspects for which environmental review has been completed.) To avoid an irreversible commitment of resources prior to the conclusion of environmental review, the obligation of funds can be made incrementally as subprojects or aspects of projects, programs or activities are identified; or if necessary while planning continues, including environmental review, the agreement or other document obligating funds may contain appropriate convenants or conditions precedent to disbursement for unidentified subprojects or aspects of projects, programs or activities.

(iii) When environmetal review must be deferred beyond the time some of the funds are to be disbursed (e.g. long lead times for the delivery of goods or services), the project agreement or other document obligating funds shall contain a covenant or covenants requiring environmental review, including an Environmental Assessment or Environmental Impact Statement, when appropriate, to be completed and taken into account prior to implementation of those subprojects or aspects of the project, program or activity for which environmental review is deferred. Such convenants shall ensure that implementation plans will be modified in accordance with environmental review if the parties decide that modifications are necessary.

(vi) When environmental review will not be completed for an entire project, program or activity prior to

authorization, the Initial Environmental Examination and Threshold Decision required under § 216.3(a)(1) and (2) shall identify those aspects of the project, program or activity for which environmental review will be completed prior to the time financing is authorized. It shall also include those subprojects or aspects for which environmental review will be deferred, stating the reasons for deferral and the time when environmental review will be completed. Further, it shall state how an irreversible commitment of funds will be avoided until environmental review is completed. The A.I.D. officer responsible for making environmental decisions for such projects, programs or activities shall also be identified (the same officer who has decision making authority for the other aspects of implementation). This deferral shall be reviewed and approved by the officer making the Threshold Decision and the officer who authorizes the project, program or activity. Such approval may be made only after consultation with the Office of General Counsel for the purpose of establishing the manner in which conditions precedent to disbursement or covenants in project and other agreements will avoid an irreversible commitment of resources before environmental review is completed.

(8) *Monitoring.* To the extent feasible and relevant, projects and programs for which Environmental Impact Statements or Environmental Assessments have been prepared should be designed to include measurement of any changes in environmental quality, positive or negative, during their implementation. This will require recording of baseline data at the start. To the extent that available data permit, originating offices of A.I.D. will formulate systems in collaboration with recipient nations, to monitor such impacts during the life of A.I.D.'s involvement. Monitoring implementation of projects, programs and activities shall take into account environmental impacts to the same extent as other aspects of such projects, programs and activities. If during implementation of any project, program or activity, whether or not an Environmental Assessment or Environmental Impact Statement was originally required, it appears to the Mission Director, or officer responsible for the project, program or activity, that it is having or will have a significant effect on the environment that was not previously studied in an Environmental Assessment or Environmental Impact Statement, the procedures contained in this part shall be followed including, as appropriate, a Threshold Decision, Scoping and an Environmental Assessment or Environmental Impact Statement.

(9) *Revisions.* If, after a Threshold Decision is made resulting in a Negative Determination, a project is revised or new information becomes available which indicates that a proposed action might be "major" and its effects "significant", the Negative Determination will be reviewed and revised by the cognizant Bureau and an Environmental Assessment or Environmental Impact Statement will be prepared, if appropriate. Environmental Assessments and Environmental Impact Statements will be amended and processed appropriately if there are major changes in the project or program, or if significant new information becomes available which relates to the impact of the project, program or activity on the environment that was not considered at the time the Environmental Assessment or Environmental Impact Statement was approved. When on-going programs are revised to incorporate a change in scope or nature, a determination will be made as to whether such change may have an environmental impact not previously assessed. If so, the procedures outlined in this part will be followed.

(10) *Other Approval Documents.* These procedures refer to certain A.I.D. documents such as PIDs, PAIPs, PPs and PAADs as the A.I.D. internal instruments for approval of projects, programs or activities. From time to time, certain special procedures, such as those in § 216.4, may not require the use of the aforementioned documents. In these situations, these environmental procedures shall apply to those special approval procedures, unless otherwise exempt, at approval times and levels comparable to projects, programs and activities in which the aforementioned documents are used.

(b) * * *

(1) * * *

(iii) * * *

(*a*) Any pesticide other than one registered for the same or similar uses by USEPA without restriction or for restricted use on the basis of user hazard; or

* * * * *

2. Section 216.8 is Removed.

3. Section 216.7 is redesignated as § 216.80.

4. Sections 216.4, 216.5 and 216.6 are revised.

5. A new § 216.7 is added.

§ 216.4 Private applicants.

Programs, projects or activities for which financing from A.I.D. is sought by private applicants, such as PVOs and educational and research institutions, are subject to these procedures. Except as provided in §§ 216.2 (b), (c) or (d), preliminary proposals for financing submitted by private applicants shall be accompanied by an Initial Environmental Examination or adequate information to permit preparation of an Initial Environmental Examination. The Threshold Decision shall be made by the Mission Director for the country to which the proposal relates, if the preliminary proposal is submitted to the A.I.D. Mission, or shall be made by the officer in A.I.D. who approves the preliminary proposal. In either case, the concurrence of the Bureau Environmental Officer is required in the same manner as in § 216.3(a)(2), except for PVO projects approved in A.I.D. Missions with total life of project costs less than $500,000. Thereafter, the same procedures set forth in § 216.3 including as appropriate scoping and Environmental Assessments or Environmental Impact Statements, shall be applicable to programs, projects or activities submitted by private applicants. The final proposal submitted for financing shall be treated, for purposes of these procedures, as a Project Paper. The Bureau Environmental Officer shall advise private applicants of studies or other information foreseeably required for action by A.I.D.

§ 216.5 Endangered species.

It is A.I.D. policy to conduct its assistance programs in a manner that is sensitive to the protection of endangered or threatened species and their critical habitats. The Initial Environmental Examination for each project, program or activity having an effect on the environment shall specifically determine whether the project, program or activity will have an effect on an endangered or threatened species, or critical habitat. If the proposed project, program or activity will have the effect of jeopardizing an endangered or threatened species or of adversely modifying its critical habitat, the Threshold Decision shall be a Positive Determination and an Environmental Assessment or Environmental Impact Statement completed as appropriate, which shall discuss alternatives or modifications to avoid or mitigate such impact on the species or its habitat.

§ 216.6 Environmental assessments.

(a) *General Purpose.* The purpose of the Environmental Assessment is to provide Agency and host country decision makers with a full discussion of significant environmental effects of a

proposed action. It includes alternatives which would avoid or minimize adverse effects or enhance the quality of the environment so that the expected benefits of development objectives can be weighed against any adverse impacts upon the human environment or any irreversible or irretrievable commitment of resources.

(b) *Collaboration with Affected Nation on Preparation.* Collaboration in obtaining data, conducting analyses and considering alternatives will help build an awareness of development associated environmental problems in less developed countries as well as assist in building an indigenous institutional capability to deal nationally with such problems. Missions, Bureaus and Offices will collaborate with affected countries to the maximum extent possible, in the development of any Environmental Assessments and consideration of environmental consequences as set forth therein.

(c) *Content and Form.* The Environmental Assessment shall be based upon the scoping statement and shall address the following elements, as appropriate:

(1) *Summary.* The summary shall stress the major conclusions, areas of controversy, if any, and the issues to be resolved.

(2) *Purpose.* The Environmental Assessment shall briefly specify the underlying purpose and need to which the Agency is responding in proposing the alternatives including the proposed action.

(3) *Alternatives Including the Proposed Action.* This section should present the environmental impacts of the proposal and its alternatives in comparative form, thereby sharpening the issues and providing a clear basis for choice among options by the decision maker. This section should explore and evaluate reasonable alternatives and briefly discuss the reasons for eliminating those alternatives which were not included in the detailed study; devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits; include the alternative of no action; identify the Agency's preferred alternative or alternatives, if one or more exists; include appropriate mitigation measures not already included in the proposed action or alternatives.

(4) *Affected Environment.* The Environmental Assessment shall succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration. The descriptions shall be no longer than is necessary to understand the effects of the alternatives. Data and analyses in the Environmental Assessment shall be commensurate with the significance of the impact with less important material summarized, consolidated or simply referenced.

(5) *Environmental Consequences.* This section forms the analytic basis for the comparisons under paragraph (c)(3) of this section. It will include the environmental impacts of the alternatives including the proposed action; any adverse effects that cannot be avoided should the proposed action be implemented; the relationship between short-term uses of the environment and the maintenance and enhancement of long-term productivity; and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented. It should not duplicate discussions in paragraph (c)(3) of this section. This section of the Environmental Assessment should include discussions of direct effects and their significance; indirect effects and their significance; possible conflicts between the proposed action and land use plans, policies and controls for the areas concerned; energy requirements and conservation potential of various alternatives and mitigation measures; natural or depletable resource requirements and conservation potential of various requirements and mitigation measures; urban quality; historic and cultural resources and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures; and means to mitigate adverse environmental impacts.

(6) *List of Preparers.* The Environmental Assessment shall list the names and qualifications (expertise, experience, professional discipline) of the persons primarily responsible for preparing the Environmental Assessment or significant background papers.

(7) *Appendix.* An Appendix may be prepared.

(d) *Program Assessment.* Program Assessments may be appropriate in order to assess the environmental effects of a number of individual actions and their cumulative environmental impact in a given country or geographic area, or the environmental impacts that are generic or common to a class of agency actions, or other activities which are not country-specific. In these cases, a single, programmatic assessment will be prepared in A.I.D./Washington and circulated to appropriate overseas Missions, host governments, and to interested parties within the United States. To the extent practicable, the form and content of the programmatic Environmental Assessment will be the same as for project Assessments. Subsequent Environmental Assessments on major individual actions will only be necessary where such follow-on or subsequent activities may have significant environmental impacts on specific countries where such impacts have not been adequately evaluated in the programmatic Environmental Assessment. Other programmatic evaluations of classes of actions may be conducted in an effort to establish additional categorical exclusions or design standards or criteria for such classes that will eliminate or minimize adverse effects of such actions, enhance the environmental effect of such action or reduce the amount of paperwork or time involved in these procedures. Programmatic evaluations conducted for the purpose of establishing additional categorical exclusions under § 216.2(c) or design considerations that will eliminate significant effects for classes of actions shall be made available for public comment before the categorical exclusions or design standards or criteria are adopted by A.I.D. Notice of the availability of such document shall be published in the **Federal Register.** Additional categorical exclusions shall be adopted by A.I.D. upon the approval of the Administrator, and design consideration in accordance with usual agency procedures.

(e) *Consultation and Review.* (1) When Environmental Assessments are prepared on activities carried out within or focused on specific developing countries, consultation will be held between A.I.D. staff and the host government both in the early stages of preparation and on the results and significance of the completed Assessment before the project is authorized.

(2) Missions will encourage the host government to make the Environmental Assessment available to the general public of the recipient country. If Environmental Assessments are prepared on activities which are not country-specific, the Assessment will be circulated by the Environmental Coordinator to A.I.D.'s Overseas Missions and interested governments for information, guidance and comment and will be made available in the U.S. to interested parties.

(f) *Effect in Other Countries.* In a situation where an analysis indicates that potential effects may extend beyond the national boundaries of a recipient country and adjacent foreign

nations may be affected, A.I.D. will urge the recipient country to consult with such countries in advance of project approval and to negotiate mutually acceptable accommodations.

(g) *Classified Material.* Environmental Assessments will not normally include classified or administratively controlled material. However, there may be situations where environmental aspects cannot be adequately discussed without the inclusion of such material. The handling and disclosure of classified or administratively controlled material shall be governed by 22 CFR Part 9. Those portions of an Environmental Assessment which are not classified or administratively controlled will be made available to persons outside the Agency as provided for in 22 CFR Part 212.

§ 216.7 Environmental impact statements.

(a) *Applicability.* An Environmental Impact Statement shall be prepared when agency actions significantly affect:

(1) The global environment or areas outside the jurisdiction of any nation (e.g., the oceans);

(2) The environment of the United States; or

(3) Other aspects of the environment at the discretion of the Administrator.

(b) *Effects on the United States: Content and Form.* An Environmental Impact Statement relating to paragraph (a)(2) of this section shall comply with the CEQ Regulations. With respect to effects on the United States, the terms environment and significant effect wherever used in these procedures have the same meaning as in the CEQ Regulations rather than as defined in § 216.1(c) (12) and (13) of these procedures.

(c) *Other Effects: Content and Form.* An Environmental Impact Statement relating to paragraphs (a)(1) and (a)(3) of this section will generally follow the CEQ Regulations, but will take into account the special considerations and concerns of A.I.D. Circulation of such Environmental Impact Statements in draft form will precede approval of a Project Paper or equivalent and comments from such circulation will be considered before final project authorization as outlined in § 216.3 of these procedures. The draft Environmental Impact Statement will also be circulated by the Missions to affected foreign governments for information and comment. Draft Environmental Impact Statements generally will be made available for comment to Federal agencies with jurisdiction by law or special expertise with respect to any environmental impact involved, and to public and private organizations and individuals for not less than forty-five (45) days. Notice of availability of the draft Environmental Impact Statements will be published in the **Federal Register.** Cognizant Bureaus and Offices will submit these drafts for circulation through the Environmental Coordinator who will have the responsibility for coordinating all such communications with persons outside A.I.D. Any comments received by the Environmental Coordinator will be forwarded to the originating Bureau or Office for consideration in final policy decisions and the preparation of a final Environmental Impact Statement. All such comments will be attached to the final Statement, and those relevant comments not adequately discussed in the draft Environmental Impact Statement will be appropriately dealt with in the final Environmental Impact Statement. Copies of the final Environmental Impact Statement, with comments attached, will be sent by the Environmental Coordinator to CEQ and to all other Federal, state, and local agencies and private organizations that made substantive comments on the draft, including affected foreign governments. Where emergency circumstances or considerations of foreign policy make it necessary to take an action without observing the provisions of § 1506.10 of the CEQ Regulations, or when there are overriding considerations of expense to the United States or foreign governments, the originating Office will advise the Environmental Coordinator who will consult with Department of State and CEQ concerning appropriate modification of review procedures.

§ 216.8 [Redesignated from § 216.7]

Sections 216.9 and 216.10 are added to read:

§ 216.9 Bilateral and multilateral studies and concise reviews of environmental issues.

Notwithstanding anything to the contrary in these procedures, the Administrator may approve the use of either of the following documents as a substitute for an Environmental Assessment (but not a substitute for an Environmental Impact Statement) required under these procedures:

(a) Bilateral or multilateral environmental studies, relevant or related to the proposed action, prepared by the United States and one or more foreign countries or by an international body or organization in which the United States is a member or participant; or

(b) Concise reviews of the environmental issues involved including summary environmental analyses or other appropriate documents.

§ 216.10 Records and reports.

Each Agency Bureau will maintain a current list of activities for which Environmental Assessments and Environmental Impact Statements are being prepared and for which Negative Determinations and Declarations have been made. Copies of final Initial Environmental Examinations, scoping statements, Assessments and Impact Statements will be available to interested Federal agencies upon request. The cognizant Bureau will maintain a permanent file (which may be part of its normal project files) of Environmental Impact Statements, Environmental Assessments, final Initial Environmental Examinations, scoping statements, Determinations and Declarations which will be available to the public under the Freedom of Information Act. Interested persons can obtain information or status reports regarding Environmental Assessments and Environmental Impact Statements through the A.I.D. Environmental Coordinator.

(22 U.S.C. 2381; 42 U.S.C. 4332)

Dated October 9, 1980.

Joseph C. Wheeler,

Acting Administrator.

[FR Doc. 80-33106 Filed 10-22-80; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Urban Mass Transportation Administration

23 CFR Part 450

Urban Transportation Planning in Small Metropolitan Areas

AGENCIES: Federal Highway Administration (FHWA) and Urban Mass Transportation Administration (UMTA), DOT.

ACTION: Notice of guidance.

SUMMARY: The FHWA and UMTA have developed guidance for meeting the minimum requirements of the joint transportation planning regulations (23 CFR Part 450, Subparts A and C) for urbanized areas of less than 200,000 population. The purpose of this notice is to publish this guidance for the information of the general public.

FOR FURTHER INFORMATION CONTACT: FHWA: Sam W. P. Rea, Jr., Urban

Planning Divison (202) 426–2961, or Stanley Abramson, Office of the Chief Counsel, (202) 426–0762; or UMTA: Robert Kirkland, Office of Planning Assistance, (202) 426–4991, or Anthony Anderson, Office of the Chief Counsel, (202) 426–1906. All located at 400 Seventh Street, SW., Washington, D.C. 20590. FHWA office hours are from 7:45 a.m. to 4:15 p.m. ET., UMTA office hours are from 8:30 a.m. to 5 p.m., ET., Monday through Friday.

SUPPLEMENTARY INFORMATION: As part of a joint FHWA/UMTA effort to reduce redtape and simplify administrative and technical requirements in small metropolitan areas, guidance was issued to all FHWA and UMTA field offices on August 1, 1980, on the simplification of administrative requirements for planning in metropolitan areas of less than 200,000 population. The guidance relates to meeting the minimum requirements of the FHWA/UMTA joint planning regulations (23 CFR Part 450, Subparts A and C) for these areas.

The simplification of Federal program requirements has been given a high priority by the Administrators of FHWA and UMTA and by the Office of the Secretary of Transportation. The objective in developing this guidance for metropolitan areas of less than 200,000 population was to (1) reduce the burden of Federal planning requirements in areas with uncomplicated institutional arrangements and simple technical procedures for urban transportation planning; (2) reduce the administrative burden on FHWA and UMTA staff; and (3) aid newly designated urbanized areas in developing a planning process which is adequate to address their unique needs while avoiding excessive detail and wasteful expenditures.

The guidance provides for an appropriate level of effort for smaller urbanized areas and can be implemented without any change to existing regulations. Changes to the joint planning regulations will be proposed in a rulemaking action to be issued shortly by FHWA and UMTA. Appropriate revisions will be made to the guidance for smaller urbanized areas when the changes to the joint planning regulations are finalized.

The following guidance was issued on August 1, 1980, for prompt application to planning efforts in areas under 200,000 population. The guidance is keyed to the appropriate sections of the joint planning regulations.

Simplification of Administrative Requirements for Planning in Metropolitan Areas of Less Than 200,000 Population

Meeting Minimum Requirements of 23 CFR Part 450, Subpart A, Urbanized Transportation Planning

Organization: Sections 450.106, 450.108, 450.112, 450.122

—If State or local governments wish to redesignate Metropolitan Planning Organizations (MPO's), this should be done by agreement among the units of general purpose local government and the Governor.

Agreements: Section 450.108

—Except for the formal agreement required where the MPO and A–95 agency are different, this requirement may be satisfied through descriptions of roles and responsibilities in the Prospectus, Unified Planning Work Program (UPWP) and/or Transportation Improvement Program (TIP).

Planning Work Program: Section 450.114

—The Prospectus and the UPWP may be as brief as a few pages. Clarity and brevity should be emphasized.

—The Prospectus should briefly describe the important transportation issues facing the area and the roles and responsibilities of each of the participating agencies.

—Work descriptions in the UPWP will usually satisfy the requirements for status and anticipated accomplishments and procedures to be used in carrying out the process.

—UPWP's need only be reviewed by the Federal funding agencies. Joint review and approval procedures should be worked out by these agencies.

Transportation Plan: Section 450.116

—In accordance with section 134, Title 23, U.S.C., the transportation plan must be based on transportation needs and consider long-range land use plans, overall goals and objectives, and their impact on future development. In small urbanized areas the long-range plan may be a simple statement about land use policy and the location of major public facilities, and transportation improvements together with a Transportation Systems Management (TSM) element.

Transportation Improvement Program/ Annual Elements: Section 450.118

—The TIP/AE should be scaled to the needs of the area. If only a few projects can be funded annually, the document need only be a single page with the coming year's projects clearly identified.

Elements: Section 450.120

—The level of efforts should only be commensurate with the problems being addressed. Maximum use should be made of simplified planning techniques. These are discussed in several planning manuals specifically developed for small areas; quick response training courses; and earlier "Level of Effort" publications.

Certification: Section 450.122

—The annual review should be as simple as possible and should be based to the maximum extent on previously submitted data. The review may be informal except that every 3 years it should be formally documented.

—In new areas (those added as a result of the 1980 Census) the determination of planning adequacy should take into account the "newness" of the process, that is to recognize that extensive planning may not be ongoing in these areas. In most cases, we would expect new urbanized areas to be certified initially with appropriate conditions.

Meeting Minimum Requirements of 23 CFR Part 450, Subpart C, Transportation Improvement Program

Project Initiation: Section 450.310

—While the regulations call for specific initiation procedures, the key to local involvement is the MPO endorsement. This should be the focus of Federal review.

Annual Element Content: Section 450.312

—The only nonfederally funded TSM projects that need to be included in the TIP/AE are those which local officials determine will have a substantial impact on federally funded projects in the TIP/AE.

(Catalog of Federal Domestic Assistance Program Numbers 20.205, Highway Research, Planning and Construction; 20.500, Urban Mass Transportation Capital Grants; 20.501, Urban Mass Transportation Capital Improvement Loans; and 20.507, Urban Mass Transportation Capital and Operating Assistance Formula Grants. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to these programs)

Issued on: October 17, 1980.

Lillian C. Liburdi,

Deputy Administrator, Urban Mass Transportation Administration.

Alinda C. Burke,

Deputy Administrator, Federal Highway Administration.

[FR Doc. 80-32932 Filed 10-22-80; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 19

[T.D. ATF-75]

Alternate Curtailment and Extension of Bonded Premises for Use as General Premises

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Temporary rule (Treasury decision).

SUMMARY: This temporary rule relates to the Distilled Spirits Tax Revision Act of 1979, Subtitle A of Title VIII of the Trade Agreements Act of 1979 (Pub. L. 96-39). This temporary rule provides a method of alternation between general and bonded distilled spirits plant premises.

EFFECTIVE DATE: The effective date of these temporary regulations is October 23, 1980.

FOR FURTHER INFORMATION CONTACT: Edward J. Sheehan, E. J. Ference, or John V. Jarowski, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, Telephone: 202-566-7626.

SUPPLEMENTARY INFORMATION: The Bureau of Alcohol, Tobacco and Firearms (ATF) is issuing this temporary rule to revise 27 CFR 19.190 and 19.193 and add a new section, 27 CFR 19.205, to provide a method of curtailing the bonded premises of a distilled spirits plant for use as general premises. Sections 19.190 and 19.193 were published in their entirety in the **Federal Register** (44 FR 71612) as both a temporary rule, T.D. ATF-62, and a notice of proposed rulemaking for final regulations, Notice No. 329. The temporary regulations as revised and added by this document will remain in effect until superseded by final regulations. In addition, Notice No. 329, a notice of proposed rulemaking for final regulations providing for submission of written comments, applies to these revised temporary regulations.

New Provision

The purpose of these regulations is to provide proprietors with additional operational flexibility. Proprietors will be able to curtail and extend their bonded premises to permit the use of the processing premises and equipment for both bonded (bonded premises) and taxpaid (general premises) operations. These regulations provide an expeditious and practical method for accomplishing such curtailment and extension of distilled spirits plant premises.

Drafting Information

The principal authors of this document are E. J. Sheehan, E. J. Ference and J. V. Jarowski of the Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel from other offices of the Treasury Department participated in developing this document, both on matters of substance and style.

Effective Date

Issuance of this Treasury decision as a temporary rule with notice and public procedure under 5 U.S.C. 553(b) and in compliance with the effective date limitation in 5 U.S.C. 553(d) is impracticable and not in the public interest. The omission from 27 CFR Part 19 of a provision for extension and curtailment of the bonded premises of a distilled spirits plant for use as general premises has created operational difficulties for proprietors desiring to store taxpaid case goods. In addition, the omission of this provision has created the potential for hardships and financial inequities for manufacturers of nonbeverage products who qualify their premises as distilled spirits plants. Those manufacturers cannot expeditiously extend their premises to permit bonded operations when needed, and then curtail the bonded premises to permit routine taxpaid manufacturing operations.

Accordingly, this Treasury decision becomes effective on October 23, 1980.

Authority and Issuance

These regulations are issued under the authority contained in 26 U.S.C. 7805 (68A Stat. 917, as amended).

Accordingly, Title 27 Code of Federal Regulations is amended as follows:

PART 19—DISTILLED SPIRITS PLANTS

Par. 1. The table of sections for Part 19 is amended to reflect the addition of § 19.205. As amended, the table of sections reads as follows:

* * * * *

Subpart G—Qualification of Distilled Spirits Plants

* * * * *

Sec.

19.205 Alternate curtailment and extension of bonded premises for use as general premises.

* * * * *

Par. 2. Section 19.190 is amended to include a reference to new § 19.205. As amended, § 19.190 reads as follows:

§ 19.190 Changes in premises.

Except as provided in §§ 19.202, 19.203, 19.204, and 19.205, where bonded premises, or any other premises included as a part of the plant are to be extended or curtailed, the proprietor shall file (a) an application for registration, Form 5110.41, to cover such extension and curtailment, and (b) amended plans. Premises and equipment to be included by extension or to be excluded by curtailment shall not, prior to approval by the regional regulatory administrator of the required documents, be used for other than previously approved purposes.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1349, as amended (26 U.S.C. 5172))

§ 19.193 [Amended]

Par. 3. Section 19.193 is amended to add a reference to new § 19.205. In the first sentence of § 19.193, the words "or 19.204" are replaced with the words "19.204, or 19.205."

Par. 4. Section 19.205 is added immediately following § 19.204. As added, § 19.205 reads as follows:

§ 19.205 Alternate curtailment and extension of bonded premises for use as general premises.

(a) *General.* The premises of a distilled spirits plant may, as provided in this section, be alternately curtailed and extended to permit the bonded premises of the distilled spirits plant to be used temporarily as general premises, or to permit the general premises of a distilled spirits plant to be used temporarily as bonded premises.

(b) *Proprietor's responsibility.* When a portion of the distilled spirits plant premises is first to be curtailed or extended as provided in this section, the proprietor shall file with the regional regulatory administrator (1) an application for registration, Form 5110.41, to cover alternate extension and curtailment of the premises, (2) a special plan delineating the premises as they will exist, both during extension and curtailment, and (3) a special diagram, in duplicate, clearly depicting all buildings, rooms, areas, equipment and spirits lines (identified individually by letter or number) which are to be subject

to alternation, in their relative operating sequence. Once such qualifying documents have been approved by the regional regulatory administrator, the designated premises and equipment may be alternately curtailed or extended pursuant to notice on Form 5110.34. Portions of the premises to be excluded by curtailment or included by extension shall not be used for purposes other than as set forth in the current notice. The proprietor shall remove all spirits (including denatured spirits), articles, and wines from the premises or equipment affected by the notice prior to the effective date and hour of the notice, except that (1) bonded spirits on portions of bonded premises that are to be curtailed to general premises need not be removed if the spirits are taxpaid concurrent with the filing of Form 5110.34 to effect curtailment; and (2) taxpaid spirits on portions of general premises to be curtailed to bonded premises need not be removed if the spirits are to be immediately dumped and returned to bond under the provisions of Subpart U of this part.

(c) *Separation of premises.* The portion of the premises which is to be curtailed or extended as provided in this section shall be separated from the remaining portion of the distilled spirits plant in a manner satisfactory to the regional regulatory administrator.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1349, as amended, 1353, as amended (26 U.S.C. 5172, 5178))

Signed: August 26, 1980.

G. R. Dickerson,

Director.

Approved: October 9, 1980.

Richard J. Davis,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 80-33146 Filed 10-22-80; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD Regulation 6010.8-R]

Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)

AGENCY: Office of the Secretary of Defense.

ACTION: Statement of Policy.

SUMMARY: This statement established a policy which provides for payment of nutrient solutions for patients requiring home parenteral nutrition therapy. This action has come about as a result of a movement in recent years to discharge inpatients earlier to a program of home parenteral nutrition, prompting a re-review of the traditional policy to pay for parenteral nutrition only on an inpatient basis. This action will expand Program outpatient benefits and reduce institutional Program costs.

DATES: This statement of policy is retroactively effective for covered services and supplies provided on or after October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Lorraine F. Carpenter, Special Assistant for CHAMPUS, Office of the Assistant Secretary of Defense (Health Affairs), Washington, D.C. 20301; Telephone (202) 697-5185.

SUPPLEMENTARY INFORMATION: In FR Doc 77-7834, appearing in the **Federal Register** on April 4, 1977 (42 FR 17972), the Office of the Secretary of Defense published its Regulation, DoD 6010.8-R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," as part 199 of this title. Section 199.10, paragraphs (a)(10) and (a)(11), authorizes the Director, OCHAMPUS (or a designee), to issue such other instructions, procedures, guidelines, standards, norms, and criteria as may be necessary to implement the intent of the Regulation.

Section 199.10, paragraph (g)(63) excludes payment for food, food substitutes, vitamins, etc. This provision was originally interpreted to include parenteral nutrition. Parenteral nutrition is covered on an inpatient basis as part of the "board" provided a patient during an otherwise covered inpatient stay; therefore, the interpretation only affected outpatient claims. In recent years, there has been a movement to discharge inpatients earlier to a program of home parenteral nutrition, prompting a re-review of this interpretation. This review has resulted in a determination that home parenteral nutrition therapy should no longer be considered a nutritional supplement or food substitute; rather, it is a therapy which furnishes the only source of nutrition for the patient unable to receive nutrients orally and is as important to survival for such a patient as digitalis is to the heart patient or insulin to the diabetic. In view of these factors, the following statement of policy is announced:

1. *Coverage.* Devices and supplies, including nutrient solutions, are covered medical supplies, when medically necessary for patients requiring home parenteral nutrition therapy. Coverage includes injectable vitamins when required in conjunction with the home parenteral nutrition program. This determination does not affect the exclusion contained in section 199.10, paragraph (g)(63), which remains in effect.

2. *Reimbursement.* Reimbursement for the nutrient solutions is limited to the reasonable charge which would be payable if the patients mixed their own solutions and administered the solutions themselves. If a statement is provided by the attending physician which documents that the patient is incapable of formulating or administering the solutions, and no household member is able to assist, then reimbursement is limited to the reasonable cost of the pre-mixed solutions.

October 20, 1980.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 80-33079 Filed 10-22-80; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-10-FRL 1640-8]

Approval and Promulgation of Implementation Plans; Revisions to the Idaho State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final rulemaking addresses State Implementation Plan (SIP) revisions submitted by the State of Idaho or called for by the Enironmental Protection Agency (EPA) pursuant to the requirements of Part D and Section 110 of the Clean Air Act (hereafter referred to as the Act). Today EPA is: (1) approving the Transportation Control Plan (TCP) portion of the Boise-Ada County carbon monoxide (CO) attainment plan (under Part D), (2) approving a revision to Idaho's indirect source review program (under Section 110), (3) approving an extension of the CO attainment date for the Boise-Ada County area from December 31, 1982 to December 31, 1987, and (4) calling for a SIP revision containing a motor vehicle inspection and maintenance (I/M) program for the Boise-Ada County area. Furthermore, EPA is taking separate action at a later date on Part D new source review procedures and the other specific attainment plans which the State has submitted to EPA.

These other area-specific plans address total suspended particulate

control for Silver Valley, Pocatello, and Soda Springs.

EFFECTIVE DATE: October 23, 1980.

ADDRESSES: Copies of the revision and accompanying support material are available for public inspection during normal business hours at the following locations:

The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20408

Cental Docket Section, (#10A–80—2), Environmental Protection Agency, 401 M Street S.W., West Tower Lobby, Gallery I, Washington, D.C. 20460

Enviromental Protection Agency, Air Programs Branch, Region 10, 1200 Sixth Avenue, Seattle, WA 98101

Idaho Operations Office , Environmental Protection Agency, 422 W. Washington, Street, Boise, Idaho 83702.

FOR FURTHER INFORMATION CONTACT: Loren C. McPhillips, Coordination & Planning Section, M/S 625, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, WA 98101, Telephone No. (206) 442–1226, FTS: 399–1226

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I. Introduction

EPA finds that good cause exists for making the action in this notice immediately effective for the following reasons: (1) Implementation Plan revisions are already in effect under State law and EPA approval poses no additional regulatory burden, and (2) EPA has a responsibility under the Act to take final action on the portion of the SIP which addresses Part D requirements by July 1, 1979 or as soon thereafter as possible.

This notice follows the August 8, 1980 issue of the **Federal Register** (45 FR 52834), wherein EPA published a notice of proposed rulemaking which described the nature of the Part D and Section 110 SIP revisions and requested public comment. Several comments were submitted during the comment period and they are discussed elsewhere in this notice.

EPA has reviewed comments received on the proposed rulemaking and is taking the following actions:

1. *Approval.* The transportation portion of the Boise-Ada County carbon monoxide attainment plan.

2. *Approval.* A variance for the BRA project from the Idaho indirect source regulations.

3. *Approval.* An extension of the CO attainment date for the Boise-Ada County area from December 31, 1982 to December 31, 1987.

4. *Request for SIP revision.* A SIP revision containing a motor vehicle inspection and maintenance program for the Boise-Ada County area.

In this notice the portions of the SIP on which EPA is taking action are summarized. Key issues relating to approval are discussed and summaries of comments on EPA's proposed rulemaking are provided. It is important to note that actions being taken in this publication are limited to those requirements contained in Part D and Section 110 of the Act.

The information in this notice is divided into two sections entitled "Background" and "Plan Review". The first section outlines the background leading to the development of the Idaho Part D SIP revisions in relation to the Clean Air Act Amendments of 1977. The "Plan Review" portion is divided into three major sub-sections. The first sub-section, "Transportation Control Plan (TCP) portion of the Boise-Ada County CO Attainment Plan," discusses the development, pursuant to Part D requirements, and approvability of a strategy for attaining the CO ambient air quality standards for the Boise-Ada County area. The second sub-section, "Indirect Source Review Variance," describes a SIP revision, which while submitted for approval pursuant to Section 110 of the Act, is integral to the TCP portion of the Boise-Ada County CO attainment strategy. The last sub-section under "Plan Review" entitled "Inspection and Maintenance" presents EPA's basis for requiring an I/M program in the Boise-Ada County area and the schedule for developing and implementing an I/M program.

II. Background

A. *Designation Process.* Pursuant to the requirements of Section 107(d) of the Act, EPA published in the **Federal Register** on March 3, 1978 (43 FR 8962) and on September 11, 1978 (43 FR 40412) a designation of the attainment status of certain areas in the State of Idaho with respect to the National Ambient Air Quality Standards (NAAQS) for total suspended particulates, carbon monoxide, and sulfur dioxide. This designation process triggered required revisions to the SIP as discussed below.

B. *Revision Process.* The 1977 Amendments to the Act require States to make extensive revisions to their SIPs. These revisions fall into three major areas:

1. Provisions for attainment and maintenance of NAAQS in those areas where air quality standards are being violated (required in Part D of the Act).

2. Plans for Prevention of Significant Deterioration to protect those areas with clean air (required in Part C of the Act).

3. General SIP requirements which have statewide applicability (e.g., Section 128—State Boards).

This notice presents the results of EPA's review of the TCP portion of the Biose-Ada County CO attainment plan, which was developed by Ada Planning Association (APA) and Idaho Department of Health and Welfare (IDHW) pursuant to their responsibilities under Part D of the Act. The TCP portion of the Boise-Ada County area CO attainment plan was submitted to EPA along with certain other Part D plans and revisions in January 1980. An adjustment to the TCP was submitted to EPA along with indirect source review variance for the BRA project in July, 1980. EPA will be taking action on these other Part D submissions at a later date.

This notice also presents the results of EPA's review of the indirect source review variance which was submitted to EPA pursuant to Section 110 of the Act.

Finally, this notice contains EPA's call for a SIP revision which requires an I/M program to be implemented in the Boise area prior to December 31, 1982 for a decentralized approach and no later than December 31, 1983 for a centralized approach, in order to attain the eight hour CO standard prior to December 31, 1987.

C. *Review and Approval Process.* It is important to understand the overall

nature of SIPs and of EPA's review and approval role, with special focus on the Part D requirements of the Act. First, nonattainment designations are specific to pollutants and areas. Therefore, it is possible for the Part D SIP revisions to be adequate for one pollutant or geographical area but inadequate for others. It is EPA's policy to treat the separate revisions as severable to the maximum extent possible. Due to circumstances described below, this notice contains a series of actions related only to the attainment of CO standards in the Boise area.

In the case of Part D SIP revisions, EPA's review process can lead to three results:

1. Approval, outright, where the SIP or the portion under consideration meets all requirements;

2. Disapproval where deficiencies are of such magnitude as to significantly interfere with the basic objective; or

3. Approval with conditions, where deficiencies exist, but where the effect of the deficiency is not judged to be significant and where the State is taking steps to correct the deficiency.

A discussion of conditional approval and its practical effect appears in supplements to the General Preamble published in the April 4, 1974, **Federal Register** (44 FR 20372); supplemented on July 2, 1979 (44 FR 38583), and November 23, 1979 (44 FR 67182). In essence, however, conditional approval is an option where minor deficiences in a state plan can be remedied by submission of additional materials by a specified deadline. Please see the above referenced **Federal Register** notices for additional details.

D. *Review Criteria.* The revisions approved today have been reviewed in light of the Clean Air Act. EPA regulations and additional guidance. Specific criteria for an approvable Part D SIP are described in a General Preamble published in the April 4. 1979, **Federal Register** (44 FR 20372); supplemented on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979, (44 FR 53761), and November 23, 1979 (44 FR 67182). Additional criteria were published in the "EPA/DOT Transportation Planning Guidelines" and the "Transportation SIP Checklist." (These documents are available at the address noted above). General requirements for all SIPs are contained in 40 CFR Part 51.

A summary of the criteria used to evaluate the Boise-Ada County TCP are as follows:

1. Definition of nonattainment area and geographic area covered by transportation control measures.

2. Accurate, comprehensive and current emissions inventory.

3. Estimation of emission reductions needed to demonstrate standard attainment by 1982 and 1987.

4. Designation and certification of a lead agency for nonattainment areas.

5. Identification of agency task and responsibilities.

6. Schedule for comprehensive analyses of alternatives and demonstration that analysis is underway or completed.

7. Schedule for adoption of reasonably available measures.

8. Commitment to justify decision not to adopt difficult, but reasonably available measures.

9. Process for public, interest group, and elected official consultation and involvement in: defining transportation-air quality issues, establishing the planning process, developing and analyzing alternatives.

10. Identification of estimated financial and manpower resources necessary to carry out the process.

11. Evidence that the SIP was adopted by the State after reasonable notice and public hearing.

12. Provisions for progress reporting throughout the planning and implementation period.

13. Assess the need to implement an I/M program.

14. A commitment to use available grants and funds to establish, expand or improve public transportation measures to meet basic transportation needs as expeditiously as practicable.

15. Emission reduction estimates for adopted measures and/or packages of measures. Rough estimates of annual emission reductions through 1987 for packages of measures currently being developed and analyzed.

16. Commitment to: (1) accelerate implementation of transportation improvements, and (2) incremental phase-in of additional reasonable measures.

E. *Matters Upon Which EPA is Taking Action.* 1. The first phase of a two-phase CO attainment plan was developed locally by Ada Planning Association with close EPA Region 10 coordination. It was then submitted to the IDHW, combined with other State-developed Part D SIP revisions, and forwarded to EPA under the Governor's signature on January 15, 1980. An advanced notice of proposed rulemaking announcing receipt of the SIP revisions was published in the January 31, 1980 **Federal Register** (45 FR 6959). In the August 8, 1980 **Federal Register** EPA proposed approval of the TCP portion of the Boise-Ada County CO attainment plan submitted by the State pursuant to Part D requirements. An adjustment to the TCP had been submitted to EPA along with a variance request in July, 1980. Today, EPA is approving that plan.

2. In addition, pursuant to Section 110 of the Act. EPA is approving a variance to the State indirect source review regulation which would allow construction of a large parking garage associated with a Boise downtown redevelopment project.

3. Furthermore, EPA is granting an extension of the CO attainment date for the Boise-Ada County area from December 31, 1982 to December 31, 1987.

4. Finally EPA is calling for a SIP revision which includes an I/M program in the Boise-Ada County area due to projected difficulties in meeting CO standards by the end of 1987.

F. *SIP Submittals For Which Separate Action Will Be Taken.* In addition to the TCP portion of the Boise-Ada County CO plan, the State of Idaho also submitted the following Part D SIP revisions:

1. Part D new source review procedures,

2. TSP attainment plans for the Silver Valley, Pocatello, and Soda Springs.

EPA is not taking action on the above-listed revisions at this time due to ongoing negotiations with the State. Rulemaking for these plan revisions will be treated in a separate **Federal Register** notice at a later date.

Until EPA takes final action to approve or conditionally approve the Part D CO attainment plan for the Boise-Ada County area which includes the new source review procedures submitted by the State, the ban on construction of new and modified major stationary sources required by Section 110(a)(2)(I) of the Act, will remain in effect. These restrictions apply only in the designated nonattainment areas and only to new or modified major stationary sources. The restriction does not affect existing sources (unless they are being modified) or sources which applied for permits to construct before July 1, 1979.

G. *Comments on Proposed Rulemaking.* During the comment period following EPA's August 8, 1980 proposed rulemaking on this Part D and Section 110 SIP revision (45 FR 52834) over 35 comments were received from individuals and citizen groups. The majority of the comments were supportive of the proposed action. The issues raised by EPA in the August 8, 1980 **Federal Register**, relevant comments received on these issues, and EPA's response to these comments follows.

Comments on the TCP Portion of the CO Plan

1. One commenter asked that comments EPA had received from that commenter in March and June, 1979 be incorporated as part of its comments on the TCP. In accordance with this request, EPA fully considered such comments in this rulemaking.

2. *Comment:* Two commenters expressed views that the emission inventory contained in the TCP is not accurate, comprehensive, and current. They argued that the inventory addresses only CO and not other pollutants, it utilizes data gathered in 1977 and it relies on data from a monitoring site which may not now correspond to the site with the highest incidence of CO standards violations.

Response: Section 174(b)(4) of the Clean Air Act requires that nonattainment plans include pollutant-specific emissions inventories. The Boise-Ada County area is designated nonattainment for one pollutant, CO. As today's action involves only the TCP portion of the Boise-Ada County CO plan, it is both pollutant and area specific. Emissions of other pollutants such as lead and hydrocarbons are or will be addressed in other parts of the Idaho SIP.

The TCP which EPA is approving today was submitted to EPA as part of the State's 1979 SIP revision. The original TCP was completed in March 1979 but because the emission inventory was not complete, an adjustment to the inventory was submitted to EPA in July, 1980 along with the Boise Redevelopment Agency (BRA) indirect source review variance request. Use of 1975–1977 calendar year data is expressly called for in appendices to EPA's Transportation Air Quality Planning Guidelines (June 1978) and EPA does not agree that use of such data by APA was inappropriate. EPA shares the commenters' concerns that the 1982 submission be accurate, comprehensive and current. Areas which must be addressed in the 1982 SIP submission are detailed elsewhere in this notice.

Similarly, while EPA recognized in its August 8, 1980 **Federal Register** notice that the Ninth Street monitoring site may not now correspond to the location for the highest incidence of CO standards violations in the Boise area, EPA belives the Ninth Street site provided a proper basis for establishing a 1977 baseline inventory. Data for the relevant calendar year was available from this site, and in addition, as a National Air Monitoring Station (NAMS), the Ninth Street monitor serves as a trend station, reflecting one of the many potential peak situations which may occur throughout the urban area.

3. *Comment:* One commenter argues that EPA underestimated the impact of the BRA project in evaluating the TCP, and that the TCP for Boise-Ada County does not contain the required estimate of emission reductions needed to demonstrate standard attainment by 1982 and 1987.

Response: EPA performed a technical analysis of the TCP and the data supporting the petition for a variance which was submitted to EPA as an adjustment to the TCP in July, 1980. This analysis predicted violations of the 8-hour CO standard in the Boise-Ada County area by the end of 1982. The BRA project's air quality impact was specifically factored into EPA's microscale analysis. EPA does not agree that the project's impact was underestimated. As noted in the August 8, 1980 **Federal Register** notice, EPA agrees with the prediction that there will still be violations of the 8-hour CO standard in the Boise-Ada County area by the end of 1982. EPA also agrees with the estimates that an additional 12 to 15 percent reduction in CO emissions, beyond that which would be achieved through implementation of an I/M program and other committed measures, is necessary to meet the 8-hour CO standard by the end of 1987. This prediction is based on a report prepared by GCA, Inc., "CO Emission Inventory and Analysis of Nonattainment in Ada County, Idaho" (March 1979). EPA is satisfied that this prediction meets the requirement for an *estimation* of emission reductions needed to demonstrate attainment of standards by 1982 and 1987.

4. *Comment:* The same commenter objected that the law makes no explicit provision for a two phase TCP submission, that a phased TCP is not legally enforceable, and that a TCP must demonstrate actual progress towards attainment.

Response: The process for developing a TCP for a specific nonattainment area is well documented in the "EPA/DOT Transportation-Air Quality Planning Guidelines (June 1978)." The preparation of these guidelines was required by Section 108(e) of the Act. These guidelines, which specifically call for a two-phase TCP submission, have been used extensively by other lead agencies in developing their own CO attainment plans.

EPA believes that these guidelines are consistent with the requirements of Sections 110 and 172 of the Act, and are within EPA's authority as provided by Section 301 of the Act. These guidelines specifically call for a two-phase TCP submission. Furthermore, Sections 172(a)(2) and 172(c) of the Act, require areas where it is not possible to attain the standards prior to December 31, 1982, despite the implementation of reasonable transportation control measures, such as the Boise-Ada County area, to submit an enforceable attainment plan not later than July 1, 1982. As discussed elsewhere in this notice, it will be necessary for the State of Idaho to adopt and implement all reasonably available control measures in order to attain standards no later than December 31, 1987.

In accordance with the statutory requirements of Section 172, EPA is requiring the State to demonstrate reasonable further progress and attainment of the standards by 1987 in the State's 1982 SIP submittal. To the extent that the commenter's concern coincides with the statutory requirement for reasonable further progress, EPA concurs that the State's 1982 SIP submittal must demonstrate reasonable further progress. EPA does not agree that a phased TCP is unlawful or unenforceable. A TCP which has been submitted to EPA as a SIP revision pursuant to the requirements of Sections 110 and 172 of the Act and which has been approved and promulgated by EPA is federally enforceable as set out in Section 113 of the Act.

5. *Comment:* The same commenters questioned commitments by APA to implement the CO attainment plan, and commented that such commitments are not evident in the Boise-Ada County TCP nor have they been made public.

Response: EPA has reviewed the submitted SIP revisions for the Boise-Ada County Transportation Control Plan and the Indirect Source Review Variance and is satisfied that the required commitments to develop and implement the CO nonattainment plan have been included in the SIP. The documentation relating to the TCP adjustment which was submitted along with the indirect source review regulation variance for the BRA project specifically identifies control measures which have been or must be developed and committed to. These documents were available for public inspection at the addresses mentioned in this notice prior to and throughout the comment period. In addition, Section 175 grant requirements insure that the transportation control planning process will continue, and that the identified commitment will be met. In the event that specified commitments are not met, sanctions as provided for in Section 176(a) and 316 could be imposed.

Comments on the BRA Project Indirect Source Review Regulation

6. *Comment:* One commenter criticized the proposed approval of the variance from the indirect source regulation for the BRA project or approval of the variance as a revision to the TCP because the proposal was made without quantifying the air quality impact of the project.

Response: IDHW and EPA have both performed analyses which project the air quality impact of the BRA project on the Boise-Ada County nonattainment area. These analyses are part of the rulemaking docket. Both analyses indicate that even with an I/M program, an aggressive TCP will have to be implemented in the Boise area. EPA is requiring that emissions from the BRA project be adequately accounted for in the 1982 SIP and that the TCP portion of that SIP revision demonstrate attainment of the CO standards prior to December 31, 1987.

7. *Comment:* One commenter suggested that Idaho's variance procedure does not apply to indirect sources and that EPA cannot approve this variance as part of the Idaho SIP.

Response: The State of Idaho's indirect source review regulation was approved by EPA on January 30, 1975 as part of the federally enforceable SIP (40 CFR 52.670). Idaho's variance provision was approved by EPA in 1972 as part of the State's original SIP submittal. The legal question concerning the applicability of the variance procedures to indirect sources was raised by a commenter at the State hearing on the variance petition which was held on March 12, 1980 before the Director of IDHW. The Director rejected such an interpretation in granting the variance. The Idaho State Attorney General's Office acting as Counsel for the Idaho Department of Health and Welfare considered the question in a letter dated June 30, 1980 to counsel for the BRA. The Attorney General's office found the variance procedures to be applicable to the BRA project and advised counsel to follow the procedures as set forth in the variance provision. EPA has considered this matter to be an issue of State law and defers to the finding of the State Attorney General's office.

8. *Comment:* The same commenters felt that the BRA should be required to mitigate the CO burden added by the downtown project through traffic flow alterations and design modifications to minimize emissions.

Response: EPA shares the commenter's concern with mitigating the CO burden in the Boise-Ada County nonattainment area. EPA carefully evaluated the commitments in the Disposition and Development Agreement between the BRA and the project's developer, as well as the mitigation assurances contained in the "Adjustment to the March 1979 Ada County TCP" which was submitted to EPA along with the variance request in July 1980. These documents indicated that the developer has committed to a project which will be designed to minimize internal and external emissions, and improve traffic flow. The project design will incorporate CO monitoring and exhaust devices to control emissions. The combined total of all the newly constructed parking facilities associated with the project cannot exceed 3060 spaces (one large facility or a combination of several small facilities). Additional mitigation measures are being evaluated. BRA is closely coordinating the redevelopment project with APA. EPA accepts these commitments as providing adequate assurance that the CO burden from the project will be mitigated. The 1982 Boise-Ada County CO attainment plan must account for emissions generated by the new facility and still demonstrate reasonable further progress in attaining the CO standards prior to December 31, 1987.

9. *Comment:* While agreeing with EPA that an I/M program is necessary for the Boise area, two commenters felt that I/M was a necessary element of the 1979 SIP submittal, and that EPA had no assurance that an I/M program would be implemented pursuant to the requirements of the Act.

Response: Sections 110 and 172 of the Act require States which are not able to demonstrate attainment of the CO standards by December 31, 1982 to establish, among other things, a specific schedule for implementation of a vehicle emission control I/M program. On April 4, 1979 (44 *FR* 20372), EPA published a General Preamble which identified the major considerations that guide EPA's evaluation of SIP submittals. This guidance specifically addressed the date by which an I/M program is required for areas with attainment dates beyond 1982. For urbanized areas (areas with a population of 200,000 or more) with attainment dates beyond 1982, a SIP containing appropriate commitments and an assurance of legal authority must be submitted to EPA by June 30, 1979. For non-urbanized area, however, EPA established that it would review the need for I/M once the 1979 SIP revisions had been submitted and would consider additional requirements at that time. EPA's approval of the TCP portion of the State of Idaho CO attainment plan is consistent with the policy established in the General Preamble and with the requirements of the Act.

EPA concurs with the commenters and the IDHW and APA that implementation of an I/M program is necessary in the Boise area. Accordingly, in this notice EPA is calling for a SIP revision containing an I/M program to be submitted by July 1, 1981. The program must be implemented no later than December 31, 1982 for a decentralized approach and December 31, 1983 for a centralized approach. If an I/M program is not adopted or implemented, funding limitations contained in Sections 176(a) and 316 of the Act, will be applied to the Metropolitan Boise Intrastate Air Quality Control Region.

10. *Comment:* One commenter questioned the evaluation by EPA of benefits from I/M and criticized the benefits as over stated and optimistic.

Response: The predicted benefits of an I/M program in Boise-Ada County were based on a state-of-the-art model for calculating mobile source emissions and benefits from an I/M program. These emission factors were published in an EPA publication called, "Mobile Source Emission Factors (EPA–400/9–78–005, March 1978)" and have been used extensively in modeling mobile source emission in other nonattainment areas. No affirmative showing was made by the commentor to support the assertion that the projected credits were in error.

General Comments

11. *Comment:* One group was concerned that EPA is relying upon significant reduction in CO levels in the Boise-Ada County air shed which will result from regulation of the drive-in industry (i.e., banks and fast-food service).

Response: In order to attain the CO standard in the Boise-Ada County area prior to December 31, 1987, an aggressive TCP will have to be implemented. APA is studying several transportation control measures including vehicle idling controls. Controlling vehicle emissions from drive-up facilities is an innovative idea and certainly the effectiveness of such a measure should be examined. However, the only commitment concerning drive-up facilities in the action EPA is taking today is that APA will continue to study its effectiveness and consider its implementation as part of the 1982 SIP.

12. *Comment:* Three commenters were concerned that in order to offset the air quality impact associated with the BRA project the IDHW would impose increased controls on agricultural

sources, such as open field burning and wood burning stoves.

Response: The BRA project is expected to impact CO emissions in the Boise area. Field burning and wood burning stove emissions primarily impact a different pollutant standard that is set for particulate matter. In light of the dominant motor vehicle contribution to the CO nonattainment problem with the Boise area, APA and IDHW have focused the CO control strategy on transportation measures. Accordingly, while it is the responsibility of the States to devise the control strategies necessary to attain and maintain national ambient air quality standards, EPA does not believe that the CO control strategy for the Boise area would affect agricultural sources identified by the commenters.

III. Plan Review

A. *TCP Portion of the Boise-Ada County CO Attainment Plan.* 1. *Background.* In the fall of 1977, the IDHW proposed a carbon monoxide nonattainment area for Ada County which consisted of that area generally contained within the boundaries of the Boise Metropolitan Planning Area. In early February of 1978 the nonattainment area was expanded to include most of Ada County.

Numerous violations of the 10 milligrams per cubic meter (mg/m^3) 8-hour CO standard have been recorded in the Boise-Ada County nonattainment area. CO monitoring data has been collected at the Odd Fellows Building on Ninth Street since July 1975. Data collected at this site from 1975 through 1978 indicate that CO concentrations were over 20.0 mg/m^3 for each year recorded. Based upon that data, the CO 8-hour design concentration was determined to be 21.0 mg/m^3. In addition to the Odd Fellows Building monitoring data there were other special monitoring studies conducted in the Boise area. During one such study EPA Region 10 collected monitoring data at 40 locations from the period of November 23 through December 22, 1977. The study results indicated that the CO problem is widespread and not restricted to the downtown business district. At approximately 70 percent of the monitors, CO standards were exceeded on a regular basis. The study also suggested that the Ninth Street monitor may not represent the worst site in the city.

As required by Section 174(a) of the Act, a lead planning organization consisting of local elected officials was designated by the Governor of the State of Idaho on February 6, 1978. As the designated lead planning organization, Ada Planning Association (APA) is responsible for coordination and preparation of the required CO plan. APA is developing the TCP portion of the Boise-Ada County CO attainment plan in two phases. The first phase of the plan consists of adopting measures to insure reasonable further progress, developing a schedule to study and adopt other necessary reasonably available control measures and to identify target emission reductions. This part of the plan was developed based on the criteria set forth elsewhere in this notice. It is this phase (the 1979 SIP) upon which we are taking action today. The second phase (the 1982 SIP) will consist of a plan containing necessary commitments and adoptions of measures to insure attainment of the standards prior to December 31, 1987.

2. *Emission Reduction Required.* With a combination of computer modeling and rollback modeling APA predicted that there will still be violations of the 8-hour CO standard in the Boise area by the end of 1982. It is also estimated that an additional 12 to 15 percent reduction in CO emissions, beyond that which would be achieved through implementation of an I/M program and other committed measures, is necessary to meet the 8-hour CO standard by the end of 1987.

3. *Extension Request.* Since attainment by the statutory December 31, 1982 date is not projected, a formal request for a post-1982 attainment date has been made by IDHW and APA. The Act enables the EPA Administrator to grant up to a five year extension (to December 31, 1987) for compliance with the standards as long as the state submits a demonstration that attainment by 1982 cannot be achieved in the Boise area despite implementation of all reasonably available control measures.

EPA has reviewed the State and local demonstration and has determined that an extension of the attainment date from December 31, 1982 to December 31, 1987 is warranted.

4. *Control Strategy.* The CO problem has been attributed almost entirely to emissions from mobile (transportation) sources. As demonstrated in the emission inventories contained in the Boise-Ada County CO plan, more than 90 percent of the CO problem originates from motor vehicles.

In light of the dominant motor vehicle contribution to the CO nonattainment problem, the APA control strategy focuses on transportation measures. Typical reasonably available control measures are listed in Section 108(f)(1)(A) of the Act. It should be noted that these measures are designed to reduce vehicle emissions in one of three basic ways: (a) by reducing trips and miles traveled; i.e., improved mass transit, carpooling, etc., or (b) by improving traffic speeds; i.e., improved traffic signalization, traffic flow improvements, parking restrictions, etc., or (c) by reducing the emissions from individual vehicles; i.e., an inspection and maintenance program and the Federal Motor Vehicle Emission Control Program.

Measures which already have been implemented or which have been committed to implementation prior to December 31, 1982 in the Boise-Ada county area, and in some cases scheduled for further improvements include:

a. Improved public transit including downtown free shuttle bus.
b. On-street parking controls.
c. Promotion of flexible work hours.
d. Traffic signalization improvements downtown.
e. Park and ride lots.
f. Growth management.
g. Areawide carpool programs.
h. Bicycle lanes and storage.

Measures which APA is now studying and which will be considered for future implementation are listed below:

a. Inspection and maintenance program.
b. Additional public transit improvements including establishment of a downtown bus terminal.
c. Exclusive bus and carpool lanes.
d. Additional traffic flow improvements.
e. Long-range transit improvements.
f. Pedestrian malls including the Boise redevelopment project in the central business district.
g. Additional park and ride lots.
h. Additional employer programs to encourage carpooling and vanpooling.
i. Vehicle idling controls.
j. Additional growth management.

5. *Final Action.* Based on the criteria set forth elsewhere in this notice, EPA is approving the 1979 TCP portion or the Boise-Ada County CO attainment plan as submitted without conditions. EPA is satisfied that all currently planned, reasonably available control measures are being implemented, and that in addition, a commitment to evaluate and adopt control measures, which will result in attainment no later than December 31, 1987, has been made. APA, IDHW, and EPA are working closely together to insure that items contained in the next section will be addressed in the 1982 SIP submittal.

6. *Areas to be Addressed in Future SIP Submissions.* The following items are problems that will be addressed in the 1982 SIP submission or in other sections of this notice:

a. It is critical for future work (the 1982 SIP) that the emission inventory be detailed, comprehensive and incorporate the use of the latest mobile source emissions factors. A more complete and refined analysis of parking lot activity emissions is necessary. This would include accounting for parking lot emissions from the Boise Redevelopment Agency (BRA) project. Specific projects that are in the adopted transportation plan must also be included in the projected emission inventories.

b. An inspection and maintenance program is discussed in detail later in the notice.

c. The CO plan that is submitted in 1982 must demonstrate reasonable further progress in attaining the standards prior to December 31, 1987.

d. Population projections used in the 1982 SIP projections must be consistent with Bureau of Economic Affairs projections. The major intent of this future requirement is to insure that the population projections used in all EPA programs are consistent (CO attainment plans, water quality planning under the 208 program, and construction grants projects for wastewater treatment facilities).

e. Individual highway projects must conform with the SIP at both the system or comprehensive planning level (mesoscale) *and* the project level or EIS level (microscale). In order to construct these projects, the following criteria must be fulfilled:

(1) The project's regional impact must be accounted for in the SIP. For example, the project must be part of the Regional Transportation Plan that was analyzed in the alternative analysis (mesoscale).

(2) The project's impact must be evaluated for the microscale air quality impact. The project must not cause new or exacerbate existing violations of the standards, or delay the attainment of the standards (microscale).

In order to help facilitate project conformity with the SIP, a detailed listing and schedule for construction and opening of various major projects will be required.

B. *Indirect Source Review Variance.*

1. *Introduction.* An indirect source review program provides for the pre-construction review of facilities which are likely to induce or attract significant vehicular traffic, thereby increasing the amount of mobile source generated air pollutants.

EPA approved the State of Idaho's indirect source review regulation in the **Federal Register** on January 30, 1975 (40 FR 4420). The regulation applies to any new parking facility or other indirect source with an associated parking area which has a parking capacity of 1,000 cars or more. Sources subject to this regulation such as the BRA project would have to obtain a "Permit to Construct" or be granted a variance from the regulations prior to commencing construction. Specific procedures for applying for a permit or variance are set forth in Section 1–1004 and Section 1–1007 of the "Rules and Regulations for the Control of Air Pollution in Idaho" and will not be discussed here.

On July 1, 1980 the State of Idaho submitted to EPA as a SIP revision a variance from its indirect source review program. EPA's action on this request for a SIP revision is governed by Sections 110(a)(3)(A) and 110(a)(5)(A)(iii) of the Act and the recent decision of the Second Circuit Court of Appeals in the case of *Manchester Environmental Coalition* vs. *EPA*, —— F.2d —— (2nd Cir. 1979) (No. 79–4062). In the *Manchester* case the court held that Section 110(a)(5)(A)(iii) required EPA to insure that a State's indirect source SIP revision met both procedural and substantive requirements of Section 110. The court noted that under the Act most states were revising their SIPs to meet Part D and suggested that the appropriate procedure would be to examine a State's indirect source revision submittal along with its Part D SIP submittal, concluding that EPA approval of the State's Part D submission would be sufficient to allow the Agency to approve the State's indirect source revision as well. Therefore since the Idaho Part D SIP revision or the relevant portion thereof is approvable (or conditionally approvable) then EPA is approving the State's request for a SIP revision approving its indirect source variance.

2. *Background.* The Boise City Comprehensive General Plan in 1964 provided for a major regional shopping center in the downtown area. In pursuit of this goal, the City Council established the Boise Redevelopment Agency (BRA) in 1965 and in turn incorporated the concept of a regional shopping complex into the current Boise Metro Plan. In April 1979 the BRA and Winmar Corporation presented the current project design proposal intended to optimize the goals of various citizen committees.

An integral part of the project is a 3,060 space underground parking facility. Success of the proposed retail complex is dependent upon occupancy by major department stores which require large, adjacent parking facilities. Construction of the parking garage is subject to the State of Idaho permit procedures for Indirect Sources, Rule 1–1004, Rules and Regulations for the Control of Air Pollution. Pursuant to the Indirect Source Regulations, the BRA submitted an application for an indirect source permit in late 1977 with an addendum submitted in March 1978. On April 5, 1978, the Idaho Department of Health and Welfare issued a preliminary determination to deny the permit based upon a finding by the BRA that its proposed project would further degrade air quality in the Boise area.

In 1978, BRA unsuccessfully challenged, in state court, the IDHW's finding that the BRA project was subject to indirect source regulation permit requirements.

On December 13, 1979, pursuant to Rule 1–1007, the BRA filed a petition for a variance from the permit requirements set forth in Rule 1–1004. The petition was supplemented on January 2 and January 7, 1980. In its petition the BRA contends that application of the indirect source permit requirements to the redevelopment project would impose an arbitrary or unreasonable hardship upon the Boise community. On March 12, 1980, a public hearing was held on the variance request. Over fifty persons presented oral or written testimony.

On April 24, 1980, IDHW granted the BRA a variance from Rule 1–1004. The Director of IDHW reasoned that rejection of the variance request could result in an expensive design change or project termination without any significant air quality benefit.

The Director further stated that it would then be unreasonable to require compliance with the permit regulation when clean air standards can be met without modifying the project or imposing a severe hardship on the community. The Director noted that pursuant to the Act, the Ada Planning Association must adopt and implement whatever measures may be necessary to ensure that national CO standards are achieved by 1987. He concluded that because of the severity of Boise's air quality problem, the APA plan must be both aggressive and innovative. He also found that any additional traffic generated by the BRA project must be addressed by the control strategy developed by APA. Because APA was committed to developing such a strategy, the Director found the variance acceptable. The SIP revision containing the variance was then submitted to EPA on July 1, 1980.

3. *Description of the BRA Project.* The BRA project is a shopping center and parking garage complex currently being proposed for construction in downtown Boise. It is considered to be an urban

renewal project which would help reduce urban sprawl and encourage revitalization of the downtown area.

The BRA project is scheduled for an area bounded on the east by Capitol Boulevard, on the south by Front Street, on the west by Ninth Street, and on the north by Bannock Street. The retail complex will be contained in a two-level structure, designed to provide some vertical urban relief. The retail portion will contain approximately 765,000 square feet.

Parking spaces in the redevelopment project would be limited to new construction of four parking spaces for each 1,000 square feet of gross leasable area of retail space. This would allow construction of 3,060 spaces using the assumption of 765,000 square feet of retail space.

Approximately 650 parking spaces in the project area would be removed during the first phase of construction of the project, including removal of existing parking and on-street facilities. Therefore, the actual net increase in parking in the eight-square block area will be approximately 2,410 spaces. The planned 3,060 spaces would be placed in a manner yet to be determined.

Existing streets to be vacated include Main from Capitol Boulevard to Ninth; Idaho from Capitol Boulevard to Ninth; and Eighth from Main to Bannock. A portion of Idaho from Capitol to Eighth and a portion of Eighth from Idaho to Bannock would remain open for vehicular access to project facilities. However, this access is not meant to facilitate through traffic.

4. *Rationale for Action.* EPA is approving the SIP revision containing the BRA project variance from the State of Idaho's indirect source regulation. As already discussed, EPA is today approving the TCP portion of the Boise-Ada County CO attainment plan. Action on the new source review regulations which constitute the remaining portion of the CO attainment plan will take place in a separate **Federal Register** notice at a later date. However, given that there are no present or planned stationary sources emitting CO within the area impacted by the BRA project which will be subject to these new source review regulations, and moreover, since emissions from the BRA project will be accounted for in the updated emission inventory and 1982 SIP revision, EPA is satisfied that approval of the variance from the State of Idaho's indirect source review program will not result in a SIP which is inadequate to attain and maintain NAAQS.

APA and IDHW have provided assurances that the project's impact on air quality will be accounted for in the transportation control plan currently being developed to attain the CO standards. In addition to the submittal of variance request, EPA has received adequate commitments from APA and IDHW to ensure that the plan currently being developed will demonstrate attainment of the standards prior to December 31, 1987 even with the additional growth allowance. EPA recognizes that an inspection and maintenance program will be necessary to make an attainment demonstration and is calling for submission of a SIP revision containing an I/M program elsewhere in this notice. Specific rationale for approval of the SIP revision containing the BRA variance for the action is discussed below:

a. Increased emissions generated by this facility will be adequately accounted for in the 1982 SIP revision containing the Boise-Ada County CO attainment plan. In effect, the BRA project indirect source variance is an amendment to the CO emission inventory since emissions from the parking activity associated with the project have been added to the existing emission inventory thus making it current, accurate and comprehensive.

b. The 1982 SIP revision containing the Boise CO attainment plan will only be approved if the emissions from this facility are adequately accounted for and if the plan demonstrates, to EPA's satisfaction, attainment of the standards prior to December 31, 1987.

c. The BRA project is consistent with national goals to promote urban renewal and reduce urban sprawl.

d. IDHW has determined that the project will be designed with air quality considerations as one of the prime design factors. A special parking garage design configuration maximizing internal flow and facilitating ingress and egress will be incorporated to help reduce automobile emissions. The garage will also have an elaborate exhaust fan system.

5. *Final Action.* In order to approve the BRA indirect source variance which has been submitted to EPA, EPA must determine that the variance meets the requirements of Section 110 of the Act. The State is required to demonstrate that approval of the SIP revision will result in protection of the NAAQS. Based on the State's demonstration as outlined above, EPA is satisfied that the SIP revision meets the substantive and procedural requirements of Section 110 and is therefore approving the BRA indirect source variance.

C. *Other Action (Boise-Ada County Inspection and Maintenance Program).*

1. *General Background.* "Inspection and Maintenance" (I/M) refers to a program whereby motor vehicles receive periodic inspections to assess the functioning of their exhaust emission control systems. Vehicles which have excessive emissions must then undergo mandatory maintenance. Generally, I/M programs include passenger cars, although other classes can be included as well. Operation of non-complying vehicles is prohibited. This is more effectively accomplished by requiring proof of compliance to purchase license plates or to register a vehicle. A windshield sticker system, much like that of many safety inspections programs, can be used if it can be demonstrated that equal effectiveness will be achieved.

Section 172 of the Act requires that State Implementation Plans which include nonattainment areas must meet certain criteria. For areas which demonstrate that they will not be able to attain the ambient air quality standards for ozone or carbon monoxide by the end of 1982 despite the implementation of all reasonable available control measures, an extension to 1987 is granted. The plan provisions shall "establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program . . ."

EPA issued guidance on February 24, 1978, on the general criteria for SIP approval including I/M, and on July 17, 1978, regarding the specific criteria for I/M SIP approval. Both of these items are part of the SIP guidance material referred to in the General Preamble for Proposed Rulemaking (44 FR 20372, 20373, n 6). Though the July 17, 1978, guidance should be consulted for details, the key elements for I/M SIP approval are as follows:

- Legal Authority. States or local governments must have adopted the necessary statutes, regulations, ordinances, etc., to establish the I/M program. (Section 172(b)(10)).
- Commitment. The appropriate governmental unit(s) must be committed to implement and enforce the I/M program. (Section 172(b)(10)).
- Resources. The necessary finances and resources to carry out the I/M program must be identified and committed. (Section 172(b)(7)).
- Schedule. A specific schedule to establish the I/M program must be included in the State Implementation Plan (Section 172(b)(11)(B)). Interim milestones are specified in the July 17, 1978 memorandum in accordance with the general requirement of 40 CFR 51.15(c).
- Program Effectiveness. As set forth in the July 17, 1978 memo, the I/M program must achieve a 25 percent

reduction for carbon monoxide. This reduction is measured by comparing the levels of emission projected to December 31, 1987, with and without the I/M program. This is not a specific requirement of the Act but is EPA's policy based on Section 172(b)(2) which states that "the plan provisions . . . shall . . . provide for the implementation of all reasonably available control measures . . ."

2. *Rationale Calling for an Inspection and Maintenance Program in the Boise-Ada County Area.* a. *Boise-Ada County Co Problem.* (1) Boise is a rapidly growing city. The current 1980 estimated population in the Boise nonattainment area is 170,000. By the year 1985 the population is projected to exceed 200,000 and will likely increase to 300,000 by the year 2000.

(2) Over the last few years the Boise-Ada County area has experienced numerous violations of the 8-hour CO standards. A summary of the 8-hour CO violations is as follows:

Year	2d high (mg/m³)	Days of violation
1975	20.4	28
1976	21.0	95
1977	20.7	67
1978	20.2	58

Also, special monitoring studies have revealed that the CO problem is widespread and that there are several locations with violations even higher than those reported in the normal monitoring data.

(3) The meteorological conditions in the Boise-Ada County area are conducive to causing CO problems. Strong inversions are common during the winter months resulting in poor ventilation. CO emissions are then trapped in these stagnant conditions causing violations of the standards.

b. *Justification for an Inspection and Maintenance Program in Boise-Ada County.* I/M is necessary in the Boise-Ada County area to insure reasonable further progress and eventual attainment of the CO standard. The following issues demonstrate this need:

(1) Initial SIP Air Quality Projections: The initial air quality projections contained in the SIP indicate that Boise will not be able to attain the CO standard by 1987 without an I/M program. This estimate includes emission reduction credits associated with the implementation of improved transit, traffic flow improvements, carpools and idle limitations. Boise may not be able to attain the standards by the statutory date, accordingly, an aggressive CO attainment plan, including I/M, is necessary for the Boise area.

(2) Major Urban Renewal: Boise is currently planning a major urban renewal project. The project includes a shopping mall and a large parking garage for approximately 3,000 vehicles. the project would increase vehicular activitiy in the vicinity where the permanent CO monitor is already recording violations of the standard. The only feasible measure capable of mitigating the project's projected impact on air quality is an effective I/M program.

(3) Major Highway Projects: Currently there are two major projects being considered for construction in the Boise Central Business District. The State Street Connector and the Broadway-Chinden Corridor both would potentially increase vehicular activity in the Boise area. One way to mitigate these projects' air quality impacts would be to implement an I/M program.

(4) Major EPA Construction Grants: Major 201 wastewater treatment projects are underway or starting in the Boise nonattainment area. Certain of these, namely sewage treatment plant expansion and interceptor construction, have some growth-inducing features. Associated with this growth are additional air quality impacts. This is presently being studied by EPA and will be discussed in a Boise Urban Environmental Impact Statement.

In summary, the Boise-Ada County area is a rapidly growing isolated small urban area. Numerous violations of the CO standard have been recorded, and the area will not be able to attain standards by 1987 without an I/M program. Several projects are being contemplated for construction. The combined impact of these projects can only be mitigated through the implementation of an I/M program and other transportation control measures.

3. *EPA's Inspection and Maintenance Policy.* Current EPA policy as stated in a July 17, 1978 I/M policy memo from David Hawkins, Assistant Administrator for Air, Noise, and Radiation to the Regional Administrators specifies that for areas with populations less than 200,000 "EPA will not at this time automatically require I/M schedules in 1979 as a condition for SIP approval or an extension."

This policy should not be interpreted, however, to prevent the inclusion of an I/M strategy into the SIP for smaller urban areas if I/M can be shown to be reasonable and necessary to attain the standards. "Areas under 200,000 still have to attain and maintain NAAQS as expeditiously as practicable," but no later than December 31, 1987. EPA has indicated that the need for I/M in those small areas would be assessed after the submittal of the 1979 SIP revisions.

APA and IDHW have made a convincing case that Boise has a significant CO problem. Due to the projected dramatic population increase, projected difficulty in attaining the CO standards by December 31, 1987, and resulting increase in CO levels projected due to major projects, EPA agrees with the finding that an I/M program is necessary for the Boise-Ada County area.

4. *Final Action.* At this time EPA is calling a SIP revision including I/M to be submitted by July 1, 1981. The SIP revision must contain at a minimum a commitment from the appropriate jurisdiction to achieve a 25 percent reduction in CO emissions from gasoline fueled light duty vehicles by 1987 from an I/M program, and the other key elements discussed earlier in this section. Program implemention must be by December 31, 1982 for a decentralized approach and no later than December 31, 1983 for a centralized approach.

5. *Funding and Growth Limitations.* Failure to submit the needed legal authority, revised schedule as agreed to by EPA, and commitments as a SIP revision by July 1, 1981, will make the State liable to the funding and growth limitations specified in the Act. In order to avoid these statutorily-imposed limitations, the State must pass the appropriate legislation (I/M Bill) securing the needed legal authority to implement an I/M program in the Boise-Ada County area prior to March 31, 1981. Generally, the area affected will be the air quality control region (AQCR). In this specific case, the AQCR includes Ada and Canyon Counties.

If funding limitations are necessary, procedures for applying them would be consistent with those published in the **Federal Register** on April 10, 1980 (45 FR 24692). These procedures will not be discussed in detail here.

Section 316 of the Act also allows the Administrator of the EPA to withhold, condition or restrict grants for the construction of sewage treatment works in nonattainment areas where the State is not making reasonable further progress towards attainment of all NAAQS.

EPA finds that good cause exists for making the action in this notice immediately effective for the following reasons: (1) implementation plan revisions are already in effect under State law and EPA approval poses no

additional regulatory burden, and (2) EPA has a responsibility under the Act to take final action on the portion of the SIP which addresses Part D requirements by July 1, 1979 or as soon thereafter as possible.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

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; I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended. [Sections 110 (a) and 172 of the Clean Air Act (42 U.S.C. 7410 (a) and 7502).]

Dated: October 17, 1980.

Douglas M. Costle,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Idaho was approved by the Director of the Federal Register on July 1, 1980.

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows.

Subpart N—Idaho

1. In § 52.670, paragraphs (c)(16)–(c)(17) are added as follows:

§ 52.670 Identification of plan.

* * * * *

(c) * * *

(16) On January 15, 1980 the Governor submitted the transportation portion of the Boise-Ada County carbon monoxide plan.

(17) On July 1, 1980 the Governor submitted a SIP revision containing a variance from the indirect source regulation for an urban renewal project located in downtown Boise, as well as an adjustment to the TCP which had been submitted to EPA in January 1980.

§ 52.671 [Amended]

2. Section 52.671 is amended by changing the heading "photochemical oxidants (hydrocarbons)" to "ozone". Also, in the Table the listing for Metropolitan Boise Intrastate carbon monoxide, "III" is changed to "I".

3. In § 52.672, paragraph (d) is added as follows:

§ 52.672 Extensions.

* * * * *

(d) The Administrator hereby extends the attainment date for carbon monoxide in the Boise-Ada County nonattainment area to December 31, 1987.

§ 52.680 [Amended].

4. Section 52.680 is amended by changing the Table for Metropolitan Boise Intrastate—carbon monoxide from the letter "c" to "g". The following footnote is then added; "g. December 31, 1987." Also, the heading is changed on the Table from "Photochemical Oxidants (hydrocarbons)" to "Ozone".

5. Section 52.684 is added as follows:

§ 52.684 Control Strategy: Carbon Monoxide.

(a) The transportation control plan portion of the Boise-Ada County carbon monoxide attainment plan required under Part D of the Clean Air Act is approved.

(b) Until EPA takes final action to approve or conditionally approve the Part D carbon monoxide attainment plan for the Boise-Ada County area which includes the new source review procedures submitted by the State, the ban on construction of new and modified major stationary sources required by Section 110(a)(2)(I) of the Clean Air Act as amended, will remain in effect.

(c) The 1982 SIP submission containing a revision to the Boise-Ada County transportation control plan shall contain the following:

(1) An inspection and maintenance program.

(2) A strategy insuring that reasonable further progress will be met in attaining the standards prior to December 31, 1987.

6. Section 52.685 is added as follows:

§ 52.685 Indirect source review program.

(a) EPA approved the State of Idaho's indirect source review regulation in the Federal Register on January 30, 1975 (40 FR 4420). The regulation applies to any new parking facility or other indirect source with an associated parking area which has a parking capacity of 1,000 cars or more.

(b) EPA approves a variance from the State indirect source regulation for the Boise Redevelopment Agency's downtown urban renewal project including a 3,060 space parking facility.

7. Section 52.686 is added as follows:

§ 52.686 Inspection and maintenance program.

(a) EPA is calling for a SIP revision including I/M to be submitted by July 1, 1981. Program implementation must be by December 31, 1982 for a decentralized approach and no later than December 31, 1983 for a centralized approach.

(b) [Reserved.]

* * * * *

[FR Doc. 80-33101 Filed 10-22-80; 8:45 am]

BILLING CODE 6560-26-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 67

[OST Docket No. 68]

Yacht Documentation Fees

AGENCY: Department of Transportation.

ACTION: Final rule.

SUMMARY: This rule establishes a fee schedule for the documentation of yachts used exclusively for pleasure. The Department of Transportation FY 81 Appropriation Act (Pub. L. 96-400) contains a provision prohibiting any funds provided by the Act from being used for expenses related to yacht documentation, except to the extent fees are collected from yacht owners. The Act also contains a provision authorizing the Secretary of Transportation to prescribe fees to recover the expenses of yacht documentation. Establishment of the fee schedule will enable the Coast Guard to continue yacht documentation services.

DATES: This amendment is effective on October 20, 1980. Comments may be submitted until December 29, 1980.

ADDRESSES: Comments should be mailed to Commandant (G-CMC/24), U.S. Coast Guard, Washington, D.C. 20593. Between the hours of 7 a.m. and 5 p.m., Monday through Thursday; comments may be delivered to and will be available for inspection or copying at the Marine Safety Council (G-CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Commander Michael J. DeWitt, Office of Merchant Marine Safety (G-MP-5/12), U.S. Coast Guard Headquarters, Washington, D.C. 20593 (202) 426-9776.

SUPPLEMENTARY INFORMATION: These regulations are being issued without a prior Notice of Proposed Rulemaking and they become effective immediately. The extent of the restriction on Coast Guard expenditures could not be determined with certainty until passage

of the Appropriation Act, and the restriction became effective upon enactment. Delay in establishing a fee schedule would preclude the Coast Guard from continuing documentation of yachts, thereby eliminating the benefits associated with this service currently available to the public. Therefore, notice and public procedure hereon are impractical and contrary to the public interest and good cause exists for making this rule effective in fewer than 30 days after publication.

Drafting Information

The principal persons involved in drafting these rules are Commander M. J. DeWitt, Project Manager, Office of Merchant Marine Safety, and Mr. A. F. Bridgmen, Jr., Office of the Chief Counsel, U.S. Coast Guard.

Discussion of Regulations

The Department of Transportation's FY 81 Appropriations Act (Pub. L. 96–400) prohibits the expenditure of Government funds for the documentation of yachts except to the extent that fees are collected from yacht owners for the service. The Act also contains a provision authorizing the Secretary of Transportation to prescribe fees to recover the expenses of yacht documentation. Unless a fee schedule is established, the Coast Guard is precluded from documenting yachts.

Under 46 U.S.C. 103, yacht owners may document their vessels through the Coast Guard if the yacht is used exclusively as a pleasure vessel and would be, if it were a merchant vessel, entitled to registry.

U.S. citizen yacht owners may either obtain a certificate of number from a state boating authority or obtain documentation from the Coast Guard. Many yacht owners have selected Federal documentation. Documentation renders the vessel eligible for financing under the Ship Mortgage Act (46 U.S.C. 911 *et seq.*), which makes vessels secured under it an attractive investment for lenders. Documentation affords greater protections for the vessel in many foreign ports. The vessel's document can be maintained even if the location of principal use changes from state to state. It offers a vessel marking system preferred by yacht owners. Finally, prior to this rule, Federal documentation was provided without charge.

By requiring owners to pay a fee for documentation, Congress has addressed two perceived problems. The present documentation procedure for yachts primarily benefits yacht owners, not the Government or the public in general. Moreover, providing the service at no cost is inequitable since many pleasure boat owners must pay for state numbering because their vessels are not large enough to qualify for documentation. In shifting the burden to yacht owners, Congress has ensured that those who benefit from Federal documentation also pay the cost of that service.

The rule establishes a fee of 75 dollars for documenting a yacht, and 15 dollars for the renewal of a document or endorsing the change of a master on the document. These figures are derived from the cost of documenting yachts during 1979. Approximately 20,000 yacht documents and 50,000 renewals and change of masters were processed during 1979. The overall cost related to this service was approximately 2.5 million dollars. Given the greater amount of work involved in preparing a document, as opposed to merely renewing an existing document or changing the master on an existing document, the fees for these services have been fixed at a 5 to 1 ratio.

These fees will ensure that the actual cost of documentation is underwritten by yacht owners.

It should be noted that Federal documentation is not mandatory. Yacht owners may obtain a certificate of number for their vessels from a state. However, given the benefits associated with Federal documentation, this valuable service should be continued without interruption. Only by establishing fees for yacht documentation may the Coast Guard continue the service.

Evaluation

This rule has been evaluated in accordance with the Department of Transportation's "Regulatory Policies and Procedures," (44 FR 11034) and is considered "nonsignificant." An evaluation has been prepared and is available for inspection and copying between the hours of 7 a.m. and 5 p.m., Monday through Thursday (except holidays) at the Marine Safety Council, Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, D.C. 20593.

Comments

Due to the problems that abrupt suspension or termination of yacht documentation services would have caused vessel owners, yacht brokers, and banking interests, a fee schedule is being published as a final rule, effective immediately. However, comments on the appropriateness of this rulemaking and the fees established herein, as well as on alternative fee schedules, are welcomed. Comments should be submitted by December 29, 1980, to the Commandant, U.S. Coast Guard, as indicated under "Addresses." All comments received will be evaluated by the Commandant, who will submit his recommendation to the Secretary on whether or not this rule should be modified. Following the evaluation, the Department will publish a notice responding to any comments received.

In accordance with the foregoing, Part 67 of Title 46, Code of Federal Regulations is amended by adding § 67.77–5 as follows:

§ 67.77–5 Fees for the documentation of yachts.

(a) When a marine document is issued to a yacht, the owner shall pay a fee of $75 to the Officer in Charge.

(b) When a yacht's marine document is renewed, the owner shall pay a fee of $15 to the Officer in Charge.

(c) When a yacht's marine document is endorsed to reflect a change of master, the yacht owner shall pay a fee of $15 to the Officer in Charge.

(D.O.T. FY 81 Appropriations Act, Pub. L. 96–400, 94 Stat. 1681)

Issued in Washington, D.C., on October 20, 1980.

Neil Goldschmidt,

Secretary of Transportation.

[FR Doc. 80-33132 Filed 10-21-80; 9:30 am]

BILLING CODE 4910-62-M

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46 CFR Parts 150, 151, 153, 154

[CGD 75–59]

Compatibility of Bulk Liquids and Liquefied Gas on Vessels

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This new subpart consolidates requirements for compatible stowage of bulk liquid hazardous materials on tank vessels. The previous requirements were inconsistently worded and incorporated other documents by reference. This consolidation should make it easier for the person in charge of a vessel to load incompatible cargos safely.

DATE: This amendment is effective November 24, 1980.

FOR FURTHER INFORMATION CONTACT: Robert M. Query, Office of Merchant Marine Safety (G–MHM/14), Room 1405, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593. (202 426–1217).

SUPPLEMENTARY INFORMATION: In the March 27, 1980 **Federal Register** (45 FR 20132), the Coast Guard proposed to add a new Subpart A of 46 CFR part 150 that would consolidate various requirements designed to prevent accidents arising from mixing bulk liquid incompatible cargoes. The proposal contained a compatibility table and a requirement that vessel operators load in a configuration that the table showed to be compatible.

The Coast Guard accepted comments from interested persons until May 1, 1980 and received 3 comments.

Drafting Information

The principal persons involved in drafting this rule are: Robert M. Query, Project Manager, Office of Merchant Marine Safety and Michael N. Mervin, Project Attorney, Office of the Chief Counsel.

Discussion of Comments

The comments raised five questions:

1. One comment noted that the proposal gave the responsibility for loading cargo compatibly to the "operator of a vessel". It pointed out that responsibility for a vessel's proper loading has traditionally rested with the master of a ship or the person in charge of cargo transfer on a barge. This has worked well because these people are directly involved in supervising cargo transfer and vessel safety. The Coast Guard agrees. The term "vessel operator" is often taken to mean the company or organization having principal operating responsibility for the vessel. Referring to the vessel operator could confuse the assignment of responsibility and perhaps weaken the regulation. Therefore, section 150.115 is modified to include a definition of "person in charge", and section 150.130 is changed to assign responsibility to the person in charge of a vessel.

2. Another comment pointed out that the proposal made no mention of how one would treat tanks located diagonally across a cruciform joint when assessing whether two containment systems provide double or single barrier isolation. The Coast Guard has determined that tanks located across a cruciform joint may be considered equivalent to double barrier isolation for the purposes of compatibility. Therefore, a paragraph is added to Section 150.130 to state that a cruciform joint provides double barrier isolation for purposes of compatibility.

This determination on cruciform joints applies only to questions of compatibility. In situations where even minute leakage between compartments would endanger the crew or vessel, the Coast Guard does not consider a cruciform joint equivalent to a true double barrier. An example is the treatment of a cruciform joint that separates an accommodation space from a space that may contain cargo vapor on a gas or chemical carrier (see 46 CFR 153.233 and 154.335).

3. A third comment suggested that, though correct, footnote F to the compatibility table (Figure 1) was more stringent than absolutely necessary. The Coast Guard agrees. The footnote stated that furfuryl alcohol was incompatible with organic acids. Furfuryl alcohol is unstable with formic and oxalic acids but is stable when mixed with the other members of the organic acids group. Therefore, footnote F is rewritten to state only that furfuryl alcohohol is incompatible with formic acid. Oxalic acid is not included since it is usually handled as a solid and, to the Coast Guard's knowledge, is not moved as a bulk liquid.

4. Another comment from the same person suggested that furfural could react hazardously with the members of group 1, non-oxidizing mineral acids. Therefore, the comment recommended that furfural be included in footnote A with the other reactive aldehydes shown to be incompatible with group 1. The Coast Guard tested mixtures of furfural and hydrochloric acid on two occasions but did not find a reaction sufficiently strong to meet the criteria for incompatible pairs. Therefore, the footnote has not been changed. The Coast Guard discussed these results with the writer, who agreed that this reaction was probably borderline.

5. The last comment suggested that an "X" should be put at the intersection of group 7 (aliphatic amines) and group 36 (halogenated hydrocarbons). The writer had run tests on this combination using an accelerating calorimeter (ARC) and found an indication of some reaction hazard.

The Coast Guard has not changed the table. The Coast Guard may consider using this instrument or changing the data for groups 7 and 36 after receiving the data from the person who made the suggestion. However, in trying to specify a simple, inexpensive series of tests for determining compatibility, the Coast Guard has attempted to avoid unusual or expensive instrumentation. The ARC keeps the sample under conditions approximately adiabatic, while the Coast Guard procedure uses a Dewar flask to approximate adiabatic conditions. Since a vessel's tanks are generally far from adiabatic, it is questionable how critical adiabatic conditions are for designing a representative test. It should be noted that the ARC test is probably more conservative (errs on the safe side) than that prescribed by the Coast Guard.

The proposal has also been changed to clarify language or correct typographical errors as noted below:

The title of the part is changed to better describe its content. The new part will eventually contain requirements for liquid hazardous wastes.

The words "(as defined in 46 U.S.C. 391(a)(2)(c))—" are stricken from Section 150.110. The definition of "hazardous materials" is in Section 150.115, so that the reference in 150.110 to a second definition only confused the terminology.

The words "or its residues" are added to Section 150.130(a) to emphasize that "cargo" means cargo in any amount, including clingage that may remain in a tank after the tank is pumped out. The term "isolated" is changed to "separated" to agree with the nomenclature used in other regulations dealing with interconnections between cargo containment systems.

Several changes are made to correct obvious typographical errors of no substantive effect. Tables I and II have been edited to make them uniform, but no cargoes have been added or deleted.

This rule has been reviewed under the Department of Transportation's "Regulatory Policies and Procedures" (44 FR 11034, February 26, 1979). A final evaluation has been prepared and placed in the public docket. The Coast Guard has determined this rule to be "non-significant."

In consideration of the foregoing, the amendments proposed in the **Federal Register** of March 27, 1980 (45 FR 20132) are adopted with changes, as set forth below.

Dated: October 9, 1980.

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

PART 150—COMPATIBILITY OF CARGOES AND OPERATIONAL REQUIREMENTS FOR BULK LIQUID HAZARDOUS WASTE CARGOES

Subpart A—Compatibility of Cargoes

Sec.

150.110 Applicability.
150.115 Definitions.
150.120 Definition of incompatible cargoes.
150.130 Loading a cargo on vessels carrying cargoes with which it is incompatible.
150.140 Cargoes not listed in table I.
150.150 Exceptions to the compatibility chart.
150.160 Carrying a cargo as an exception to the compatibility chart.
Figure I—Compatibility chart.
Table I—Alphabetical list of cargoes.
Table II—Groupings of cargoes.
Appendix I—Exceptions to the chart.

Appendix II—Explanation of figure I.
Appendix III—Testing procedures for determining exceptions to the chart.
Appendix IV—Data sheet.

Authority: The regulations of this subpart are issued under 46 USC 391a; 49 U.S.C. 1803; 49 CFR 1.46(n)(4) and (t).

Subpart A—Compatibility of Cargoes

§ 150.110 Applicability.

This subpart prescribes rules for identifying incompatible hazardous materials and rules for carrying these materials in bulk as cargo in permanently attached tanks or in tanks that are loaded or discharged while aboard the vessel. The rules apply to all vessels subject to 46 U.S.C. 391a.

§ 150.115 Definitions.

As used in this subpart: "Hazardous material" means—

(a) a flammable liquid as defined in § 30.10–22 or a combustible liquid as defined in § 30.10–15 of this chapter;

(b) a material listed in table 151.05, table 1 of part 153, or table 4 of part 154 of this chapter; or

(c) a liquid, liquefied gas, or compressed gas listed in 49 CFR 172.101.

"Person in charge" means the master of a self-propelled vessel, or the person in charge of a barge.

§ 150.120 Definition of incompatible cargoes.

Except as described in § 150.150, a cargo of hazardous material is incompatible with another cargo listed in table I if the chemical groups of the two cargoes have—

(a) an "X" where their columns intersect in figure I and are not shown as exceptions in Appendix I; or

(b) a letter other than "X" where their columns intersect in figure I and are specifically listed in the footnote designated by the letter. (See also § 150.140.)

§ 150.130 Loading a cargo on vessels carrying cargoes with which it is incompatible.

Except as described in § 150.160, the person in charge of a vessel shall ensure that the containment system for a cargo that is a hazardous material meets the following requirements:

(a) The containment system must separate the hazardous material or its residue from any cargo in table I with which it is incompatible by two barriers such as formed by a—

(1) cofferdam;

(2) empty tank;

(3) void space;

(4) cargo handling space;

(5) tank containing a compatible cargo; or

(6) piping tunnel.

(b) In this subpart, isolation across a cruciform joint is equivalent to isolation by two barriers.

(c) The containment system for the hazardous material must not have a piping or venting system that connects to a containment system carrying a cargo with which the hazardous material is incompatible. Any such piping or venting system must have been separated from the containment system carrying the incompatible cargo by—

(1) removing a valve or spool piece and blanking off the exposed pipe ends, or

(2) installing two spectacle flanges in series with a means of detecting leakage into the pipe between the spectacle flanges.

§ 150.140 Cargoes not listed in table I.

(a) A cargo of hazardous material not listed in table I must be handled as if incompatible with all other cargoes until the Commandant (G–MHM) (tel. no. (202) 426–6260) assigns the hazardous material to a compatibility group.

(b) A cargo of hazardous material must be handled as if incompatible with any cargo not listed in table I until the Commandant (G–MHM) (tel. no. (202) 426–6260) assigns the unlisted cargo a compatibility group.

§ 150.150 Exceptions to the compatibility chart.

The Commandant (G–MHM) authorizes on a case by case basis exceptions to the rules in this subpart if two cargoes shown to be incompatible in figure I meet the standards for a compatible pair in Appendix III.

§ 150.160 Carrying a cargo as an exception to the compatibility chart.

The operator of a vessel having on board a cargo carried as an exception under § 150.150 shall ensure that—

(a) the Commandant (G–MHM) has authorized by letter or message the cargo pair as an exception to the compatibility chart; and

(b) a copy of the letter or message is on the vessel.

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Figure 1 - Compatibility chart

CARGO GROUPS

REACTIVE GROUPS

	1. NON-OXIDIZING MINERAL ACIDS	2. SULFURIC ACID	3. NITRIC ACID	4. ORGANIC ACIDS	5. CAUSTICS	6. AMMONIA	7. ALIPHATIC AMINES	8. ALKANOLAMINES	9. AROMATIC AMINES	10. AMIDES	11. ORGANIC ANHYDRIDES	12. ISOCYANATES	13. VINYL ACETATE	14. ACRYLATES	15. SUBSTITUTED ALLYLS	16. ALKYLENE OXIDES	17. EPICHLOROHYDRIN	18. KETONES	19. ALDEHYDES	20. ALCOHOLS, GLYCOLS	21. PHENOLS, CRESOLS	22. CAPROLACTAM SOLUTION	
1. NON-OXIDIZING MINERAL ACIDS		X			X	X	X	X	X	X	X	X	X	X		X	X	X	E	X			1
2. SULFURIC ACID	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	2
3. NITRIC ACID		X			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		3
4. ORGANIC ACIDS		X			X	X	X	X	C		X	X	X			X	X		F	X			4
5. CAUSTICS	X	X	X	X							X	X	X			X	X	X	X	X	X	X	5
6. AMMONIA	X	X	X	X						X	X	X	X			X	X	X	X	X	X		6
7. ALIPHATIC AMINES	X	X	X	X							X	X	X			X	X	X	X	X	X		7
8. ALKANOLAMINES	X	X	X	X							X	X	X			X	X	B	X	X	X		8
9. AROMATIC AMINES	X	X	X	C							X	X	X			X	X	B	X	X	X		9
10. AMIDES	X	X	X			X													X		X		10
11. ORGANIC ANHYDRIDES	X	X	X		X	X	X	X	X										X				11
12. ISOCYANATES	X	X	X	X	X	X	X	X	X	X					D				X			X	12
13. VINYL ACETATE	X	X	X	X	X	X	X	X	X	X					D				X				13
14. ACRYLATES	X	X	X			X	X	X															14
15. SUBSTITUTED ALLYLS		X	X				X	X															15
16. ALKYLENE OXIDES	X	X	X	X	X	X	X	X															16
17. EPICHLOROHYDRIN	X	X	X	X	X	X	X	X															17
18. KETONES		X	X	X		X	X	B															18
19. ALDEHYDES	A	X	X		X	X	X	X	X														19
20. ALCOHOLS, GLYCOLS	E	X	X	F	X		X					X											20
21. PHENOLS, CRESOLS		X	X		X		X			X													21
22. CAPROLACTAM SOLUTION		X			X		X					X											22
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	

REACTIVE GROUPS

	30. OLEFINS	31. PARAFFINS	32. AROMATIC HYDROCARBONS	33. MISCELLANEOUS HYDROCARBON MIXTURES	34. ESTERS	35. VINYL HALIDES	36. HALOGENATED HYDROCARBONS	37. NITRILES	38. CARBON DISULFIDE	39. SULFOLANE	40. GLYCOL ETHERS	41. ETHERS	42. NITROCOMPOUNDS	43. MISCELLANEOUS WATER SOLUTIONS	
1. NON-OXIDIZING MINERAL ACIDS														X	1
2. SULFURIC ACID	X	X			X			X			X	X		X	2
3. NITRIC ACID	X	X	X	X	X	X						X			3
4. ORGANIC ACIDS															4
5. CAUSTICS							H						X		5
6. AMMONIA													X		6
7. ALIPHATIC AMINES							I		X				X		7
8. ALKANOLAMINES									X				X		8
9. AROMATIC AMINES													X		9
10. AMIDES															10
11. ORGANIC ANHYDRIDES															11
12. ISOCYANATES											X			X	12
13. VINYL ACETATE															13
14. ACRYLATES															14
15. SUBSTITUTED ALLYLS															15
16. ALKYLENE OXIDES															16
17. EPICHLOROHYDRIN															17
18. KETONES															18
19. ALDEHYDES															19
20. ALCOHOLS, GLYCOLS															20
21. PHENOLS, CRESOLS															21
22. CAPROLACTAM SOLUTION															22
	30	31	32	33	34	35	36	37	38	39	40	41	42	43	

CARGO GROUPS

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Footnotes to Figure I

X Incompatible groups.

A Acrolein (19), Crotonaldehyde (19), and 2-Ethyl-3-propyl acrolein (19) are not compatible with Group 1, Non-Oxidizing Mineral Acids.

B Isophorone (18), and Mesityl Oxide (18) are not compatible with Group 8, Alkanolamines.

C Acrylic Acid (4) is not compatible with Group 9, Aromatic Amines.

D Allyl Alcohol (15) is not compatible with Group 12, Isocyanates.

E Furfuryl Alcohol (20) is not compatible with Group 1, Non-oxidizing Mineral Acids.

F Furfuryl Alcohol (20) is not compatible with Formic acid.

H Trichloroethylene (36) is not compatible with Group 5, Caustics.

I Ethylenediamine (7) is not compatible with Ethylene Dichloride (36).

Table I—Alphabetical list of cargoes

Name	Group No.
Acetaldehyde	19
Acetic Acid	4
Acetic Anhydride	11
Acetone	18
Acetonitrile	37
Acrolein (inhibited)	19
Acrylic Acid (inhibited)	4
Acrylonitrile (inhibited)	15
Adiponitrile	37
Allyl Alcohol	15
Allyl Chloride	15
Aminoethylethanolamine	8
Ammonia, Anhydrous	6
Ammonium Hydroxide (28% or less)	6
Ammonium Nitrate, Urea, Water Solutions (containing Ammonia)	6
Ammonium Nitrate, Urea, Water Solutions (not containing Ammonia	43
Amyl Acetate	34
Amyl Alcohol	20
Amyl Tallate	34
Aniline	9
Asphalt	33
Asphalt Blending Stocks:	
Roofers Flux	33
Straight Run Residue	33
Benzene	32
Benzene, Toluene Xylene (crude)	32
Butadiene (inhibited)	30
Butane	31
Butene	30
Butyl Acrylate (inhibited)	14
Butyl Acetate	34
Butyl Alcohol	20
Butylamine	7
Butyl Benzyl Phthalate	34
Butylene	30
1,3-Butylene Glycol	20
Butylene Oxide	16
Butyl Ether	41
Butyl Methacrylate (inhibited)	14
Butyraldehyde	19
Butyric Acid	4
Camphor Oil (light)	18
Caprolactam Solution	22
Carbolic Oil	21
Carbon Disulfide	38
Carbon Tetrachloride	36
Caustic Potash Solution	5
Caustic Soda Solution	5
Chlorine	(1)
Chlorobenzene	36
Chloroform	36
Chlorosulfonic Acid	(1)
Corn Syrup	43
Creosote, Coal Tar	21
Cresols	21
Cresylate Spent Caustic Solution	5
Crotonaldehyde	19
Cumene	32
Cycloaliphatic Resins	31
Cyclohexane	31
Cyclohexanol	20
Cyclohexanone	18
Cyclohexylamine	7
Cymene	32
Decaldehyde	19
Decane	31

Table I—Alphabetical list of cargoes—Continued

Name	Group No.
Decene	30
Decyl Alcohol	20
Decyl Acrylate (inhibited)	14
Decylbenzene	32
Dextrose Solution	43
Diacetone Alcohol	20
Dibutylamine	7
Dibutyl Phthalate	34
Dichlorobenzene	36
Dichlorodifluoromethane	36
1,1-Dichloroethane	36
Dichloroethyl Ether	41
Dichloromethane	36
1,1-Dichloropropane	36
1,2-Dichloropropane	36
1,3-Dichloropropene	15
Dicyclopentadiene	30
Diethanolamine	8
Diethylamine	7
Diethylbenzene	32
Diethylene Glycol	40
Diethylene Glycol Monobutyl Ether	40
Diethylene Glycol Monobutyl Ether Acetate	34
Diethylene Glycol Monoethyl Ether	40
Diethylene Glycol Monomethyl Ether	40
Diethylenetriamine	7
Diethylethanolamine	8
Diheptyl Phthalate	34
Diisobutylene	30
Diisobutyl Carbinol	20
Diisobutyl Ketone	18
Diisodecyl Phthalate	34
Diisopropanolamine	8
Diisopropylamine	7
Dimethylamine	7
Dimethylethanolamine	8
Dimethylformamide	10
Dinonyl Phthalate	34
Dioctyl Phthalate	34
1,4-Dioxane	41
Diphenyl-Diphenyl Oxide	33
Diphenylmethane Diisocyanate	12
Di-n-propylamine	7
Dipropylene Glycol	40
Distillates:	
Straight Run	33
Flashed Feed Stocks	33
Diundecyl Phthalate	34
Dodecane	31
Dodecanol	20
Dodecene	30
Dodecylbenzene	32
Epichlorohydrin	17
Ethane	31
Ethanolamine	8
Ethoxylated Alcohols C_{11}-C_{15}	20
Ethoxy Triglycol	40
Ethyl Acetate	34
Ethyl Alcohol	20
Ethyl Acrylate (inhibited)	14
Ethylamine	7
Ethyl Benzene	32
Ethyl Butanol	20
Ethyl Chloride	36
Ethylene	30
Ethylene Chlorohydrin	20
Ethylene Cyanohydrin	20
Ethylenediamine	7
Ethylene Dibromide	36
Ethylene Dichloride	36
Ethylene Glycol	20
Ethylene Glycol Monobutyl Ether	40
Ethylene Glycol Monobutyl Ether Acetate	34
Ethylene Glycol Monoethyl Ether	40
Ethylene Glycol Monoethyl Ether Acetate	34
Ethylene Glycol Monomethyl Ether	40
Ethylene Oxide	(1)
Ethyl Ether	41
Ethylhexaldehyde	19
2-Ethyl Hexanol	20
2-Ethylhexyl Acrylate (inhibited)	14
Ethyl Hexyl Tallate	34
Ethyl Methacrylate (inhibited)	14
2-Ethyl-3-Propyl Acrolein	19
Formaldehyde Solution (37-50%)	19
Formic Acid	4
Furfural	19
Furfuryl Alcohol	20
Gas Oil:	
Cracked	33

Table I—Alphabetical list of cargoes—Continued

Name	Group No.
Gasoline Blending Stocks:	
Alkylates	33
Reformates	33
Gasolines:	
Casinghead (natural)	33
Automotive (containing over 4.23 grams lead per gallon)	33
Aviation (containing not over 4.86 grams lead per gallon)	33
Polymer	33
Straight Run	33
Glutaraldehyde Solution	19
Glycerine	20
Glycol Diacetate	34
Glyoxal Solution	19
Heptane	31
Hexamethyleneimine	7
Hexane	31
Hexanol	20
Hexene	30
Hexylene Glycol	20
Hydrochloric Acid	1
Hydrofluoric Acid	1
Isophorone	18
Isoprene (inhibited)	30
Jet Fuels:	
JP-1 (Kerosene)	33
JP-3	33
JP-4	33
JP-5 (Kerosene, Heavy)	33
Kerosene	33
Latex, Liquid Synthetic	43
Mesityl Oxide	18
Methane	31
Methyl Acetate	34
Methyl Acetylene, Propadiene Mixture (Stabilized)	30
Methyl Acrylate (inhibited)	14
Methyl Alcohol	20
Methylamine	7
Methyl Amyl Acetate	34
Methyl Amyl Alcohol	20
Methyl Bromide	36
3-Methyl Butyraldehyde	19
Methyl Chloride	36
Methyl Ethyl Ketone	18
2-Methyl-5-Ethyl Pyridine	9
Methyl Formal (Dimethyl Formal)	41
Methyl Isobutyl Ketone	18
Methyl Isobutyl Carbinol	20
Methyl Methacrylate (inhibited)	14
(alpha-) Methyl Styrene (inhibited)	30
Mineral Spirits	33
Monochlorodifluoromethane	36
Morpholine	7
Motor Fuel Antiknock Compounds Containing Lead Alkyls	(1)
Naphtha:	
Coal Tar	33
Solvent	33
Stoddard Solvent	33
Varnish Makers' and Painters' (75%)	33
Naphthalene (molten)	32
Nitric Acid (70% or less)	3
Nitric Acid (95%)	(1)
Nitrobenzene	42
1- or 2-Nitropropane	42
Nitrotoluene	42
Nonane	31
Nonene	30
Nonyl Alcohol	20
Nonyl Phenol	21
Nonyl Phenol (ethyoxylated)	40
Octane	31
Octene	30
Octyl Alcohol	20
Octyl Aldehyde	19
Octyl Epoxytallate	34
Oils:	
Clarified	33
Coal Oil	33
Crude Oil	33
Diesel Oil	33
Residual	33
Road	33
Transformer	33
Fuel Oils:	
No. 1 (Kerosene)	33
No. 1-D	33
No. 2	33
No. 2-D	33
No. 4	33
No. 5	33

Table I—Alphabetical list of cargoes—Continued

Name	Group No.
No. 6	33
Edible Oils, including:	
Castor	34
Coconut	34
Cotton Seed	34
Fish	34
Lard	34
Olive	34
Palm	34
Peanut	34
Safflower	34
Soya Bean	34
Soybean, Epoxidized	40
Tucum	34
Vegetable	34
Miscellaneous Oils, including:	
Absorption	33
Aromatic	33
Coal Tar	33
Heartcut Distillate	33
Linseed	33
Lubricating	33
Mineral	33
Mineral Seal	33
Motor	33
Neatsfoot	33
Penetrating	33
Range	33
Resin	33
Resinous Petroleum	33
Rosin	33
Sperm	33
Spindle	33
Spray	33
Tall	34
Tanner's	33
Turbine	33
Oleum	(1)
Pentadecanol	20
Pentane	31
Pentene	30
Pentyl Aldehyde	19
Perchloroethylene	36
Petrolatum	33
Petroleum Naphtha	33
Phenol	21
Pentachloroethane	36
Phosphoric Acid	1
Phosphorus	(1)
Phthalic Anhydride (molten)	11
Polybutene	30
Polyethylene Glycols	40
Polymethylene Polypheny isocyanate	12
Polypropylene	30
Polypropylene Glycol Methyl Ether	40
Polypropylene Glycols	40
Propane	31
Propanolamine	8
Propionaldehyde	19
Propionic Acid	4
Propionic Anhydride	11
Propyl Acetate	34
Propyl Alcohol	20
Propylamine	7
Propylene	30
Propylene Butylene Polymer	30
Propylene Glycol	20
Propylene Oxide	16
Propylene Tetramer	30
Propyl Ether	41
Pyridine	9
Sodium Hydrosulfide Solution (45% or less)	5
Sorbitol	20
Styrene (inhibited)	30
Sulfolane	39
Sulfur (molten)	(1)
Sulfuric Acid	2
Sulfuric Acid, Spent	2
Tallow	34
Tallow Fatty Alcohol	20
1,1,2,2-Tetrachloroethane	36
Tetradecanol	20
Tetradecene	30
Tetradecylbenzene	32
Tetraethylene Glycol	40
Tetraethylenepentamine	7
Tetrahydrofuran	41
Tetrahydronaphthalene	32
Tetrasodium Salt of EDTA Solution	43
Toluene	32
Toluene Diisocyanate	12
1,2,4-Trichlorobenzene	36

Table I—Alphabetical list of cargoes—Continued

Name	Group No.
Trichloroethylene	36
Tridecanol	20
Tridecene	30
Tridecylbenzene	32
Triethanolamine	8
Triethylamine	7
Triethyl Benzene	32
Triethylene Glycol	40
Triethylenetetramine	7
Tripropylene Glycol	40
Turpentine	30
Undecanol	20
Undecene	30
Undecylbenzene	32
Valeraldehyde	19
Vinyl Acetate (inhibited)	13
Vinyl Chloride (inhibited)	35
Vinylidene Chloride (inhibited)	35
Vinyl Toluene (inhibited)	30
Xylene	32

[1] Because of very high reactivity or unusual conditions of carriage, this product is not included in the Compatibility Chart. If compatibility information is needed for a shipment, contact Commandant (G-MHM-3/TP14), U.S. Coast Guard, 2100 Second St. SW., Washington, D.C. 20593 tel. no. (202) 426-6260.

Table II—Groupings of cargoes

1. *Non-Oxidizing Mineral Acids*
   - Hydrochloric Acid
   - Hydrofluoric Acid
   - Phosphoric Acid
2. *Sulfuric Acids*
   - Spent Sulfuric Acid
   - Sulfuric Acid (98% or less)
3. *Nitric Acid*
   - Nitric Acid (70% or less)
4. *Organic Acids*
   - Acetic Acid
   - Butyric Acid
   - Formic Acid
   - Propionic Acid
   - Acrylic Acid (inhibited)
5. *Caustics*
   - Caustic Potash Solution
   - Caustic Soda Solution
   - Cresylate Spent Caustic Solution
   - Sodium Hydrosulfide Solution (45% or less)
6. *Ammonia*
   - Ammonia, Anhydrous
   - Ammonium Hydroxide (28% or less)
   - Ammonium Nitrate, Urea, Water Solutions (containing Ammonia)
7. *Aliphatic Amines*
   - Butylamine
   - Cyclohexylamine
   - Dibutylamine
   - Diethylamine
   - Diethylenetriamine
   - Diisopropylamine
   - Dimethylamine
   - Di-n-propylamine
   - Ethylamine
   - Ethylenediamine
   - Hexamethyleneimine
   - Methylamine
   - Morpholine
   - Propylamine
   - Tetraethylenepentamine
   - Triethylamine
   - Triethylenetetramine
8. *Alkanolamines*
   - Aminoethylethanolamine
   - Diethanolamine
   - Diethylethanolamine
   - Diisopropanolamine
   - Dimethylethanolamine
   - Ethanolamine
   - Propanolamine
   - Triethanolamine
9. *Aromatic Amines*
   - Aniline
   - Pyridine
   - 2-Methyl-5-Ethylpyridine
10. *Amides*
    - Dimethylformamide
11. *Organic Anhydrides*
    - Acetic Anhydride
    - Phthalic Anhydride
    - Propionic Anhydride
12. *Isocyanates*
    - Diphenylmethane Diisocyanate
    - Polyphenyl Polymethyleneisocyanate
    - Toluene Diisocyanate
13. *Vinyl Acetate*
    - Vinyl Acetate (inhibited)
14. *Acrylates*
    - Butyl Acrylate (inhibited)
    - Butyl Methacrylate (inhibited)
    - Decyl Acrylate (inhibited)
    - Ethyl Acrylate (inhibited)
    - 2-Ethylexyl Acrylate (inhibited)
    - Ethyl Methacrylate (inhibited)
    - Methyl Acrylate (inhibited)
    - Methyl Methacrylate (inhibited)
15. *Substituted Allyls*
    - Acrylonitrile (inhibited)
    - Allyl Alcohol
    - Allyl Chloride
    - 1,3-Dichloropropene
16. *Alkylene Oxides*
    - Propylene Oxide
    - Butylene Oxide
17. *Epichlorohydrin*
    - Epichlorohydrin
18. *Ketones*
    - Acetone
    - Camphor Oil
    - Cyclohexanone
    - Diisobutyl Ketone
    - Isophorone
    - Mesityl Oxide
    - Methyl Ethyl Ketone
    - Methyl Isobutyl Ketone
19. *Aldehydes*
    - Acetaldehyde
    - Acrolein (inhibited)
    - Butyraldhyde
    - Crotonaldehyde
    - Decaldhyde
    - Ethylhexaldehyde
    - 2-Ethyl-3-Propyl Acrolein
    - Formaldehyde
    - Furfural
    - Glutaraldeyhyde Solution
    - Glyoxal Solution
    - Methylbutyraldehyde
    - Octyl Adlehyde
    - Pentyl Adlehyde
    - Propionaldehyde
    - Valeraldehyde
20. *Alcohols, Glycols*
    - Amyl Alcohol
    - Butyl Alcohol
    - 1,3-Butylene Glycol
    - Cyclohexanol
    - Decyl Alcohol
    - Diacetone
    - Alcohol Diisobutyl Carbinol
    - Dodecanol
    - Ethanol
    - Ethoxylated Alcohols C_{11}-C_{15}

Ethyl Alcohol
Ethylbutanol
Ethylene Chlorohydrin
Ethylene Cyanohydrin
Ethylene Glycol
2-Ethyl Hexanol
Furfuryl Alcohol
Glycerin
Hexanol
Hexylene Glycol
Methanol
Methyl Alcohol
Methylamyl Alcohol
Methylisobutyl Carbinol
Octyl Alcohol
Nonyl Alcohol
Pentadecanol
Propyl Alcohol
Propylene Glycol
Sorbitol
Tallow Fatty Alcohol
Tetradecanol
Tridecanol
Undecanol

21. *Phenols and Cresols*
Carbolic Oil
Creosote, Coal Tar
Cresols
Nonyl Phenol
Phenol

22. *Caprolactam Solution*
Caprolactam Solution

23–29. *Unassigned*

30. *Olefins*
Butadiene (inhibited)
Butene
Butylene
Decene
Dicyclopentadiene
Diisobutylene
Dodecene
Ethylene
Hexene
Isoprene (inhibited)
Methyl Acetylene, Propadiene Mixture (stabilized)
(alpha-) Methyl Styrene (inhibited)
Nonene
Octene
Pentene
Polybutene
Polypropylene
Propylene
Propylene Butylene Polymer
Propylene Tetramer
Styrene (inhibited)
Vinyl Toluene (inhibited)
Tetradecene
Tridecene
Turpentine
Undecene

31. *Paraffins*
Butane
Cycloaliphatic Resins
Cyclohexane
Decane
Dodecane
Ethane
Heptane
Hexane
Methane
Nonane
Octane
Pentane
Propane

32. *Aromatic Hydrocarbons*
Benzene
Benzene, Toluene, Xylene (crude)
Cumene
Cymene
Decylbenzene
Diethylbenzene
Dodecylbenzene
Ethylbenzene
Naphthalene
Tetradecylbenzene
Tetrahydronaphthalene
Toluene
Tridecylbenzene
Triethylbenzene
Undecylbenzene
Xylene

33. *Misc. Hydrocarbon Mixtures*
Asphalt
Asphalt Blending Stocks
Diphenyl-Diphenyl Oxide
Distillates
Gas Oil, Cracked
Gasoline Blending Stocks
Gasolines
Jet Fuels
Kerosene
Mineral Spirits
Naphtha
Naphtha, Varnish Makers' and Painters (75%)
Oils, Clarified
Oils, Coal
Oils, Crude
Oils, Diesel
Oils, Fuel (No. 1 through No. 6)
Oils, miscellaneous
Oils, Residual
Oils, Road
Oils, Transformer
Petrolatum
Petroleum Naphtha

34. *Esters*
Amyl Acetate
Amyl Tallate
Butyl Acetate
Butyl Benzyl Phthalate
Castor Oil
Coconut Oil
Cottonseed Oil
Dibutyl Phthalate
Diethylene Glycol Monobutyl Ether Acetate
Diheptyl Phthalate
Diisodecyl Phthalate
Dinonyl Phthalate
Dioctyl Phthalate
Diundecyl Phthalate
Ethyl Acetate
Ethylene Glycol Monobutyl Ether Acetate
Ethylene Glycol Monoethyl Ether Acetate
Ethylhexyl Tallate
Fish Oil
Glycol Diacetate
Lard
Methyl Acetate
Methyl Amyl Acetate
Octyl Epoxy Tallate
Olive Oil
Palm Oil
Peanut Oil
Propyl Acetate
Safflower Oil
Soybean Oil
Tallow
Tucum Oil
Vegetable Oil

35. *Vinyl Halides*
Vinyl Chloride (inhibited)
Vinylidene Chloride (inhibited)

36. *Halogenated Hydrocarbons*
Carbon Tetrachloride
Chlorobenzene
Chlorodifluoromethane (mono-)
Chloroform
Dichlorobenzene
Dichlorodifluoromethane
1,1-Dichloroethane
Dichloromethane
1,1-Dichloropropane
1,2-Dichloropropane
Ethyl Chloride
Ethylene Dibromide
Ethylene Dichloride
Methyl Bromide
Methyl Chloride
Pentachloroethane
Perchloroethylene
1,1,2,2-Tetrachloroethane
1,2,4-Trichlorobenzene
Trichloroethylene

37. *Nitriles*
Acetonitrile
Adiponitrile

38. *Carbon Disulfide*

39. *Sulfolane*

40. *Glycol Ethers*
Diethylene Glycol
Diethylene Glycol Monobutyl Ether
Diethylene Glycol Monethyl Ether
Diethylene Glycol Monomethyl Ether
Dipropylene Glycol
Ethoxy Triglycol
Ethylene Glycol Monobutyl Ether
Ethylene Glycol Monoethyl Ether
Ethylene Glycol Monomethyl Ether
Nonylphenol, Ethoxylated
Polyethylene Glycols
Polypropylene Glycols
Polypropylene Glycol Methyl Ether
Soybean Oil, Epoxidized
Tetraethylene Glycol
Triethylene Glycol
Tripropylene Glycol

41. *Ethers*
Butyl Ether
Dichloroethylether
1,4-Dioxane
Ethyl Ether
Methyl Formal (Dimethyl Formal)
Propyl Ether
Tetrahydrofuran

42. *Nitrocompounds*
(mono-) Nitrobenzene
1- or 2-Nitropropane
Nitrotoluene

43. *Miscellaneous Water Solutions*
Ammonium Nitrate, Urea, Water Solutions (not containing Ammonia)
Corn Syrup
Dextrose Solution
Latex Solutions
Tetrasodium Salt of EDTA Solution

Appendix I—Exceptions to the Chart

The binary combinations listed below have been tested as prescribed in Appendix III and found not to be dangerously reactive. These combinations are exceptions to the Compatibility Chart (Figure 1) and may be stowed in adjacent tanks.

Member of reactive group	Compatible with—
Caustic soda, 50% or less	Butyl Alcohol.
	Diacetone Alcohol.
	Diethylene Glycol.
	Diethylene Glycol, Ethylene Glycol mixture.
	Ethylene Glycol (pure).
	Ethyl Alcohol.
	Ethyl Hexanol (Octyl Alcohol).
	Methyl Alcohol.
	Propyl Alcohol.
	Propyl Alcohol, Water mixture.
	Propylene Glycol.
Ethylene Diamine	Ethyl Hexanol.
	Isophorone.
	Propyl Alcohol.
	Creosote.
	Propylene Glycol.
	Methyl Ethyl Ketone.
Sulfuric Acid, 98% or less	Choice White Grease.
Acrylonitrile	Triethanolamine.
Dodecyl and Tetradecylamine mixture.	Tall Oil Fatty Acid.

Appendix II—Explanation of Figure I

Definition of a hazardous reaction—As a first approximation, a mixture of two cargoes is considered hazardous when, under specified condition, the temperature rise of the mixture exceeds 25°C or a gas is evolved. It is possible for the reaction of two cargoes to produce a product that is significantly more flammable or toxic than the original cargoes even though the reaction is non-hazardous from temperature or pressure considerations, although no examples of such a reaction are known at this time.

Chart format—There are different degrees of reactivity among the various cargoes. Many of them are relatively non-reactive: for example, aromatic hydrocarbons or paraffins. Others will form hazardous combinations with many groups: for example, the inorganic acids.

The cargo groups in the compatibility chart are separated into two categories: 1 through 22 are "Reactive Groups" and 30 through 43 are "Cargo Groups". Left unassigned and available for future expansion are groups 23 through 29 and those past 43. Reactive Groups contain products which are chemically the most reactive; dangerous combinations may result between members of different Reactive Groups and between members of Reactive Groups and Cargo Groups. Products assigned to Cargo Groups, however, are much less reactive; dangerous combinations involving these can be formed only with members of certain Reactive Groups. Cargo Groups do not react hazardously with one another.

Using the Compatibility Chart—The following procedure explains how the compatibility chart should be used to find compatibility infomation:

(1) Determine the group numbers of the two cargoes by referring to the alphabetical listing of cargoes and the corresponding groups (Table I). Many cargoes are listed under their parent names; unless otherwise indicated, isomers or mixtures of isomers of a particular cargo are assigned to the same group. For example, to find the group number for Isobutyl Alcohol, look under the parent name Butyl Alcohol. Similarly, the group number for para-Xylene is found under the entry Xylene. If a cargo cannot be found in this listing, contact the Coast Guard for a group determination (see § 150.140).

(2) If both group numbers are between 30 and 43 inclusive, the products are compatible and the chart need not be used.

(3) If both group numbers do not fall between 30 and 43 inclusive, locate one of the numbers on the left of the chart (Cargo Groups) and the other across the top (Reactive Groups). (Note that if a group number is between 30 and 43, it can only be found on the left side of the chart.) The box formed by the intersection of the column and row containing the two numbers will contain one of the following:

(a) *blank*—The two cargoes are compatible.

(b) "*x*"—The two cargoes are not compatible.

(c) *a letter other than "x"*—Reactivity varies among the group members. Refer to the footnotes following the chart to find whether the products in question are included in the footnotes. Unless the combination is specifically mentioned in these footnotes, it is compatible.

Examples

Combination	Groups	Compatible
Butyraldehyde/Acetic Acid	19/4	Yes.
Allyl Alcohol/Toluene Diisocyanate	15/12	No.
Decene/Ethyl Benzene	30/32	Yes.
Ethanolamine/Acetone	8/18	Yes.
Ammonia/Dimethylformamide	6/10	No.

Appendix III—Testing Procedures for Determining Exceptions to the Chart

Experimental Procedure for Evaluating Binary Chemical reactivity

General Safety Precautions—Chemical reactivity tests have, by their nature, serious potential for injuring the experimenter or destroying equipment. The experimenter should 1) have knowledge of the magnitude of the reactivity to be expected, 2) use adequate facilities and protective equipment to prevent injury from splatter of materials or release of fumes, and 3) start on a small scale so that unexpected reactions can be safely contained. All tests should be performed in a well-ventilated laboratory hood provided with shields.

Testing Chemicals other than Liquids—The procedure outlined below was developed for chemicals which are liquids at ambient temperatures. If one or both chemicals are normally shipped at elevated temperatures, the same procedure may be followed except the chemicals are tested at their respective shipping temperatures and the oil bath in Step 3 is maintained at a level 25°C above the higher temperature. This information is then indicated on the data sheet. If one of the chemicals is a gas at ambient temperatures, consult the Coast Guard for additional instructions before proceeding with the compatibility test.

Step 1

Objective—To determine if the test chemicals react violently and present a safety hazard in further tests.

Procedure—Place 0.5ml of one (A) of the test chemicals in a 25×150mm test tube. Clamp the test tube to a stand behind a safety shield (in a hood). Carefully add from a dropper 0.5ml of the other substance (B). Shake to induce mixing. If no immediate reaction occurs, retain the mixture for at least 10 minutes to check for a delayed reaction.

Results—If a violent reaction occurs, such as sputtering, boiling of reactants or release of fumes, record the results on the Data Sheet (appendix IV) and do not proceed to Step 2. If no reaction or a minor reaction occurs, proceed to Step 2.

Step 2

Objective—To determine the heat of reaction of two chemicals on mixing under specified conditions.

Procedure—Three separate mixes of the proposed binary combination will be tested. These are 2ml: 18ml, 10ml: 19ml, and 10ml: 2ml, respectively, to result in a final mixture of about 20ml in each case.

A reference-junctioned thermocouple is prepared by inserting two lengths of 20 gauge or finer iron-constantan or chromelalumel duplex thermocouple wire into glass capilary sheaths. The common wire of each probe is joined, while the other wire of each is connected to a strip-chart recorder. The thermocouple probe which produces a negative pen deflection upon warming is the reference junction and is placed in a test tube of water at ambient laboratory temprature. The other probe is placed near the bottom of a Dewar flask of about 300ml capacity, such that the thermocouple will be below the surface of the test mixture. The Dewar flask is equipped with a magnetic stirrer having a stirring bar coated with an inert material such as a flourinated hydrocarbon.

Start the temperature recorder and stirrer. Deliver the test chemicals to the Dewar Flask simultaneously from separate graduated syringes. If an exothermic reaction occurs, continue the test until the maximum temperature is reached and begins to subside. If no apparent reaction occurs, continue the test for at least 30 minutes to check for a delayed reaction. Stop agitation and observe the mixture at five-minute intervals to determine if the mixture is miscible, if gases are evolved, or if other visible changes occur. In the interest of safety, a mirror can be used for these observations. Repeat the above test for the other mixture combinations.

Results—Record the results in the appropriate places on the Data Sheet. If no reaction occurs or if the temperature rise is less than 25°C, proceed to Step 3. If the observed temperature rise exceeds 25°C or gases are evolved, do not proceed to Step 3.

Step 3

Objective—To determine if exothermic reactions occur at temperatures up to 50°C.

Procedure—If a non-hazardous reaction occurred in Step 2, the ratio of chemicals which resulted in the greatest temperature rise will be tested. Fresh chemicals will be used with a total volume for this test of about 10ml (a ratio of 1ml:9ml, 5ml:5ml, or 9ml:1ml). If no reaction was observed in Step 2, use a ratio of 5ml:5ml. Using the thermocouple prepared for Step 2, insert the reference probe into a 25×150mm test tube containing 10ml of water. Place the other probe into an empty test tube. Start the temperature recorder and add the two chemicals of the

combination, one at a time, to the empty test tube. Lower the two test tubes into an oil bath maintained at 50 ± 2°C. Hold the samples in the oil bath until the maximum temperature differential is recorded, and in all cases at least 15 minutes. Observe the test mixture to determine if gases are evolved or if other visible changes occur. Follow prescribed safety precautions.

Results—Record the maximum differential temperature measured, the time required to reach this temperature, and any other observations in the proper space on the Data Sheet.

Send a copy of the Data Sheet for each binary chemical mixture tested to: Commandant (G-MHM-3/TP14), U.S. Coast Guard, 2100 Second St., S.W., Washington, D.C. 20593.

BILLING CODE 4910-14-M

Appendix IV - Data sheet

CHEMICAL REACTIVITY TEST DATA

Chemicals: A _____ B _____

Synonyms: _____ _____

Formula: _____ _____

Description of Products:	A	B
Manufacturer		
Sample Source		
Composition (by weight %)		
Inhibitors or Stabilizers		

Deviations from Prescribed Method (including special equipment)	

Step Number 1

Products miscible? _____ Gases evolved? _____

Other Observations:

Step Number 2

A/B Ratio:	2/18	10/10	18/2
Initial Temperature			
Maximum ΔT			
Time to reach Max. Temp.			
Products miscible?			
Gases evolved?			
Other Observations			

Size of Dewar Flask (inside measurements): Width _____ mm Height _____ mm

Step Number 3

A/B Ratio	
Oil Bath Temperature	
Maximum ΔT	
Time to reach Max. Temp.	
Gases evolved?	
Other Observations	

Date of Test: _____

Submitting Organization: _____

Test Data Approved By: _____

BILLING CODE 4910-14-C

PART 151—UNMANNED BARGES CARRYING CERTAIN BULK DANGEROUS CARGOES

§§ 151.13–5, 151.13–10, and 151.45–4 [Amended]

2. By deleting 151.13–5(b), 151.13–10, and 151.45–4(d)(11).

PART 153—SAFETY RULES FOR SELF-PROPELLED VESSELS CARRYING HAZARDOUS LIQUIDS

§ 153.963 [Deleted]

3. By deleting § 153.963.

PART 154—SAFETY STANDARDS FOR SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES

§ 154.1832 [Deleted]

4. By deleting § 154.1832.

(46 U.S.C. 391a; 49 U.S.C. 1803; 49 CFR 1.46(n)(4) and (t))

[FR Doc. 80–32720 Filed 10–22–80; 8:45 am]
BILLING CODE 4910–14–M

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. 25; Notice 41]

Consumer Information Regulations; Uniform Tire Quality Grading

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Final rule.

SUMMARY: This notice amends the Uniform Tire Quality Grading (UTQG) Standards to provide for the testing of metric tires, tires with inflation pressures measured in kilopascals. Since the original UTQG test requirements were written prior to the introduction of metric tires and specified inflation pressures measured in pounds per square inch, modification of the regulation is now necessary to identify inflation pressures applicable to metric tires. The notice also makes technical changes in the UTQG traction test procedure to facilitate efficient use of test facilities.

EFFECTIVE DATE: October 23, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. F. Cecil Brenner, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, 202–426–1740.

SUPPLEMENTARY INFORMATION: The UTQG standards prescribe test procedures for evaluation of the treadwear, traction, and temperature resistance properties of passenger car tires. Grades based on these tests are used by consumers to evaluate the relative performance of competing tire lines. Test procedures for all three performance categories were established specifying inflation pressures in pounds per square inch.

Following the introduction of metric tires with inflation pressures measured in kilospascals, the National Highway Traffic Safety Administration (NHTSA) recognized the need to add metric inflation pressures to the UTQG test procedures. The agency proposed (44 FR 56389; Oct. 1, 1979; Notice 34) that for purposes of traction testing, metric tires would be inflated and tire loads determined using a prescribed inflation pressure of 180 kPa. Under the proposal, other tires would continue to be tested at an inflation pressure of 24 psi. NHTSA's notice also proposed modification of the temperature resistance test procedure to provide, in the case of metric tires, for use of inflation pressures 60 kPa less than the tires' maximum permissible inflation pressure.

In response to comments, NHTSA modified the original proposal (45 FR 35408; May 27, 1980; Notice 40) to include treadwear testing in the proposed modifications and to incorporate a table indicating treadwear, traction, and temperature resistance test inflation pressures for tires with various maximum permissible inflation pressures in kilopascals and pounds per square inch. In the proposed table, different test inflation pressures were specified for tires with differing maximum permissible inflation pressures.

The agency also proposed, in Notice 34, modification of the traction test procedure to permit the adjustment of candidate tire test results with standard tire results obtained either before or after the candidate tire test sequence, so long as all data to be compared were collected within the same two-hour period. This change was intended to promote efficient use of the traction test facilities by permitting data from more than one candidate tire test sequence to be adjusted by comparison with the same standard tire sequence.

Upon examination of additional data, NHTSA concluded that a three-hour period could be employed without affecting the accuracy of the test results. Use of a three-hour period would permit more than one candidate tire test sequence to be run both before and after the corresponding standard tire test sequence. A three-hour period for comparative testing was proposed in Notice 40. Having received no negative comments on the traction test sequence proposal as stated in that notice, NHTSA has determined that the amendment will be adopted as proposed.

On the proposed changes to provide for testing of metric tires, Goodyear Tire & Rubber Company noted that the table of test inflation pressures proposed in Notice 40 calls for variations in the prescribed test inflation pressure depending on the maximum permissible inflation pressure of the tested tire. The original traction procedure specified a single test inflation pressure for all tires. Goodyear expressed concern that such a change could affect test results and, consequently, tire grades, and require wasteful additional testing to confirm grades already assigned. Goodyear recommended that NHTSA adopt the amendment proposed in Notice 34 that all metric tires be tested using the inflation pressure 180 kPa and all other tires be tested using the original 24 psi inflation pressure.

NHTSA agrees that unnecessary costs associated with the UTQG Standard should be avoided. For this reason, the agency has determined that reference to traction testing will be deleted from the table of test inflation pressures, and the addition of the metric traction test inflation pressure of 180 kPa proposed in Notice 34 will be adopted instead. Those aspects of Notice 40 pertaining to treadwear and temperature resistance testing of metric tires will be adopted as proposed in that notice.

Pursuant to Executive Order 12044, "Improving Government Regulations," and implementing Departmental guidelines, the agency has considered the effects of these amendments. NHTSA reaffirms its earlier determination that the amendments are not significant and that the effects are so minimal as not to warrant preparation of a regulatory evaluation. NHTSA has determined these amendments will result in modest cost savings to industry and consumers, while having no appreciable effect on safety or the environment.

Because these amendments will facilitate the efficient and accurate completion of testing presently underway, the amendments are effective immediately.

In consideration of the foregoing, 49 CFR 575.104 is amended as follows:

§ 575.104 [Amended]

1. In § 575.104(e)(2)(ii) by substitution of the words "the applicable pressure specified in Table 1 of this section." in place of the words "an inflation pressure 8 pounds per square inch less than its

maximum permissible inflation pressure."

2. In § 575.104(f)(2)(i) (B) and (D) by addition of the words ", or, in the case of a tire with inflation pressure measured in kilopascals, to 180 kPa" following the words "to 24 psi".

3. In § 575.104(f)(2)(vii) by addition of the following sentence, at the end thereof: "The standard tire traction coefficient so determined may be used in the computation of adjusted traction coefficients for more than one candidate tire."

4. In § 575.104(f)(2)(viii) by addition of the words ", or, in the case of a tire with inflation pressure measured in kilopascals, the load specified at 180 kPa," following the words "at 24 psi", and by addition of the sentences, "Candidate tire measurements may be taken either before or after the standard tire measurements used to compute the standard tire traction coefficient. Take all standard tire and candidate tire measurements used in computation of a candidate tire's adjusted traction coefficient within a single three hour period." following the first sentence thereof.

5. In § 575.104(g)(1) by substitution of the words "the applicable pressure specified in Table 1 of this section." in place of the words "2 pounds per square inch less than its maximum permissible inflation pressure."

6. In § 575.104(g)(3) by substitution of the words "the applicable pressure specified in Table 1 of this section." in place of the words "2 pounds per square inch less than the maximum permissible inflation pressure."

7. In § 575.104(g)(6) by substitution of the words "applicable inflation pressure specified in Table 1 of this section." in place of the words "inflation pressure that is 8 pounds per square inch less than the tire's maximum permissible inflation pressure."

8. In § 575.104(g)(8) by substitution of the words "the applicable pressure specified in Table 1 of this section." in place of the words "2 pounds per square inch less than the tire's maximum permissible inflation pressure.

9. By addition of the following table at the conclusion of the text of that section:

Table 1.—*Test Inflation Pressures*

Maximum permissible inflation pressure	32 lb/in²	36 lb/in²	40 lb/in²	240 kPa	280 kPa	300 kPa
Pressure to be used in tests for treadwear and in determination of tire load for temperature resistance testing	24	28	32	160	220	180
Pressure to be used for all aspects of temperature resistance testing other than determination of tire load	30	34	38	220	260	220

The principal authors of this notice are Dr. F. Cecil Brenner of the Office of Automotive Ratings and Richard J. Hipolit of the Office of Chief Counsel.

(Sec. 103, 112, 119, 201, 203; Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1421, 1423); delegation of authority at 40 CFR 1.50)

Issued on October 14, 1980.

Joan Claybrook,

Administrator.

[FR Doc. 80-32808 Filed 10-22-80; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Certain Disabled Hunters May Take Migratory Game Birds from a Stationary Motor Vehicle or a Stationary Motor-Driven Land Conveyance; Deleting the Term "Wild" from the Definition of Migratory Game Bird and the Description of Migratory Waterfowl

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service amends the methods of taking migratory game birds found in the basic hunting regulations, 50 CFR 20.21, to provide paraplegics and persons missing one or both legs an opportunity to take migratory game birds from a stationary motor vehicle or a stationary motor-driven land conveyance.

The Service also amends the definition of "migratory game bird" under 50 CFR 20.11 by deleting the term "wild" wherever found in that definition. Similarly, the Service amends the description of "migratory waterfowl" under 50 CFR 20.91 by deleting the term "wild."

EFFECTIVE DATE: October 23, 1980.

FOR FURTHER INFORMATION CONTACT: John E. Cross, Special Agent in Charge, Branch of Investigations, Division of Law Enforcement, U.S. Fish and Wildlife Service, P.O. Box 28006, Washington, D.C. 20005 telephone 202-343-9242.

SUPPLEMENTARY INFORMATION:

1. Hunting of Migratory Game Birds by Certain Disabled Persons

Background

On February 15, 1979 (44 FR 9938), the Service proposed to amend 50 CFR Part 20 under authority of the Migratory Bird Treaty Act (hereinafter MBTA), 16 U.S.C. 703-712, to provide both paraplegics and persons missing one or both legs an opportunity to take migratory game birds from a stationary motor vehicle or motor-driven land conveyance. The Service was of the opinion that the amendment would not be detrimental to the resource and would provide additional recreational opportunities for certain disabled hunters.

During the Fall of 1978 the Service allowed disabled persons to hunt sika and white-tailed deer on Chincoteague National Wildlife Refuge in Virginia through a special program sponsored by the Service and the Disabled Sportsmen of America. That program served as a model for providing assistance, when possible, to handicapped hunters. Details of that hunt may be obtained by consulting the Department of the Interior News Release of November 22, 1978, entitled "Disabled Sportsmen to Get Chance to Hunt."

Summary of Comments

In the proposal (44 FR 9932), the Service requested interested parties to submit written comments, suggestions, or objections regarding the proposed amendment.

Of the six comments that were received during the comment period only one was unfavorable. The Washington Department of Game (E. Reade Brown) could not endorse the proposal because implementation in the State of Washington would require legislative action.

The remaining comments gave either qualified or unqualified support for the proposal. The California Department of Fish and Game (E. Charles Fullerton) and the Wisconsin Department of Game (Anthomy S. Earl) supported the proposal. Both the Arizona Game and Fish Department (Robert A. Jantzen) and the Nevada Department of Fish and

Game (Glen K. Griffith) did not object to the proposal but noted that their respective States do not allow this practice under existing State law. The Utah Division of Wildlife Resources (Douglas F. Day) endorsed the proposal, with the reservation that the State may elect to place into effect more restrictive regulations.

Conclusions

The Service has reviewed all available data and determined that this amendment would provide certain disabled persons an opportunity to hunt migratory game birds without significantly affecting the resource.

The Service recognizes that more restrictive State laws will preclude hunters in some States from exercising the opportunity provided by this amendment. However, each State will have the option of amending its State law to conform with this amendment.

The final rule contains a minor editorial change to clarify the intent of the rule. The taking of migratory game birds is allowed only from a stationary motor vehicle, or a *stationary* motor-driven land conveyance. (Emphasis added).

2. Amended Definition of Migratory Game Bird and Amended Description of Migratory Waterfowl.

Background

On February 29, 1980 (45 FR 13642–43) the Service proposed to amend 50 CFR 20.11 by deleting the term "wild" wherever it appears in the definition of "migratory game bird." Similarly, the Service proposed to delete the term "wild" from the description of migratory waterfowl under 50 CFR 20.91.

The Service proposed these amendments, to provide uniformity with existing regulations and to remove ambiguity created by the use of the term "wild." Migratory birds, including migratory game birds, protected by the MBTA are defined in part by 50 CFR 10.12 to mean "* * * any bird, whatever its origin and whether or not raised in captivity, which belongs to a species listed in § 10.13, or which is a mutation or hybrid of any such species * * *"

Applicable regulations found in 50 CFR 21.13, 21.14, and 21.25 provide that captive-reared and properly marked migratory waterfowl may be killed by shooting only in accordance with all the applicable hunting regulations governing the taking of like species from the wild. The lone exception to these regulations is the shooting of captive-reared and properly marked mallard ducks at shooting preserve operations or bona fide dog training or field trial operations.

The Service believes that the decision in United States v. Conners, 606 F.2d 269(10th Cir. 1979) is incorrect and that the MBTA was intended to apply to all migratory birds, captive-reared as well as wild. Any other interpretation would cause serious enforcement problems and hinder the management and preservation of this valuable natural resource.

Summary of Comments

In the proposal (45 FR 13642–43), the Service requested interested parties to submit written comments, suggestions, or objections regarding the proposed amendment.

Only two comments were received during the comment period. The Wisconsin Department of Natural Resources (Anthony S. Earl) and the Central Flyway Waterfowl Council (Ted L. Clark) both supported the proposal.

Conclusions

The Service has determined that these amendments eliminate any ambiguity that may have been created by the use of the term "wild" in the definition of "migratory game bird" and the description of "migratory waterfowl," while providing uniformity with other existing regulations.

National Environmental Policy Act

The Service has determined that these amendments are not major Federal actions significantly affecting the quality of the human environment, and therefore do not require preparation of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary authors of these rules are John T. Webb and David L. McMullen, Branch of Investigations, Division of Law Enforcement, (202) 343–9242.

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

Regulations Promulgation

Accordingly, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as follows:

PART 20—MIGRATORY BIRD HUNTING

§ 20.11 [Amended]

1. Amend § 20.11 by adding the following definition in alphabetical order:

* * * * *

"Paraplegic" means an individual afflicted with paralysis of the lower half of the body with involvement of both legs usually due to disease of or injury to the spinal cord.

* * * * *

2. Amend the definition of "migratory game birds" in § 20.11 by deleting the term "wild" wherever it appears in that definition.

§ 20.21 [Amended]

3. Amend § 20.21(d) to read as follows:

* * * * *

(d) From or by means, aid, or use of any motor vehicle, motor-driven land conveyance, or aircraft of any kind, except that paraplegics and persons missing one or both legs may take from any stationary motor vehicle or stationary motor-driven land conveyance;

* * * * *

§ 20.91 [Amended]

4. Amend § 20.91 by deleting the word "wild" wherever it appears.

Dated: October 16, 1980.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 80-33038 Filed 10-22-80; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 21

Migratory Bird Permits; States Meeting Federal Falconry Standards, New Jersey Meets Federal Falconry Standards.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service adds New Jersey to the list of States where falconry laws have been determined by the Director to meet or exceed the minimum Federal standards. Falconry may be practiced in the States listed in 50 CFR 21.29.

EFFECTIVE DATE: October 23, 1980.

FOR FURTHER INFORMATION CONTACT: John E. Cross, Special Agent in Charge, Branch of Investigations, Division of Law Enforcement, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202–343–9242.

SUPPLEMENTARY INFORMATION: Regulations in 50 CFR Part 21 provide for the review and approval of State falconry laws by the Service. Included in that section is a list (§ 21.29(k)) of those States whose laws have been approved, and in which falconry is permitted pursuant to a system of joint Federal-State permits.

As provided by § 21.29(c), the Director has reviewed a certified copy of the

falconry regulations adopted by the State of New Jersey (Regulations NJAC 7:25–5.15 (A–K)). The regulations meet or exceed the minimum restrictions, conditions and requirements contained in 50 CFR 21.29 (d) through 50 CFR 21.29 (i) pursuant to permit requirements, classes of permits, examination procedures, facilities and equipment standards, raptor marking and raptor taking restrictions. The New Jersey regulations also meet or exceed all restrictions or conditions found in 50 CFR 21.29(j).

The Director has determined, based on the review, that the regulations of the State of New Jersey meet or exceed the Federal standards. Upon publication of this amended § 21.29(k) in the **Federal Register**, the practice of falconry in New Jersey shall be governed by 50 CFR 21.28 and 21.29.

The primary author of this document is William B. Zimmerman, Special Agent, Branch of Investigations, Division of Law Enforcement, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

§ 21.29 [Amended]

Accordingly, § 21.29(k) of Part 21 of Chapter I, Title 50 of the Code of Federal Regulations, is amended by adding New Jersey, alphabetically and preceded by an asterisk, to the list of States.

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

Dated: October 9, 1980.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 80-33039 Filed 10-22-80; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 32

Opening of Valentine National Wildlife Refuge, Nebr., to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to hunting of Valentine National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: Archery—09/20/80—11/07/80, 11/17/80—12/31/80, firearms—11/08/80—11/16/80.

FOR FURTHER INFORMATION CONTACT:

Robert M. Ellis, Fort Niobrara National Wildlife Refuge, Hidden Timber Route, Valentine, Nebraska 69201 Telephone: 402/376–3789.

SUPPLEMENTARY INFORMATION:

Section 32.32 is added to read as follows:

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

Public hunting of deer on Valentine National Wildlife Refuge, Nebraska, is permitted during the regular State seasons except on areas designated by signs as closed. This open area is shown on the maps available at refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West Sixth Avenue, Lakewood, Colorado 80225. Hunting shall be in accordance with all State regulations covering the hunting of deer.

* * * * *

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

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

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

Note.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A–107.

August 12, 1980.

Robert M. Ellis,

Refuge Manager.

[FR Doc. 80-33109 Filed 10-22-80; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 32

Opening of Valentine National Wildlife Refuge, Nebr., to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulations.

SUMMARY: The Director has determined that the opening to hunting of Valentine National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: Prairie grouse—09/20/80—11/11/80; pheasant—11/01/80—01/15/81.

FOR FURTHER INFORMATION CONTACT:

Robert M. Ellis, Fort Niobrara National Wildlife Refuge, Hidden Timber Route, Valentine, Nebraska 69201 Telephone: 402/376–3789.

SUPPLEMENTARY INFORMATION: Section 32.22 is added to read as follows:

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

Public hunting of pheasant and grouse on Valentine National Wildlife Refuge, Nebraska, is permitted during the regular State seasons except on areas designated by signs as closed. This open area is shown on maps available at refuge headquaters and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West Sixth Avenue, Lakewood, CO 80225. Hunting shall be in accordance with all State regulations covering the hunting of pheasant and grouse.

* * * * *

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

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not

interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

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

Note.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A–107.

Robert M. Ellis,

Refuge Manager.

August 12, 1980.

[FR Doc. 80–33110 Filed 10–22–80; 8:45 am]

BILLING CODE 4310–55–M

50 CFR Part 32

Hunting; Opening of Valentine National Wildlife Refuge, Nebr. to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to hunting of Valentine National Wildlife Refuge is compatible with objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: October 11 and 12, 1980; October 18, 1980 through January 6, 1981.

FOR FURTHER INFORMATION CONTACT: Robert M. Ellis, Fort Niobrara National Wildlife Refuge, Hidden Timber Route, Valentine, Nebraska 69201. Telephone: 402/376–3789.

§ 32.12 Special Regulations; migratory game birds; for individual wildlife refuge areas.

Public hunting of ducks on Valentine National Wildlife Refuge, Nebraska, is permitted during the regular State seasons except on areas designated by signs as closed. This open area is shown on maps available at refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West Sixth Avenue, Lakewood, Colorado 80225. Hunting shall be in accordance with all State regulations covering the hunting of ducks.

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

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

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

Note.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A–107.

Robert M. Ellis,

Refuge Manager.

August 12, 1980.

[FR Doc. 80–33149 Filed 10–22–80; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 655

Squid Fishery of the Northwest Atlantic Allocation of Atlantic Squid From Reserve; Correction

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

ACTION: Notice of correction of the allocation of short-finned squid.

SUMMARY: In 45 FR 63862 (September 26, 1980), the Northeast Regional Director, National Marine Fisheries Service, allocated the entire reserve of 13,000 metric tons (mt) of short-finned squid (*Illex Illecebrosus*) to the total allowable level of foreign fishing (TALFF). Appendix 1 of 50 CFR 611.20 was changed with the revised TALFF for short-finned squid shown as 31,000 mt. That amount of TALFF is in error and should have read 25,000 mt.

FOR FURTHER INFORMATION CONTACT: Denton Moore, 634–7432.

Signed at Washington, D.C., this 16th day of October 1980.

William H. Stevenson,

Deputy Assistant Administrator, National Marine Fisheries Service.

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

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

PART 611—FOREIGN FISHING

§ 611.20 (Appendix) [Revised]

	Species	Species code	Area	OY	DAH	JVP	Reserve	TALFF
1. Northwest Atlantic Ocean fisheries:								
D. Squid fishery	Squid, long-finned	502		44,000	7,000		0	37,000
	Squid, short-finned	504		30,000	5,000		0	25,000

[FR Doc. 80–33010 Filed 10–22–80; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 45, No. 207
Thursday, October 23, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 911 and 915

Limes Grown in Florida, and Avocados Grown in South Florida; Subpart—Pack Regulation, and Subpart—Container and Pack Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rules.

SUMMARY: This notice invites written comment on a proposal that would require containers of limes and avocados to bear a Federal or Federal-State Inspection Service lot stamp number showing that the fruit has been inspected and found to meet applicable regulation requirements issued under these marketing orders. The proposed action is designed to verify inspection and compliance with these requirements, in the interest of producers and consumers.

DATES: Comments must be received on or before November 7, 1980..

ADDRESSES: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077 South Building, Washington, D.C. 20250, where they will be available for public inspection during regular business hours (7 CFR 1.27(b)).

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

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and is classified "not significant." The proposal is being published with less than a 60-day comment period because there is insufficient time between the date when the information upon which it is based became available and the effective date necessary to effectuate the declared policy of the act.

The Department is considering issuing the proposed amendment of § 911.311 Lime Regulation 9, and § 915.306 Avocado Regulation 6, under the marketing agreements, as amended, and Marketing Orders 911 and 915, each as amended (7 CFR Parts 911 and 915). These agreements and orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). These proposed amendments are based upon recommendations and information submitted by the committees established under these marketing orders, and other available information. In addition, these proposed amendments would revise references in these regulations to the U.S. grade standards for Florida limes and avocados to reflect recent changes in such standards.

The first proposal is that § 911.311 of Subpart—Pack Regulation be amended by revising paragraph (a)(1), amending paragraph (a)(2), revising and redesignating paragraph (a)(3) as paragraph (a)(4), adding a new paragraph (a)(3), and revising paragraph (b) to read as follows:

§ 911.311 Lime Pack Regulation 9.

(a) *Order.* (1) The grades set forth in the U.S. Standards for Grades of Persian (Tahiti) Limes (7 CFR 2851.1000–2851.1016) are hereby established as pack specifications for the grading and packing of limes.

(2) On and after November 17, 1980, * * *

* * * * *

(3) On and after November 17, 1980, no handler shall handle any container of limes, grown in the production area, unless such container is marked with a Federal or Federal-State Inspection Service lot stamp number showing that the limes have been inspected in accordance with regulations issued under § 911.48 of this marketing order.

(4) The provisions of paragraphs (a)(2) and (a)(3) of this section shall not apply to individual packages of limes not exceeding 4 pounds, net weight, that are within master containers except that if such packages are individual bags either such bags or the master containers thereof shall be marked or labeled in accordance with the requirements of paragraph (a)(2) of this section and master containers shall be marked or labeled in accordance with the requirements of paragraph (a)(3) of this section.

(b) Terms used in this section shall mean the same as in the marketing order, and terms relating to grade and standard pack shall mean the same as in the U.S. Standards for Grades of Persian (Tahiti) Limes (7 CFR 2851.1000–2851.1016).

The second proposal is that § 915.306 of Subpart—Container and Pack Regulations be amended by revising paragraph (a)(1), amending paragraph (a)(2), revising and redesignating paragraph (a)(3) as paragraph (a)(4), adding a new paragraph (a)(3), and revising paragraph (b) to read as follows:

§ 915.306 Avocado Pack Regulation 6.

(a) *Order.* (1) The grades set forth in the U.S. Standards for Grades of Florida Avocados (7 CFR 2851.3050–2851.3069) are hereby established as pack specifications for the grading and packing of avocados.

(2) On and after November 17, 1980, * * *

* * * * *

(3) On and after November 17, 1980, no handler shall handle any container of avocados, grown in the production area unless such container is marked with a Federal or Federal-State Inspection Service lot stamp number showing that the avodados have been inspected in accordance with regulations issued under § 915.51 of this marketing order.

(4) The provisions of paragraphs (a)(2) and (a)(3) of this section shall not apply to individual packages of avocados not exceeding 4 pounds, net weight, that are within master containers.

(b) Terms used in this section shall mean the same as in the marketing order, and terms relating to grade and standard pack shall mean the same as in the U.S. Standards for Grades of Florida Avocados (7 CFR 2851.3050–2851.3069).

Dated: October 20, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-33126 Filed 10-22-80; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 80-AAL-17]

Alteration of Control Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter Control 1234, located in the Aleutian Islands, Alaska, area, by extending a portion northward in the Saint Paul Island, Alaska, area. This alteration would allow reduced Air Traffic Control (ATC) separation standards and lower the area floor to 2,000 feet.

DATE: Comments must be received on or before November 24, 1980.

ADDRESS: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attention: Chief, Air Traffic Division, Docket No. 80-AAL-17, Federal Aviation Adminstration, P.O. Box 14, 701 C Street, Anchorage, Alaska 99513. The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-204), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 14, 701 C Street, Anchorage, Alaska 99513. All communications received on or before November 24, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart E of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would alter Control 1234 in the vicinity of Aleutian Islands, Alaska. This proposal would extend a portion of Control 1234 northward toward Saint Paul Island, Alaska, and the Bering Sea. The recent commissioning of a Remote Communications Air Ground Facility and a Distance Measuring Equipment (DME) navigational aid at Saint Paul Island would permit the application of standard ATC separation criteria. Currently, oceanic separation criteria is utilized in this area. In addition, this alteration would lower the current control area floor of 5,500 feet to domestic controlled airspace with a floor of 2,000 feet. This action would improve traffic flow, reduce controller workload and aid flight planning. Subpart E of Part 71 was republished in the **Federal Register** on January 2, 1980, (45 FR 349).

ICAO Considerations

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to ensure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.163 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 349) as follows:

Under § 71.163

Control 1234

"to latitude 53°36'00"N., longitude 176°47'00"N.; to latitude 54°33'00"N., longitude 169°58'00"W., to latitude 56°39'00"N., longitude 164°25'00"W.; to latitude 57°46'00"N., longitude 161°46'00"W.; thence to point of beginning." is deleted and "to Lat. 53°36'00"N., Long. 176°47'00"W.; to Lat. 54°02'00"N., Long. 174°00'00"W.; to Lat. 60°00'00"N., Long. 174°00'00"W.; to Lat. 60°00'00"N., Long. 168°00'00"W.; to Lat. 57°46'00"N., Long. 161°46'00"W.; thence to point of beginning." is substituted therefor.

(Secs. 307(a), 313(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), 1510); Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established

body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on October 14, 1980.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.80-32873 Filed 10-22-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ASW-45]

Proposed Alteration of Control Zone and Transition Area: Greenville, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of the action being taken is to propose alternation of the control zone and transition area at Greenville, Tex. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing instrument approach procedures to Majors Field, Greenville, Tex. The circumstance which created a need for the action is that three new instrument approach procedures to the airport have been developed for use by the military. There will be TACAN approaches to Runways 17 and 35 and an ILS approach to Runway 17. In addition, higher performance aircraft are utilizing the airport, which requires additional controlled airspace.

DATES: Comments must be received on or before November 24, 1980.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas. An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

Subpart F§ 71.171 (45 FR 356) and Subpart G§ 71.181 (45 FR 445) of FAR Part 71 contains the description of control zones and transition areas designated to provide controlled airspace for the benefit of aircraft conducting Instrument Flight Rules (IFR) activity. Alteration of the control zone and transition area at Greenville, Tex., will necessitate an amendment to these subparts.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before November 24, 1980, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writting in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

The Proposal

The FAA is considering an amendment to Subparts F and G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the control zone and transition area at Greenville, Tex. The FAA believes this action will enhance IFR operations at Majors Field, Greenville, Tex., by providing controlled airspace for aircraft executing proposed instrument approach procedures to the airport. Subparts F and G of Part 71 were republished in the **Federal Register** on January 2, 1980 (45 FR 356) and (45 FR 445).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 356) and (45 FR 445) by altering the Greenville, Tex., control zone and transition area.

In subpart F, § 71.171 (45 FR 356), the Greenville, Tex., control zone is proposed to be amended by deleting the present description and substituting the following:

Greenville, Tex.

Within a 5-mile radius of the Majors Field Airport (latitude 33°04'07"N., longitude 96°03'47"W.); and within 3 miles each side of the 352° bearing of the airport extending from the 5-mile radius area to 7 miles north of the airport; and within 3 miles each side of the 191° bearing of the airport extending from the 5-mile radius area to 6 miles south of the airport.

In Subpart G, § 71.181 (45 FR 445), the Greenville, Tex., transition area is proposed to be amended by deleting the present description and substituting the following:

Greenville, Tex.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Majors Field Airport (latitude 33°04'07"N., longitude 96°03'47"W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation, and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Texas on October 9, 1980.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 80-32699 Filed 10-22-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-CE-10]

Transition Area—Harper, Kans.; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to designate a 700-foot transition area at Harper, Kansas, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Harper, Kansas Municipal Airport, utilizing the Anthony, Kansas OMNI directional range as a navigational aid.

DATE: Comments must be received on or before November 23, 1980.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408. The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City Missouri. An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Charles A. Sears, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before November 23, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106, or by calling (816) 374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Harper, Kansas. To enhance airport usage, a new instrument approach procedure is being established for the Harper, Kansas Municipal Airport, utilizing the Anthony, Kansas OMNI Directional Range as a navigational aid. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Harper, Kansas, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. the intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Accordingly, Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1980, (45 FR 445) by adding the following new transition area:

Harper, Kans.

That airspace extending upwards from 700 feet above the surface within a 5 mile radius of the Harper, Kansas Municipal Airport (Latitude 37°16'45"N, Longitude 98°02'37"W) and within 2 miles each side of the Anthony, Kansas VORTAC (Latitude 37°09'32"N, Longitude 98°10'13"W) 040° radial extending from the 5 miles radius area to 11 miles southwest of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on October 7, 1980.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 80-32676 Filed 10-22-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 80-ARM-12]

Extension of Jet Route No. 136

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to extend Jet Route No. 136 from its present terminal at Billings, Mont., to Medicine Bow, Wyo. The proposal would designate an established route to handle the increased traffic flow in this area. This would not only reduce controller workload and freqency congestion, but also provide more efficient air traffic service by reducing the need for radar vectoring.

DATES: Comments must be received on or before November 24, 1980.

ADDRESS: Send comments on the proposal in triplicate to: Director, FAA Rocky Mountain Region, Attention: Chief, Air Traffic Division, Docket No. 80-ARM-12, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010. The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-204), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: L. Jack Overman, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3715.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division,

Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010. All communications received on or before November 24, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) that would extend J–136 from Billings, Mont., VORTAC direct to Medicine Bow, Wyo., VORTAC. Designation of this extended route would provide charted course radials and minimum altitudes where they may be required. Flight planning and communication time would be reduced by the use of a numbered jet route rather than radar vectoring that is presently required. Section 75.100 of Part 75 was republished in the **Federal Register** on January 2, 1980 (45 FR 732).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (45 FR 732) by amending Jet Route No. 136 as follows:

Delete the words "to Billings." and substitute for them the words "Billings, Mont.; to Medicine Bow, Wyo."

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.65.)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on October 14, 1980.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80–32674 Filed 10–22–80; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF STATE

22 CFR Part 51

[Docket No. SD–156]

Denial of Passport Facilities in Cases Involving a Criminal Court Order

AGENCY: Department of State.

ACTION: Proposed rule.

SUMMARY: The Department of State proposes to amend the current regulation that governs the denial of passports in cases in which the applicant is subject to a court order, condition of probation, or condition of parole which forbids the applicant's departure from the United States and the violation of which could subject the applicant to a provision of the Federal Fugitive Felon Act. By the terms of the regulation, it is applicable only to court orders issued in state criminal cases, not in federal cases. This limitation was made in error. The proposed amendment will correct this inadvertent omission by extending the applicability of the regulation to the appropriate federal criminal cases.

DATES: Comments must be received on or before December 22, 1980.

ADDRESS: Send comments to the Director, Office of Citizenship Appeals and Legal Assistance, Bureau of Consular Affairs, Department of State, Room 5813, Washington, D.C. 20520.

FOR FURTHER INFORMATION CONTACT: Karen R. Spinner (202) 632–7940.

SUPPLEMENTARY INFORMATION: The proposed revisions of the passport denial regulation will correct an omission in the current regulation, which was published on July 18, 1979 (44 FR 41777). In publishing the current regulation, the Department had intended to clarify the language in the predecessor regulation by making it applicable only to cases involving state or federal criminal court orders, conditions of parole, or conditions of probation the violation of which could cause the issuance of a federal warrant of arrest.

However, as promulgated the language in the current regulation, which provides that the violation of the court order, or conditions of parole or of probation bring the applicant within the provisions of the Federal Fugitive Felon Act (18 U.S.C. 1073), did not accomplish this. As the Federal Fugitive Felon Act is applicable only to state criminal cases, the regulation is limited to denying passports to individuals who are subject to state court orders, conditions of parole, and conditions of probation. The proposed amendment will correct this error by extending the regulation to federal criminal cases in which the applicant's departure from the United States in violation of a court order or conditions of parole or probation could result in the issuance of a federal warrant of arrest.

Accordingly, it is proposed to amend Title 22, Code of Federal Regulations, Part 51, by revising § 51.70(a)(2) to read as follows:

§ 51.70 Denial of passports.

(a) A passport, except for direct return to the United States, shall not be issued in any case in which:

* * * * *

(2) The applicant is subject to a criminal court order, condition of probation, or condition of parole, any of which forbids departure from the United States and the violation of which could result in the issuance of a Federal warrant of arrest, including a warrant issued under the Federal Fugitive Felon Act; or

* * * * *

(Sec. 1, 44 Stat. 887, sec. 4, 63 Stat. 111, as amended (22 U.S.C. 211a, 2658); E.O. 11295, 36 FR 10603; 3 CFR 1966–70 Comp., p. 507).

Dated: October 15, 1980.

For the Secretary of State.

Diego C. Asencio,

Assistant Secretary for Consular Affairs.

[FR Doc. 80–32918 Filed 10–22–80; 8:45 am]

BILLING CODE 4710–06–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

23 CFR Part 1217

[Docket No. 79–11; Notice 2]

Highway Safety Innovative Project Grants Program

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The proposed rule would carry out a new section in the Highway Safety Act by establishing criteria and administrative procedures for application, selection, and award of innovative project grants to States and their political subdivisions, and to nonprofit organizations, in order to explore new approaches to highway safety. This program is listed in the Catalogue of Federal Domestic Assistance (CFDA) as the State and Community Highway Safety Program, CFDA No. 20.600. Part III of OMB Circular No. A-95 (revised) applies.

DATE: Comments must be received on or before December 1, 1980.

ADDRESS: Submit written comments to Docket Section, Room 5108 Docket No. 79-11, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. The Docket Room is open from 8 a.m. to 4 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. John Tartaglino, Office of Traffic Safety Programs, 400 Seventh Street, S.W., Washington, D.C. 20590 (202) 426-0837.

SUPPLEMENTARY INFORMATION: The innovative grants program is a product of the Highway Safety Act of 1978 (Pub. L. 95-599). Proposals for the program originated in response to the widespread opinion among the States that earlier incentive award programs were ineffective in improving highway safety because of their retrospective character. Congress authorized the innovative grant program in the belief that making innovation the principle basis for the prospective award would offer the best incentive.

Section 208 of the Act established a new section 407 in Title 23, United States Code, to authorize the Secretary to make grants to States, their political subdivisions, and nonprofit organizations which develop innovative approaches to highway safety. The Secretary is instructed by section 208(b) to develop a selection process after consultation with the States, their political subdivisions, appropriate Federal departments and agencies, and other public and nonprofit organizations. Grant applications are to be in the form and contain the information prescribed by regulations issued by the Secretary.

An Advanced Notice of Proposed Rulemaking was published on July 19, 1979, to seek comments on all aspects of innovation in highway safety that might be served by the innovative grant process (44 FR 42233). The notice requested comments on the following subjects: (1) Project eligibility, (2) the selection criteria to be used, (3) the importance of evaluation as compared to operational innovation, (4) the value of projects requiring enabling legislation or governmental reorganization, (5) means of assuring equal opportunity to compete for funds, (6) means of monitoring and evaluating projects, (7) the procedure for soliciting proposals, and (8) the use of a panel of experts to rank proposals.

Nineteen responses were received, many of which addressed the specific subjects listed in the notice. Most comments favored eligibility for a wide variety of projects. As to the criteria to be used for selection, the responses varied, but included comments that proposed to give weight to projects with short lead time, high impact on accident reduction, and low cost, and to projects that are long-term and comprehensive in nature. Most comments recognized the importance of individual project evaluation (the amount to vary with the project), but stressed that operational innovation should not be sacrificed to evaluation. Most opposed projects requiring enabling legislation or governmental reorganization.

As to ensuring equal opportunity to compete for funds, comments varied, but included recommendations that the following entities be used to communicate the potential applicants:

(i) DOT's existing system with an expanded mailing list,

(ii) Local traffic safety boards,

(iii) DOT regional offices, and

(iv) Governor's Highway Safety Representatives. Responses regarding proposal solicitation included suggestions that the soliciting agent be the States, DOT regional offices, the Governors' Highway Safety Representatives, and NHTSA. Most comments supported the use of an outside panel to screen and rank the proposals.

In addition to the comments responding to the subjects listed in the notice, several comments addressed two additional areas. First, some comments suggested funding limitations ranging from $25,000 to $250,000; other favored percentage set-asides for particular classes of applicants (e.g., counties). Second, the Governors' Highway Safety Representatives asked to be involved in all aspects of project administration. Several comments also favored involvement by the NHTSA Regional Offices.

The comments received were taken into consideration in formulating the proposed rules. For instance, the preference for a wide range of project eligibility has been incorporated into the rules, as has the preference for operational innovation over evaluation innovation. Likewise, the proposal reflects the opposition to projects requiring enabling legislation and the support for using a panel of experts to rank proposals.

In consideration of the foregoing, a new Part 1217 is proposed in Title 23, Code of Federal Regulations to read as set forth below.

PART 1217 INNOVATIVE PROJECT GRANTS

1217.1 Scope.
1217.2 Purpose.
1217.3 Solicitation of proposals.
1217.4 Preparation procedure.
1217.5 Project application and classification.
1217.6 Project review procedure.
1217.7 Limitation on project funding.
1217.8 Length of projects.
1217.9 Project reporting.

Authority: Surface Transportation Act of 1978, Pub. L. 95-599, 92 Stat. 2689.

§ 1217.1 Scope.

This part establishes criteria and administrative procedures for awards of innovative project grants to States and their political subdivisions, and to nonprofit organizations including volunteer groups.

1217.2 Purpose.

The purpose of this part is to encourage innovation in solving highway safety problems by funding highway safety projects that apply original or creative methods, use existing methods in original or creative ways, or use new techniques to evaluate existing methods.

§ 1217.3 Solicitation of proposals.

The agency shall publish a call for project preapplication submissions in the **Federal Register**, the Commerce Business Daily, and newsletters of the National League of Cities, National Association of Counties, and National Association of Mayors. It shall forward solicitation announcements concurrently to all Governor's Highway Safety Representatives and to the regional offices of the National Highway Traffic Safety Administration and Federal Highway Administration.

§ 1217.4 Preparation procedure.

(a) To be considered for an innovative project grant, an agency or organization shall submit a preapplication complying with this section.

(b) The preapplication shall contain (1) the name and address of the applicant; (2) a descriptive project title; (3) the project location; (4) a brief statement of the problem and its effect

on the proposed jurisdiction; (5) an outline of the proposed approach to the problem, its innovative aspects, and its anticipated results; (6) the period of performance; (7) the estimated costs by fiscal year; and (8) a brief plan for evaluation of the project.

(c) A nonprofit orgainzation whose project does not involve activities within a State or political subdivision shall submit its preapplication directly to the NHTSA Associate Administrator for Traffic Safety Program. Each other applicant shall submit its preapplication to the State Highway Safety Agency for the State of which it is a constituent part or in which it is located.

(d) The State Highway Safety Agency shall promptly forward such preapplication, together with any comments it may have, to the NHTSA and FHWA Regional Offices. The Regional Offices shall comment on the project, then promptly submit the preapplication to the NHTSA Associate Administrator for Traffic Safety Programs.

§ 1217.5 Project application and classification.

(a) Based on the preapplications, the agency shall determine which proposals warrant further development. The agency shall request detailed proposals to clarify and amplify the preapplications.

(b) To facilitate the selection of eligible projects, the agency will classify projects according to the following categories:

(1) Accident reduction areas, such as speed limit violations, alcohol and drug abuse, restraint systems, motorcycle operation, pedestrian behavior, and roadside and roadway hazards.

(2) System support areas, such as coordinated jurisdictional highway safety planning and implementation, traffic records, emergency response systems, manpower training and development, and driver licensing and improvement programs.

(3) System development and improvement, such as problem analysis techniques, cost effectiveness measures, countermeasure selection and evaluation criteria, program management techniques, and citizen participation.

§ 1217.6 Project review procedure.

(a) The detailed proposals shall be forwarded to a panel of traffic safety experts whose members shall be selected based on their experience in relevant fields of endeavor. The panel shall review the technical merits of each proposal and rank the proposals within established categories in accordance with the criteria of subsection (b) of this section.

(b) In reviewing any project within each category the panel shall consider the following criteria:

(1) The significance of the project's impact on highway safety,

(2) Its ability to unify existing highway safety programs,

(3) Its relationship to the 18 Highway Safety Program Standards,

(4) Its consistency with policies of curbing inflation and saving energy,

(5) Its freedom from the need for enabling legislation or governmental reorganization,

(6) Its feasibility,

(7) Its public acceptance and suitability for public participation,

(8) Its low cost or cost-effectiveness,

(9) Its adaptability to other jurisdictions, and

(10) Its suitability for evaluation.

(c) Based on the panel's review and ranking, the agency shall determine the projects to be funded and shall publish the list of awards in the **Federal Register.**

§ 1217.7 Limitation on project funding.

(a) A project funded under 23 U.S.C. 402 shall not be eligible for funding under the innovative grant program.

(b) The funds for any individual project in any fiscal years shall not exceed 10 percent of the funds appropriated for 23 U.S.C. 407 for the fiscal year in which the grant is awarded.

§ 1217.8 Length of projects.

Project operational periods exclusive of the preplanning and followup evaluation shall be limited to three years. The agency may extend an approved project for a period of time not to exceed two years, based on the progress toward project objectives, justification for continued support, and the reasonableness of the budget for project continuation.

§ 1217.9 Project reporting.

Grant recipients shall report semiannually to the agency and shall prepare an evaluation report at the end of each fiscal year.

Interested persons are invited to submit comments on this proposal. It is requested but not required that 10 copies be submitted.

Comments may not exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new naterial.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

Note.—The National Highway Traffic Safety Administration and the Federal Highway Administration have determined that this document is a nonsignificant regulation under the regulatory policies and procedures established by the Department of Transportation (44 FR 11034). The anticipated impact of this regulation is so minimal that a full regulatory evaluation is not required.

Issued on October 16, 1980.

Charles F. Livingston,

Associate Administrator for Traffic Safety Programs.

[FR Doc. 80-32935 Filed 10-17-80; 4:21 pm]

BILLING CODE 4910-59-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 120

Land Records and Title Documents

October 10, 1980.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule revises and replaces the regulations relating to land records and title documents affecting Indian lands. The proposed regulation defines the role of the Land Titles and Records Offices (formerly called title plants) in the Bureau of Indian Affairs as the offices of record for all title documents to Indian lands. It explains procedures to owners and administrators of Indian lands, employees of the Bureau of Indian Affairs, and other persons authorized by law or regulation to have access to

information about the current status and ownership of Indian lands.

DATE: Comments must be received on or before November 24, 1980.

ADDRESSES: Submit written comments to Elva DeCelles, Land Records Officer, Bureau of Indian Affairs, 500 Gold Avenue, P.O. Box 888, Albuquerque, NM 87103.

FOR FURTHER INFORMATION CONTACT: Elva DeCelles, Land Records Officer, Bureau of Indian Affairs, 500 Gold Avenue, P.O. Box 888, Albuquerque, NM 87103. (503–766–2800) (FTS 8–474–2800).

SUPPLEMENTARY INFORMATION: The Bureau of Indian Affairs has a trust responsibility for approximately 10 million acres of individually-owned Indian land and 40 million acres of tribally-owned Indian land. The Land Titles and Records Offices are the recording offices for all Indian land records and title documents. These offices perform functions comparable to the county recording offices charged with the duty of keeping the public records of deeds, mortgages, etc., within most states. Other functions include preparation of abstracts of title and maintenance of probate records.

This proposed rule completely revises 25 CFR, Part 120, which was originally written in 1965 when the Bureau "title plants" were being created. It supersedes all regulations previously published under that Part.

The primary author of this proposed rule is: Elva DeCelles, Land Records Officer, Bureau of Indian Affairs. (503–766–2800) (FTS 8–474–2800). This proposed rule is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

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

The regulations on land records and title documents affecting Indian lands, 25 CFR Part 120, are revised to read as follows:

PART 120—LAND RECORDS AND TITLE DOCUMENTS

Sec.

120.1 Purpose and scope.
120.2 Definitions.
120.3 Maintenance of land records and title documents.
120.4 Location and service areas for Land Titles and Records Offices.
120.5 Other Bureau Offices with title service responsibility.
120.6 Recordation of title documents.
120.7 Curative action to correct title defects.
120.8 Title status reports.
120.9 Land status maps.
120.10 Certification of title documents.
120.11 Disclosure of land records, title documents, and title reports.

Authority: Act of June 30, 1834 (4 Stat. 738; 25 U.S.C. 9). Act of July 26, 1892 (27 Stat. 273; 25 U.S.C. 5). Reorganization Plan No. 3 of 1950 approved June 20, 1949 (64 Stat. 1262). (Act of April 26, 1906 (34 Stat. 137); Act of May 27, 1908 (35 Stat. 312); Act of August 1, 1914 (38 Stat. 582, 598) deal specifically with land records of Five Civilized Tribes.)

Cross-References: For further regulations pertaining to proceedings in Indian probate, see 43 CFR Part 1, Subpart D.

§ 120.1 Purpose and scope.

These regulations set forth authorities, policy and procedures governing the recording , custody, maintenance, use and certification of title documents and the issuance of title status reports for Indian land.

§ 120.2 Definitions.

As used in this part.

(a) "Secretary" is the Secretary of the Interior or his authorized representative.

(b) "Commissioner" is the Commissioner of Indian Affairs or his authorized representative.

(c) "Agency" is an Indian Agency or other field unit of the Bureau of Indian Affairs having trust or restricted Indian land under its immediate jurisdiction.

(d) "Superintendent" is the designated officer in charge of an Agency.

(e) "Tribe" is a tribe, band, nation, communty, rancheria, colony, pueblo, or other Federally-acknowledged group of Indians.

(f) "Bureau" is the Bureau of Indian Affairs.

(g) "Land" is real property, including any interests, benefits, and rights inherent in the ownership of the real property.

(h) "Indian land" is an inclusive term describing all lands held in trust by the United States for individual Indians or tribes, or all lands, titles to which are held by individual Indians or tribes, subject to Federal restrictions against alienation or encumbrance. For purposes of this Part, the term Indian land also includes land for which the title is held in fee status by Indian tribes, and U.S. Government-owned land under Bureau jurisdiction.

(i) "Administrative Law Judge" is an employee of the Office of Hearing and Appeals, Department of the Interior, upon whom authority has been conferred by the Secretary to probate the trust or restricted estates of deceased Indians in accordance with 43 CFR Part 4, Subpart D.

(j) "Land Titles and Records Offices" are those offices within the Bureau of Indian Affairs charged with the Federal responsibility to record, provide custody, and maintain records that affect titles to Indian lands, to examine titles, and to provide title status reports for such land.

(k) "Manager" is the designated officer in charge of a Land Titles and Records Office.

(l) "Title Document" is any document that affects the title to or encumbers Indian land and is required to be recorded by regulation or Bureau policy.

(m) "Recordation" or "Recording" is the acceptance of a title document by the appropriate Land Titles and Records Office. The purpose of recording is to provide evidence of a transaction, event, or happening that affects land titles; to preserve a record of the title document; and to give notice of the change of ownership or the existence of encumbrances to the land.

(n) "Title examination" means an examination and evaluation by a qualified title examiner of the completeness and accuracy of title documents affecting a particular tract of Indian land with certification of the findings by the Manager of the Land Titles and Records Office.

(o) "Title status report" means a report issued after a title examination which shows the proper legal description of a tract of Indian land; current ownership, including any applicable conditions, exceptions, restrictions, or encumbrances on record; and whether the land is unrestricted, restricted, trust, or other status as indicated by the records in a Land Titles and Records Office.

§ 120.3 Maintenance of land records and title documents.

The Land Titles and Records Offices within the Bureau are hereby designated as the offices of record for land records and title documents and are hereby charged with the Federal responsibility to record, provide custody, and maintain records that affect titles to Indian land, to examine titles, and to provide title status reports.

§ 120.4 Locations and service areas for land titles and records offices.

Shown below are present Land Titles and Records Offices and the jurisdictional area served by each office.

(a) Aberdeen, S. Dakota Office provides title service for Indian land located under the jurisdiction of the Aberdeen and Minneapolis Area Offices, except for Indian land on the White Earth, Isabella, and Oneida Indian Reservations.

(b) Albuquerque, New Mexico Office provides title services for Indian land located under the jurisdiction of the

Albuquerque, Navajo, and Phoenix Area Offices.

(c) Anadarko, Oklahoma Office provides title services for Indian land located under the jurisdiction of the Anadarko Area Office and under the Miami Agency of the Muskogee Area Office.

(d) Billings, Montana Office provides title services for Indian land located under the jurisdiction of the Billings Area Office.

(e) Portland, Oregon Office provides title services for Indian land located under the jurisdiction of the Portland and Sacramento Area Offices.

§ 120.5 Other bureau offices with title service responsibility.

(a) Muskogee Area Office is the office of record and performs limited title functions for all Indian land of the Five Civilized Tribes. The regulations in this part apply to the Muskogee Area Office to the extent that they relate to the title services performed by that office.

(b) The Bureau Central Office, Washington, D.C. provides title services to all other Indian land not shown above in § 120.4 or in this paragraph, including the land of the Absentee Wyandottes. The regulations in this part apply to the Central Office.

§ 120.6 Recordation of title documents.

All title documents shall be submitted to the appropriate Land Titles and Records Office for recording immediately after final approval, issuance, or acceptance. Bureau officials delegated by the Secretary to approve title documents or accept title are responsible for prompt compliance with the recording requirement. Documents submitted for recording shall be completed in accordance with prescribed Bureau regulations or instructions.

(a) *Title documents other probate records.* The original, a signed duplicate, or a certified copy of such documents shall be submitted for recording. Following the recording process, the Land Titles and Records Office will return those title documents that are required to be returned to the original office with appropriate recording information.

(b) *Probate records.* In accordance with 43 CFR, Part 4, Subpart D, Administrative Law Judges shall forward the original record of Indian probate decisions and copies of petitions for rehearing, reopening, and other appeals to the Land Titles and Records Office which provides service to the originating agency. If trust land or Indian heirs involved in the probate are located within the jurisdictional area of another Land Titles and Records Office, the Administrative Law Judge shall also send a duplicate copy to that office. Probate records submitted by an Administrative Law Judge for recording will be retained by the Land Titles and Records Office.

§ 120.7 Curative action to correct title defects.

Land Titles and Records Office shall initiate such action as described below to cure defects in the record discovered during the recording of title documents or examination of titles.

(a) If an error is traced to a defective title document other than probate records, the Land Titles and Records Office shall recommend to the originating office that a correction document be prepared and submitted for recording.

(b) If errors are discovered in probate records, the Land Titles and Records Office may initiate corrective action as follows:

(1) An administrative modification shall be issued to modify probate records to include any Indian land omitted from the inventory if such property is located in the same state and takes the same line of descent as that shown in the original probate decision. Authority is delegated to the Commissioner by 43 CFR 4.272 to make such modifications except on those Indian reservations covered by special Inheritance Acts (43 CFR 4.300). Copies of administrative modifications shall be distributed to the appropriate Administrative Law Judge, Agencies with jurisdiction over the Indian land, and to all persons who share in the estate.

(2) Land Titles and Records Offices shall notify the Superintendent when modifications are required by Administrative Law Judges for other types of probate errors. Corrective action is then initiated in accordance with 43 CFR Part 4, Subpart D.

(3) Land Titles and Records Offices shall issue administrative corrections to correct probate errors which are clerical in nature and which do not affect vested property rights or involve questions of due process. Copies of administrative corrections are distributed to the appropriate Administrative Law Judge and Agency.

§ 120.8 Title status reports.

Land Titles and Records Offices may conduct a title examinaton of a tract of Indian land and provide a title status report upon request to those persons authorized by law to receive such information. Requests for title status reports shall be submitted by or through the Bureau office that has administrative jurisdiction over the Indian land and must be made on the prescribed form. All requests must clearly identify the tract of Indian land by legal description.

§ 120.9 Land status maps.

The Land Titles and Records Office shall prepare and maintain maps of all reservations and similar entities within their jurisdictions to assist Bureau personnel in the execution of their title service responsibilities. Base maps shall be prepared from plats of official survey made by the General Land Office and the Bureau of Land Management. These base maps, showing prominent physical features and section, township and range lines, shall be used to prepare land status maps. The land status maps shall reflect the individual tracts, tract numbers, and current status of the tract. Other special maps, such as plats and townsite maps, may be also prepared and maintained to meet the needs of individual Land Titles and Records Offices, Agencies, and Indian tribes.

§ 120.10 Certification of land records and title documents.

Under the provisions of the Act of July 26, 1892 (27 Stat. 273; 25 U.S.C. 6), an official seal was created for the use of the Commissioner of Indian Affairs in authenticating and certifying copies of Bureau records. Managers of Land Titles and Records Offices are designated as Certifying Officers for this purpose. When a copy or reproduction of a title document is authenticated by the official seal and certified by a Manager, Land Titles and Records Office, the copy or reproduction shall be admitted into evidence equally with the original from which it was made. The fees for furnishing such certified copies are established by a uniform fee schedule applicable to all constituent units of the Department of the Interior and published in 43 CFR Part 2, Appendix A.

§ 120.11 Disclosure of land records, title documents, and title reports.

(a) The usefulness of a Land Titles and Records Office depends in large measure on the ability of the public to consult the records contained therein. It is therefore the policy of the Bureau of Indian Affairs to allow access to land records and title documents unless such access would violate the Privacy Act, 5 U.S.C. 552a or other law restricting access to such records, or there are strong policy grounds for denying access where such access is not required by the Freedom of Information Act, 5 U.S.C. 552.

(b) Before disclosing information concerning any living individual, the

Manager, Land Titles and Records Office, shall consult 5 U.S.C. 552a(b) and the notice of routine users then in effect to determine whether the information may be released without the written consent of the person to whom it pertains.

Philip S. Deloria,

Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 80-33040 Filed 10-22-80; 8:45 am]

BILLING CODE 4310-02-M

National Park Service

36 CFR Part 7

Grand Teton National Park; Proposed Rulemaking and Publication of Noise Abatement Plan for Jackson Hole Airport

Correction

In FR Doc. 80-32382 appearing at page 68687 in the issue of Thursday, October 16, 1980, on page 68690, third column, under Paragraph *"9. Effective Date"*, the first sentence should read as follows: "This plan will be effective November 17, 1980".

BILLING CODE 1505-01-M

POSTAL SERVICE

39 CFR Part 111

Locks on Rural Mailboxes

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: Existing postal regulations permit, but do not require, customers receiving rural delivery service to put locks on their mailboxes. Customers who lock their boxes must provide a key to the postmaster who will assign it to the appropriate rural carrier. In the interest of more expeditious mail service, the Postal Service proposes to require that any box equipped with a lock must have a slot large enough to accommodate the customer's normal daily mail volume. There would then be no need for the rural carrier to unlock boxes, and no keys to locks would thereafter be accepted by the Postal Service. Keys presently held by the Service would be returned.

DATE: Comments must be received on or before November 24, 1980.

ADDRESS: Written comments should be addressed to the General Manager, Rural Delivery Division, Delivery Services Department, U.S. Postal Service, Washington, D.C. 20260. Copies of written comments received will be available for public inspection and photocopying between 9:00 a.m. and 4:00 p.m., Monday through Friday, in Room 7128, 475 L'Enfant Plaza, SW, Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT:

Carl Johnson, (202) 245-5619.

SUPPLEMENTARY INFORMATION: If the proposed rule change described in the Summary is adopted, customers who lock their boxes and provide a slot therein for delivery of mail will be notified whenever a piece of mail, such as a parcel, is too large to fit through the slot. Customers may call for such mail at the local post office or notify the post office when they will meet the carrier at the box to receive the mail. This is in accord with existing procedure in 156.33 of the Domestic Mail Manual. As to the purchase of stamps, postal cards, or stamped envelopes, customers with locked boxes would have to purchase these items at the post office, unless they met the carrier at the box.

To carry out the above proposed rule change, the Postal Service proposes to revise 156.57 of the Domestic Mail Manual to read in the form reproduced below.

Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553(b)(c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites comment on the following proposed revision of the Domestic Manual, which is incorporated by reference in the **Federal Register.** See 39 CFR 111.1.

Part 156—Rural Service

In 156.5 of the Domestic Mail Manual, revise .57 to read as follows:

156.5 Rural Boxes

* * * * *

.57 The use of locks on boxes is not required. If however, a box is equipped with a lock the box must have a slot large enough to accommodate the customer's normal daily mail volume. The Postal Service will not open boxes which are locked and will not accept keys for this purpose. Keys which are now held by the Postal Service will be returned.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

(39 U.S.C. 401(2), 403(b)(1), 404(a)(1))

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 80-33080 Filed 10-22-80; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[SW-FRL 1640-5]

Oklahoma: Submission for Approval of Interim Authorization Plan, Phase I, Hazardous Waste Management Plan

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period.

SUMMARY: In the May 19, 1980 **Federal Register** (45 FR 33063), the Environmental Protection Agency promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (as amended), to protect human health and the environment from the improper management of hazardous waste. Included in these regulations, which become effective 6 months from the date of promulgation, were provisions for a transitional stage in which states would be granted interim program authorization. The interim authorization program will be implemented in two phases corresponding to the two stages in which an underlying Federal program will take effect.

As noted in the May 19, 1980 **Federal Register**, copies of state submittals for Phase I Interim Authorization are to be available for public inspection and comment. The purpose of this notice is to announce the availability of the Oklahoma submittal for Phase I Interim Authorization for public review, to invite public comment, and give notice of a public hearing to be held on Oklahoma's application. A listing and a description of requirements for interim authorization are stated in 40 CFR Section 123, Subpart F.

DATE: Comments on the Oklahoma Interim Authorization application must be received by December 2, 1980.

Public hearing: EPA will hold a public hearing on Oklahoma's application for Interim Authorization on Tuesday, November 25, 1980, at 7:00 p.m.

ADDRESSES: Copies of the Phase I Interim Authorization plan are available during normal business hours at the following addresses for inspection and copying:

Environmental Protection Agency, Region VI, Library, 28th floor, 1201 Elm Street, Dallas, Texas 75270, (214) 767-7341.

Oklahoma State Department of Health, Industrial and Solid Waste Division, 1000 N.E. 10th Street, Room 803, Oklahoma City, Oklahoma 73105.

U.S. Environmental Protection Agency, Library, Room 2404, 401 M Street, SW., Washington, D.C. 20460.

Written comments should be sent to: Environmental Protection Agency, Region VI, Air and Hazardous Materials Division, Attention: Don Walker, Solid Waste Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2645.

The Public hearing will be held at the Sequoyah Underground Auditorium, 2401 Lincoln Blvd., Oklahoma City, Oklahoma.

FOR FURTHER INFORMATION CONTACT: Don Walker, Solid Waste Branch, U.S. EPA, Region VI, Dallas, Texas 75270, (214) 767-2645.

Dated: October 17, 1980.

Adlene Harrison,

Regional Administrator.

[FR Doc. 80-33072 Filed 10-22-80; 8:45 am]

BILLING CODE 6560-30-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 396

[Docket No. MC-48-1; Notice No. 80-11]

Inspection, Repair, and Maintenance—Inspection Requirements for Leased Vehicles

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: Public comments are sought on a proposal to amend the Inspection, Repair, and Maintenance requirements of the Federal Motor Carrier Safety Regulations (FMCSR). This action is being taken as the result of a petition filed to exempt commonly controlled motor vehicles from the inspection procedure for vehicles leased less than 30 days. The purpose of the proposal is to give motor carriers more flexibility in fleet utilization requirements.

DATES: Comments must be received on or before January 21, 1981.

ADDRESS: All comments should refer to the docket number that appears at the top of this document and must be submitted preferably in triplicate to Room 3402, Bureau of Motor Carrier Safety (BMCS), 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald J. Davis, Bureau of Motor Carrier Safety, (202) 426-9767; or Mrs. Kathleen S. Markman, Office of the Chief Counsel, (202) 426-0346, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The FHWA has determined that this document does not contain a significant proposal according to the criteria established by the Department of Transportation pursuant to Executive Order 12044. An evaluation of the regulation is contained in BMCS Docket No. MC-48-1; a copy of the regulatory evaluation may be obtained from Mr. Gerald J. Davis at the address given above. Those desiring to comment on this rulemaking action are asked to submit their views, data, and arguments to the docket at the address provided above. All comments submitted will be available, both before and after the closing date, for examination by interested persons in the docket room of the BMCS, room 3402, 400 Seventh Street, SW., Washington, D.C. 20590.

The FMCSR provides that before a motor carrier can take possession of a leased vehicle for its use for less than 30 days, the vehicle must be inspected in order to ensure that all of the vehicles' parts and accessories necessary for safe operation are in good operating condition. Additionally, the person conducting the inspection must certify the results of the inspection. The BMCS received a petition on behalf of Crete Carrier Corporation, Shaffer Trucking, Inc., and Sunflower Carriers, Inc., requesting that § 396.3(c) of 49 CFR be amended. Section 396.3(c) regulates the records of inspection for vehicles leased less than 30 days. The petitioners requested that the inspection exemption be provided to coincide with a previous Interstate Commerce Commission regulation (49 CFR 1057.4(c)). The former regulation exempted vehicles from an inspection at the point they are leased if the carriers leasing the equipment were commonly controlled (the day to day operations of two or more companies under the same management) motor carriers which jointly maintained and administered a uniform safety program. In addition, both carriers would be required to remain under common control, to have their equipment inspected within the 24-hour period immediately preceding the time of augmentation. The equipment would have to meet FMCSR requirements.

The proposed amendment would restore similar language as contained in the former regulation, for vehicles used by a motor carrier for less than 30 days. The proposed amendment would thus exempt vehicles controlled by a motor carrier for less than 30 days from the required vehicle inspection, provided that (1) the carriers are commonly controlled and jointly maintain and administer a uniform safety program; and (2) both carriers remain under common control and the vehicle is inspected within the 24-hour period immediately preceding augmentation and found to meet the requirements of the FMCSR.

One of the purposes of the present rule requiring inspection, which went into effect April 1, 1980, is to ensure that systematic inspections are performed and that reported vehicle defects are repaired before a short-term leased vehicle is placed into service.

Motor carriers have always been required, through maaintenance and inspection programs, to have their vehicles meet the provisions of Part 393 of the FMCSR. Bureau of Motor Carrier Safety data [1] does indicate that many carriers do not always comply with the prescribed inspection process.

The FMCSR are designed to reduce the risk of involvement of heavy trucks and buses in highway accidents and reduce the risk of personal injuries, death, or substantial property damage that occurs as a result of these accidents.

The petitioners feel that the present rule impedes maximum fleet utilization and creates a new onerous and stringent rule not previously in existence. According to the petitioners, they jointly maintain and administer a uniform safety program which they feel ensures that their equipment meets all applicable standards. They claim that "nothing is gained by requiring additional paperwork at the time the petitioner trip leases its equipment to another petitioner to augment a fleet whereas on the other hand the public interest is adversely affected by creating a situation wherein augmentations between commonly controlled fleets which will result in substantial fuel savings are not encouraged and needless duplicative time and record keeping requirements are levied upon the parties and such additional business expenses and delays cannot help but be borne by the consuming public."

The petitioners feel that to achieve maximum utilization of equipment, to minimize deadhead mileage, and to preserve vital national fuel resources, it is imperative that they be able to augment their respective fleets in a flexible manner. The petitioners indicate that, in normal operations, the motor vehicle equipment is inspected every 24 hours by personnel supervised and trained under a uniform safety program.

[1] Available at the Bureau of Motor Carrier Safety, 400 Seventh Street, SW., Washington, D.C. 20590, for inspection.

The petitioners also claim that the present rule requires yet another inspection which is often within minutes or a few hours of the initial daily inspection.

The Director of the BMCS believes that the petitioners' argument may have merit.

In consideration of the foregoing, it is proposed to amend 49 CFR 396.3(c) to read as follows:

§ 396.3 Inspection, repair, and maintenance.

* * * * *

(c) *Records for vehicles leased less than 30 days*—For vehicles controlled by a motor carrier for less than 30 days, the motor carrier shall, before taking possession of the vehicle, inspect the vehicle in order to ensure that the vehicle complies with Part 393 and all parts and accessories necessary for safe operations are in good operating condition. The person making the inspection shall certify the results of the inspection. *Exemption:* Where carriers leasing equipment are commonly controlled and jointly maintain and administer a uniform safety program, no such inspection is required at the time and place the lease is affected: *Provided,* That both carriers remain under common control and the equipment be inspected within the 24-hour period immediately preceding the time of augmentation and found to meet all applicable requirements of this subchapter.

* * * * *

(49 U.S.C. 304, 49 U.S.C. 1655; 49 CFR 1.48(h), and 301.60) (Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

Issued on: October 15, 1980.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety.

[FR Doc. 80-33041 Filed 10-22-80; 8:45 am]

BILLING CODE 4910-22-M

Notices

Federal Register
Vol. 45, No. 207
Thursday, October 23, 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

Federal Crop Insurance Corporation

Federal Crop Insurance Act of 1980

AGENCY: Federal Crop Insurance Corporation.

ACTION: Notice: Mandatory notification to producers.

SUMMARY: The Federal Crop Insurance Act of 1980, which amends the Federal Crop Insurance Act of 1938 (7 U.S.C. 1501 *et seq.*), extends, for the 1981 crop year, the disaster provisions of the wheat, feed grains, upland cotton, and rice programs administered by the Agricultural Stabilization and Conservation Service (ASCS), and replaces them effective with the 1982 crop year with a comprehensive all-risk crop insurance program administered by the Federal Crop Insurance Corporation (FCIC). Under certain conditions, Producers of wheat, feed grains, upland cotton, and rice may, for the 1981 crop year only, participate in either, or both, the FCIC crop insurance programs or the ASCS disaster payment programs. Section 202 of the Federal Crop Insurance Act of 1980 provides that the Secretary of Agriculture shall, within 30 days following enactment notify all producers of wheat, feed grains, upland cotton, and rice, of their options for participation in either, or both, FCIC crop insurance or ASCS disaster payment programs for the 1981 crop year. This notice is intended to implement those provisions.

EFFECTIVE DATE: This notice shall be effective October 23, 1980.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202–447–3325.

SUPPLEMENTARY INFORMATION: The Federal Crop Insurance Act of 1980 replaces the wheat, feed grains, upland cotton, and rice disaster payment programs administered by ASCS effective with the 1981 crop year. The Act extends such disaster payment programs through the 1981 crop year, at the same time authorizing FCIC to subsidize 30 percent of the premium charged for crop insurance on such crops; however, the Act also provides that producers of these crops who wish to take advantage of the subsidized crop insurance programs on such crops for the 1981 crop year will not be eligible for disaster payments under the ASCS programs.

Section 202 of the Federal Crop Insurance Act of 1980 provides in part that the Secretary of Agriculture shall, within 30 days after the enactment of the Federal Crop Insurance Act of 1980, notify producers of wheat, feed grains, upland cotton, and rice of their right to elect, with respect to the 1981 crop year, between (1) declaring the producer's share of the particular crop on the farm eligible for disaster payments under the Agricultural Act of 1949 or (2) covering such producer's share with crop insurance, part of the premium for which is paid by FCIC.

The notification to producers referred to above is reproduced herein in its entirety to implement the provisions of Section 202 of the Federal Crop Insurance Act of 1980, as follows:

Department of Agriculture

Office of the Secretary, Washington, D.C.

Dear Producer: The Congress has passed and President Carter has signed into law the Federal Crop Insurance Act of 1980. The basic provisions of the new law will apply to 1981 crops and you should review your options at an early date.

The new law amends the present program administered by the Federal Crop Insurance Corporation (FCIC). The changes establish a more comprehensive all-risk crop insurance program and provide for the Federal Government to share with farmers the cost of insurance premiums.

For the 1981 crop year, you will have the opportunity to elect one of the following options if you currently have, or later purchase, an FCIC policy for 1981 wheat, barley, corn, upland cotton, grain sorghum, or rice. A separate election may be made for each crop.

OPTION 1: You may elect to pay the full cost of your 1981 Federal Crop Insurance premium for one or more of these crops and retain full eligibility under the ASCS disaster provisions for that crop provided you meet all ASCS program requirements.

OPTION 2: You may elect to decline eligibility for ASCS disaster payments on one or more of these croips and have the cost of your Federal Crop Insurance premium for such crop(s) reduced by 30 percent for coverage up to 65 percent of yield.

If you are insured with FCIC on one or more of these crops, you will be asked to decide which option best fits your needs on a form to be sent to you by FCIC. Participation in the crop insurance program will not affect your eligibility for loans and purchases or possible deficiency payments under ASCS programs.

For further information on how these options will affect your farming operation, I urge you to contact your local ASCS or FCIC office prior to selecting the option you prefer.

Sincerely,

Bob Bergland,

Secretary.

Issued in Washington, D.C., on October 20, 1980.

Peter F. Cole, Secretary,

Federal Crop Insurance Corporation.

Approved by:

Everett S. Sharp,

Acting Manager.

October 20, 1980.

[FR Doc. 80-33111 Filed 10-22-80; 8:45 am]

BILLING CODE 3410-08-M

Forest Service

Modoc National Forest Grazing Advisory Board; Meeting

The Modoc National Forest Grazing Advisory Board will meet at 10:00 a.m., November 13, 1980, in the Conference Room of the Supervisor's Office at 441 North Main Street, Alturas, California.

The purpose of this meeting is to discuss the expenditure of range betterment funds. We also plan to review several allotment management plans.

The meeting will be open to the public. Persons who wish to attend or who would like further information should notify William E. Britton, Modoc Supervisor's Office, telephone 916–233–3521. Written statements may be filed with the board before or after the meeting.

Dated: October 14, 1980.

G. Lynn Sprague,

Forest Supervisor.

[FR Doc. 80-33033 Filed 10-22-80; 8:45 am]

BILLING CODE 3410-11-M

Gypsy Moth Suppression and Regulatory Activities; Intent To Prepare a Programmatic Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service and the Animal and Plant Health Inspection Service of the Department of Agriculture in Washington, D.C., in cooperation with the Bureau of Forestry of the Department of Conservation in the State of Maine; the Bureau of Forestry of the Department of Environmental Resources in the State of Pennsylvania; the Division of Parks and Forestry of the Department of Environmental Protection and the Division of Plant Industry of the Department of Agriculture in the State of New Jersey; the Division of Lands and Forests of the Department of Environmental Conservation in the State of New York; and the Division of Agriculture of the Department of Environmental Management in the State of Rhode Island, will prepare a Programmatic Environmental Impact Statement for the Gypsy Moth Supression and Regulatory Activities.

The statement will be based on information and data provided by cooperating state agencies and on comments and issues presented by other agencies, private organizations and the general public as expressed at local township, county, or municipal meetings held during the fall and winter of 1980–81. In addition, scoping meetings were held to further address the issues, alternatives, and impacts of the proposed action. The meetings were held by the Forest Service and the Animal and Plant Health Inspection Service, in cooperation with state agencies as follows:

Albany, New York; 1980 September 23
Trenton, New Jersey; September 25
Middletown, Pennsylvania; September 30
Providence, Rhode Island; October 7
Augusta, Maine; October 15

Insecticides under consideration for treatment of gypsy moth populations are the chemicals carbaryl, trichlorfon, diflubenzuron, acephate, disparlure and the biologicals, *Bacillus thuringiensis* and the nucleopolyhedrosis virus. These pesticides are registered with the U.S. Environmental Protection Agency for use against gypsy moth. Unregistered insecticides used as part of an integrated pest management system will be applied under experimental use permits or exemptions issued by the U.S. Environmental Protection Agency.

By December 31, 1980, the Draft Programmatic Environmental Impact Statement is expected to be filed with the Environmental Protection Agency, and released to the public for a 60-day review period. The Final Statement is expected to be filed and released by March 31, 1981.

The responsible officials are R. Max Peterson, Chief, Forest Service, and Harry C. Mussman, Administrator, Animal and Plant Health Inspection Service.

Questions concerning the Programmatic Environmental Impact Statement relative to Forest Service/State Cooperative Suppression Programs should be directed to R. Max Peterson, Chief, USDA Forest Service, P.O. Box 2417, Washington, D.C. 20013.

Questions concerning Gypsy Moth Regulatory Activities should be sent to Harry C. Mussman, Administrator, USDA Animal and Plant Health Inspection Service, 12th & Independence Avenue, SW., Room 312–E, Administration Building, Washington, D.C. 20250.

Written comments should be sent to R. Max Peterson, Chief, USDA Forest Service.

Dated: October 15, 1980.

J. Lamar Beasley,

Acting Chief, Forest Service.

Dated: October 17, 1980.

Harry C. Mussman,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 80-33050 Filed 10-22-80; 8:45 am]

BILLING CODE 3410-11-M

1984–89 Period Operating Plan, Louisiana-Pacific Ketchikan 50-Year Timber Sale, Tongass National Forest, Ketchikan, Alaska; Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of Agriculture, Forest Service, will prepare an Environmental Impact Statement for the 5-year operating period 1984–89 of the Lousiana-Pacific Ketchikan (LPK) Division 50-Year Timber Sale and for advance roading associated with other operating periods.

The proposed activity is to harvest 960 million board feet of timber and construct roads, log transfer facilities, and logging camps. These actions are authorized under the existing 50-year timber sale agreement between the United States and LPK Division and are in accord with the Tongass NF Land Management Plan.

As a first step in the environmental analysis, Federal, State, and local agencies, organizations, and individuals who may be interested in or affected by the decision will be invited to participate in the scoping process which includes: (a) Identification of those issues to be addressed; (b) identification of issues to be analyzed in depth; (c) elimination of insignificant issues or those which have been covered by previous environmental reviews; and (d) determination of potential cooperating agencies and assignment of responsibilities. Notice of scoping sessions will be sent to news media and interested groups and individuals.

The Forest Service will develop a range of alternatives that will address the various issues established in the scoping process. Significant current issues identified include the location of new logging camps, the protection of other resource values during timber harvest, the varying desires of affected communities, and the extension and linkup of road systems.

It is anticipated that the Draft Environmental Impact Statement will be issued in November 1981 and the Final Impact Statement in March 1982. Implementation of portions of the selected alternative could begin during the summer of 1982; however, the majority of harvest activities would not occur until after March 1984.

The responsible official is R. Max Peterson, Chief of the Forest Service. Comments on the Notice of Intent or on the proposed activity should be sent to James S. Watson, Forest Supervisor, Ketchikan Area, Tongass National Forest, Federal Building, Ketchikan, Alaska 99901, telephone 907–225–3101.

Dated: October 16, 1980.

J. Lamar Beasley,

Acting Chief.

[FR Doc. 80-33049 Filed 10-22-80; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Docket No. 34141]

Applications of Trans-Panama, S. A.; Amended Notice of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding previously scheduled to be held on October 14, 1980, (45 F.R. 61652, September 17, 1980) and postponed by the Order of Administrative Law Judge of October 10, 1980, is hereby rescheduled to be held on December 9, 1980, at 9:30 A.M. (local time) in Room 1003, Hearing Room "B", Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., October 17, 1980.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 80-33100 Filed 10-22-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 36595; 36595-092]

Competitive Marketing of Air Transportation; Notice of Postponement of Rescheduled Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing now scheduled to be held on November 4, 1980 (45 FR 66824, October 8, 1980), is postponed until January 13, 1981, in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., October 17, 1980.

Ronnie A. Yoder,

Administrative Law Judge.

[FR Doc. 80-33095 Filed 10-22-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 38185]

Lone Star Airways, Inc, Fitness Investigation; Notice of Postponement of Hearing

Notice is hereby given that, pursuant to the request of the applicant, the hearing in the above-titled proceeding now assigned to be held on November 5, 1980 (45 FR 63895, September 26, 1980) is postponed until November 13, 1980, at 10 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., October 17, 1980.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 80-33096 Filed 10-22-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 38743; Order 80-10-84]

Ozark Air Lines, Inc.; Application; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of October, 1980.

Application of Ozark Air Lines, Inc., for compensation for losses at Clarksville, Tennessee—Ft. Campbell-Hopkinsville, Kentucky.

On April 10, 1979, Ozark Air Lines, Inc. filed a 90-day notice announcing its intent to suspend air service at Clarksville-Ft. Campbell-Hopkinsville effective July 9, 1979. By Order 79-5-138 and subsequent orders the Board prohibited Ozark's suspension.

By Order 80-5-203 we approved an arrangement which permits Ozark to fulfill its primary service obligations at Clarksville-Ft. Campbell-Hopkinsville through the services of Air Kentucky. The arrangement provides that Ozark will compensate Air Kentucky on the basis of specified expense and profit elements. While not disapproving that provision, we stated that we would compensate Ozark only for documented losses actually incurred by Air Kentucky.

On September 24, 1980, Ozark filed an application for interim compensation for losses at Clarksville-Ft. Campbell-Hopkinsville seeking compensation of $11,237 for the month of June 1980, and for each month thereafter, until a replacement carrier is found and Ozark is allowed to terminate service. The application is based on Air Kentucky's experienced operating losses plus interest expense for June 1980, and contains a detailed explanation of how costs were assigned or allocated to services in this particular market.

We have reviewed Ozark's application and find that it reasonably supports the requested compensation on an interim basis. Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 102, 204, 419, and 1002(b) thereof, and the regulations promulgated in 14 CFR 302 and 324:

1. We set the interim rate of compensation for losses sustained by Ozark Air Lines, Inc. by virtue of its provision through Air Kentucky of essential air service at Clarksville, Tennessee-Ft. Campbell-Hopkinsville, Kentucky at $104.00 for each scheduled flight completed beginning June 1, 1980, subject to a maximum compensation of $11,237 per calendar month;

2. This proceeding shall remain open pending entry of an order fixing the final rate of compensation, and the amount of such rate of compensation may be the same as, lower than, or higher than the interim rate of compensation set here; and

3. We shall serve this order on all parties to this proceeding.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-33097 Filed 10-22-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 31838; Order 80-10-91]

Professional Air Charter, Inc.; Proceeding To Revoke All-Cargo Certificate of Professional Air Charter

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 80-10-91; Order to Show Cause, Docket 31838.

SUMMARY: The Board is proposing to revoke the All-Cargo Air Service Certificate of Professional Air Charter, Inc. of Mountain View, California. This action is being proposed because the carrier apparently no longer exists.

DATES: Objections: All interested persons having objections to the Board issuing an order revoking the All-Cargo Air Service Certificate of Professional Air Charter, Inc. shall file no later than November 21, 1980, a statement of objection, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections should be filed in Docket 31838, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: John McCamant, Bureau of Domestic Aviation, Civil Aeronautics Board, Washington, D.C. 20428, (202) 673-5082.

The complete text of Order 80-10-91 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 80-10-91 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautical Board: October 17, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-33098 Filed 10-22-80; 8:45 am]

BILLING CODE 6320-01-M

[Summary Order 80-10-95; Amdt. 3 to Order 79-10-51]

Order Establishing the Subsidy Rate for Five Local Service Carriers for the Period January 1, 1980, Through June 30, 1980

AGENCY: Civil Aeronautics Board.

ACTION: Summary of Order 80-10-95; Amendment Three to Order 79-10-51.

SUMMARY: The Board has adopted the maximum subsidy rates due and payable to the five local service carriers for the period January 1, 1980, through June 30, 1980. Under the provisions of Class Rate IX, semi-annual reviews are conducted to determine adjustments to

the base period subsidy rates as set in Order 79–10–51. The adjustments in this order are based on operating results for the year ended September 30, 1979. The annual subsidy level effective January 1, 1980, for the entire class is $72.6 million. This includes an upward median percentage change of 13.84 percent applied to the base period net formula provisions and service incentive payments of eligible carriers, and a reduction of the industry's Federal tax allowance by $2.7 million. Due to service suspensions during the rate period, the maximum annual subsidy rate declined to $67.0 million by June 30, 1980.

DATES: Parties must file exceptions and supporting rationale within 7 days of the date of service.

FOR FURTHER INFORMATION CONTACT: John R. Hokanson, or James Craun, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5368.

The complete text of Order 80–10–95 is available from our Distribution Section. Persons outside the metropolitan area may send a postcard request for the order to the Distribution Section, B–22b, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: October 17, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–33094 Filed 10–22–80; 8:45 am]

BILLING CODE 6320–01–M

[Docket 38792; Order 80–10–61]

Scandinavian Airlines System; U.S.-Scandinavia Fare Increases; Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3rd day of October, 1980.

By tariff revisions filed for effectiveness October 15, 1980, Scandinavian Airlines System (SAS) proposes a general increase in fares between the United States, on the one hand, and Denmark, Norway and Sweden, on the other. The proposal includes an 8 percent increase in the carrier's "unbundled" special economy fares.

We have decided to suspend SAS's proposed special economy fare increases.

When we increased the upward fare flexibility allowance for U.S.-Europe markets from 5 to 15 percent above the Standard Foreign Fare Level (SFFL) ceiling, we stated that our action did not Norway and Sweden. Instead, these fares would continue to be governed by a specific fares agreement negotiated by U.S. and Scandinavian aeronautical authorities in March 1980.[1] That agreement stipulates, among other things, that increases in U.S.-Denmark/Norway/Sweden special economy fares should reflect increases in the Board's SFFL guidelines plus a 5 percent upward flexibility allowance.[2]

SAS's present special economy fare levels, which variously became effective on either June 16 or August 14, already incorporate the 5 percent flexibility allowance to which SAS is entitled. We recently adjusted our SFFL ceilings for two- and four-month periods beginning October 1, 1980, and found that increases over the August 1–September 30 ceiling for Atlantic markets of 2.11 percent (for a two-month filing) or 2.82 percent (for a four-month filing) were warranted.[3]

Since SAS has already implemented the 5 percent upward flexibility allowance, the carrier is now entitled to increases which simply reflect the Board's SFFL adjustments. Under the more generous assumption that SAS's proposal constitutes a four-month filing, it appears that the proposed 8 percent increases represent an attempt by SAS to assume an *additional* 5 percent upward flexibility.[4] The proposed increases are therefore at odds with our agreement with the Scandinavian authorities, and we must suspend them.

We take this action reluctantly. In view of the overall economic circumstances of SAS, we would much prefer to depart from the letter of the U.S.-Scandinavian fares agreement and permit SAS to implement increases more in line with those we have allowed in other U.S.-Europe markets. The Scandinavian authorities, however, recently denied a filing by Northwest Airlines, Inc. (Northwest), which proposed liberalizations in the minimum-stay provisions of its groupfares, on the grounds that such extend to fares to/from Denmark, liberalizations fell outside the terms of the agreement.

In view of the Scandinavian authorities' insistence on strict observerance of the agreement, and their consequent denial of promotional fare liberalizations which were designed to increase the accessibility of those fares to the traveling public, we are unable to allow SAS to implement increases beyond those stipulated in the agreement. We are, however, prepared to consider reciprocal relinquishment of the terms and conditions of the agreement, or any other arrangements of possible mutual interest and potential benefit, with the Scandinavian authorities.

Accordingly, pursuant to sections 102, 204(a), 403, 801 and 1002(j) of the Federal Aviation Act of 1958, as amended:

1. We shall institute an investigation to determine whether the fares and provisions set forth in the Appendix hereof, and rules and regulations or practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, induly prejudicial or otherwise unlawful; and if we find them to be unlawful, to act appropriately to prevent the use of such fares, provisions or rules, regulations or practices;

2. Pending hearing and decision by the Board, we suspend and defer the use of the fares named in the Appendix from October 15, 1980, to and including October 14, 1981, unless otherwise ordered by the Board, and shall permit no changes to be made therein during the period of suspension except by order or special permission of the Board;

3. We shall submit this order to the President [5] and unless disapproved by the President it shall become effective on October 15, 1980; and

4. We shall file copies of this order in the aforesaid tariff and serve them on Scandinavian Airlines System and the Ambassadors of Denmark, Norway and Sweden in Washington, D.C.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board. All Members concurred.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–33099 Filed 10–22–80; 8:45 am]

BILLING CODE 6320–01–M

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[1] See Order 80–5–139, May 20, 1980, p. 3, n. 5.

[2] While the International Air Transportation Competition Act, P.L. 96–192, mandates a 5 percent upward flexibility zone, the Board retains the discretion to expand or not expand such zone. In view of our agreement with the Scandinavian authorities, we saw no compelling reason to expand the zone insofar as it applied to the markets concerned.

[3] Order 80–8–178, August 29, 1980.

[4] For example, the basic-season New York-Copenhagen special economy fare (which includes the 5 percent allowance) is currently $432 one way, and the four-month SFFL adjustment of 2.82 percent produces a new level of $444. SAS, however, propses an 8.1 percent increase to $467, which is 5.2 percent above the permissible level.

[5] We submitted this order to the President on October 3, 1980.

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee on Housing for the 1980 Census; Notice of Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that the Census Advisory Committee on Housing for the 1980 Census will convene on November 20, 1980, at 9:30 a.m. The Committee will meet in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on Housing for the 1980 Census was established in March 1976 to provide technical advice and guidance in planning the forthcoming decennial census on housing to ensure that the major statistical requirements of decision makers are provided by the 1980 Census of Housing program.

The Committee is composed of 18 members, including a representative from each of nine organizations, and nine members appointed by the Secretary of Commerce.

The agenda for the meeting, which is scheduled to adjourn at 4:30 p.m., is: 1) Opening remarks by the Director, Bureau of the Census; 2) issue of census undercount adjustment; 3) status of the 1980 census; 4) technical housing enumeration problems; 5) status of the Components of Inventory Change (CINCH) and Residential Finance (RF) Programs; 6) updating of 1980 census data, including a) mid-decade census, and b) current surveys based on Current Population Survey redesign; 7) housing quality indexes; and 8) election of chairperson-elect, Committee recommendations, and plans for the next meeting.

The meeting will be open to the public and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact Mr. Arthur F. Young, Chief, Housing Division, Bureau of the Census, Room 1731, Federal Building 3, Suitland, Maryland. [Mail address: Washington, D.C. 20233]. Telephone (301) 763–2863.

Dated: October 20, 1980.

Vincent P. Barabba,

Director, Bureau of the Census.

[FR Doc. 80-33108 Filed 10-22-80; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Notice of Allocation of Fiscal Year 1981 Quotas for Export of Unprocessed Western Red Cedar

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

ACTION: Notice of export quota allocations.

SUMMARY: The Department of Commerce (Department) has issued final allocations of the fiscal year 1981 quota, established by section 7(i) of the Export Administration Act, for the export of unprocessed western red cedar harvested from state or federal lands. This notice describes in detail the method used in making these allocations.

FOR FURTHER INFORMATION CONTACT: Mr. Converse Hettinger, Director, Short Supply Division, Office of Export Administration, (202) 377–3984.

SUPPLEMENTARY INFORMATION: Section 7(i) of the Export Administration Act of 1979 (Pub. L. 96–72 to be codified at 50 U.S.C. App. 2401 et seq.) requires validated licensing of exports of unprocessed western red cedar harvested from state or federal lands and establishes a quota of 15 MMBF (million board feet) scribner of such cedar which may be exported during the period October 1, 1980–September 30, 1981. By regulation published in the **Federal Register** on April 2, 1980, and revised in the **Federal Register** edition of September 9, 1980 (45 FR 59302), the Department established a validated licensing system for western red cedar, including a procedure for applying to participate in the allocation of the statutory quota for fiscal year 1981.

The Department has now completed its review of the applications for a share of the fiscal year 1981 quota and has issued to qualifying applicants quota allocations against which licenses will be issued this fiscal year. The method used by the Department in making these allocations is described below.

Method of Allocating Fiscal Year 1981 Western Red Cedar Export Quota

In the revised regulations published in the **Federal Register** on September 9, 1980 (45 FR 59302), the method to be used in allocating the statutory quota is described in § 377.7(f) (1) and (3) as follows:

* * * * *

(f) * * *

(1) The Office of Export Administration will review the applications submitted under (e) above for a share of the export quota and, based on that review, will determine what proportion of the fiscal year's quota specified in subsection (c) to allot to each of the four categories set forth under subsection (e).

After determining the quantity to be allocated to each of the four categories discussed in subsection (e), quota shares will be allocated to successful applicants within each of the first three categories on a proportionate basis and, after making any adjustments required by (3) below, written notification thereof will be mailed as soon as possible to each person receiving a quota share. Quota shares under the hardship and exceptions category will be allocated after a case-by-case review of each presentation and in accordance with the merits of each case. Persons applying under the hardship and exceptions category will also be notified in writing as to whether their applications have been successful.

* * * * *

(3) Each person who exported a quantity of western red cedar subject to quota restriction during the period October 1, 1979–April 16, 1980, which was in excess of his quota allocation for the period October 1, 1979–September 30, 1980, will have such excess exports deducted from his quota allocation in FY 1981 and in subsequent fiscal years until such excess exports have been totally absorbed. The quantities so deducted from exporters' allocation will then be re-allocated among other persons receiving quota shares so as to permit the issuance of licenses in each fiscal year for up to the total statutory quota.

The specific steps taken by the Department in making the FY 1981 allocations were as follows:

Step (1) Allotment to Hardship Category of a Share of the Quota Available for Allocation

After reviewing the individual hardship applications, the Department determined that the meritorious applications could be accommodated by reserving a total of 2% of the quota available for allocation. Accordingly, 2% of the quota available for allocation, or 300 MBF (300,000 board feet) was reserved for this category. This left 98% available for allotment to the other three categories of claimants.

Step (2) Determination of Adjusted Statutory Quota

The 2 percent hardship allotment was then deducted from the top of the statutory quota to arrive at an "adjusted statutory quota" of 14,700 MBF. (15,000 − 300 = 14,700).

Step (3) Allotment of Shares of the Adjusted Statutory Quota to the Other Three Categories of Applicants

The Department then allotted proportionate shares of the adjusted statutory quota to each of the other three categories of applicants as described below.

(A) Historical Exporters. Historical exporters claimed exports of 144,080.576 MBF [1] of western red cedar logs over the *eighteen month* base period of April 1, 1978–September 30, 1979. (This was well within the Bureau of the Census figures for the same period which show exports of 155,483 MBF.) The total claimed by the exporters was then reduced by one-third to reflect an *annual* level of 96,053.717 MBF (144,080.576 × 1⅔). This figure was then multiplied by the proportion of state or federal content, as determined on the basis of information submitted pursuant to applications for FY 1980 quota shares (see 45 FR 50617, July 30, 1980; step (1)(A)), to arrive at the aggregate annual base period exports of state or federal origin cedar (96,053.717 × .313 = 30,064.813 MBF). These aggregate annual base period exports equal 200.432% of the statutory quota (30,064.813 divided by 15,000).

(B) Inventory Owners. Owners of inventories claimed and documented 102.410 MBF of state or federal origin cedar logs in inventories destined for export on October 1, 1979 to which the inventory owner still had title and which remained unexported on October 1, 1980, and which were not claimed for a share of the FY 1980 statutory quota. No lumber inventories were claimed. Aggregate inventories thus equal 0.682% of the statutory quota (102.410 divided by 15,000).

(C) Contract Harvesters. Holders of contractual obligations to harvest from state or federal lands claimed and documented 30,286.374 MBF of Washington State and U.S. Forest Service western red cedar timber intended to be harvested and exported during FY 1981 (no other state and no other federal agency-owned timber was claimed). This figure represents 201.909% of the statutory export quota for this fiscal year (30,286.374 divided by 15,000).

(D) Allotment by Category of Proportionate Shares. Total claims on the statutory quota under (A), (B), and (C) above were as follows:

Historical Exporters: 200.432 percent of the statutory quota
Inventory Owners: 0.682 percent of the statutory quota
Contract Harvesters: 201.909 percent of the statutory quota
Total Claims: 403.023 percent of the statutory quota

Each of these three categories was then allotted a proportionate share of the adjusted statutory quota based on the percentage of the statutory quota it claimed as a proportion of the total claims made:

$$\text{Historical Exporters: } \frac{200.432}{403.023} \text{ or } 49.73\% \times 14{,}700^{**} = 7{,}310.310 \text{ MBF}$$

$$\text{Inventory Owners: } \frac{0.682}{403.023} \text{ or } 0.17\% \times 14{,}700^{**} = 24.990 \text{ MBF}$$

$$\text{Contract Harvesters: } \frac{201.909}{403.023} \text{ or } 50.10\% \times 14{,}700^{**} = 7{,}364.700 \text{ MBF}$$

Step (4) Preliminary Allocations to Individual Applicants

Applicants in each category except hardship were then allocated their proportionate shares of the total adjusted statutory quota allotted to that category based on the proportion which their individual claims bore to aggregate claims under that category.

Step (5) Final Allocations

Where an applicant received a preliminary allocation in more than one category his allocations were combined. When applicable, each applicant's preliminary allocation or combined preliminary allocation was then adjusted by subtracting the quantity of cedar subject to quota which the applicant had exported in excess of his fiscal year 1980 allocation. The amounts so deducted were then reallocated among those recipients of fiscal year 1981 net quota allocations, whose fiscal year 1980 exports did not exceed their fiscal year 1980 quota allocations, in the proportion which their net quota allocations bore to the adjusted statutory quota. This method assured that the final allocations made to applicants in categories other than hardship aggregated 98 percent of the total quota available for allocation.

Hardship applicants whose applications had been found to be meritorious by the Department after a case-by-case review were then allocated the remaining 2 percent of the quota available for allocation which had been reserved for them under Step (1) above according to the Department's assessment of the relative degree of hardship experienced by each applicant.

(Sections 3, 4, 7, 12, and 21, Pub. L. 96–72, to be codified at 50 U.S.C. App. 2401 *et seq.*; Executive Order 12214 (45 FR 29783, May 6, 1980); Departmental Organization Order 10–3, (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41–1 (45 FR 11862, February 22, 1980) and 41–4 (effective August 26, 1980))

Dated: October 20, 1980.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 80-33042 Filed 10-20-80; 11:20 am]

BILLING CODE 3510-25-M

[1] Applications from firms or individuals that did not participate in last year's allocation account for the increase over last year's claims in this category.

** This figure represents the "adjusted statutory quota". (See Step (2) above.)

National Oceanic and Atmospheric Administration

Notice of Changes in Tidal Datums Established Through the National Tidal Datum Convention of 1980

AGENCY: National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice to promulgate the provisions of The National Tidal Convention of 1980.

SUMMARY: In this document, the National Ocean Survey, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, promulgates the National Tidal Datum Convention of 1980.

Notification has been given to all Governors and U.S. Senators of coastal States, and to all U.S. Representatives of Gulf Coast States with a coastal constituency. Extensive briefings have been provided to Gulf Coast State agencies, appropriate Federal agencies, and to professional organizations with surveying, engineering, and marine interests.

Specifically the Convention:

(1) Provides a uniform, continuous tidal datum system that is independent of computations based on the type of tide for all tidal waters of the United States, U.S. possessions and territories, and U.N. trust territories under U.S. jurisdiction;

(2) Introduces the tidal datum of Mean Higher High Water in areas of predominantly diurnal tides;

(3) Lowers chart datum from Mean Low Water to Mean Lower Low Water along the Atlantic coast of the United States;

(4) Changes the name "Gulf Coast Low Water Datum" to "Mean Lower Low Water";

(5) Updates the National Tidal Datum Epoch from 1941 through 1959, to 1960 through 1978.

DATES: These provisions are effective November 28, 1980.

FOR FURTHER INFORMATION, CONTACT: Steacy D. Hicks, Physical Oceanographer, National Ocean Survey, National Oceanic and Atmospheric Administration, 6001 Executive Boulevard, Rockville, MD 20852, Telephone 301–443–8474.

SUPPLEMENTARY INFORMATION: (1) CONVENTION: Pursuant to the authority contained in section 883(a) of Title 33 of the United States Code, the National Ocean Survey, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, designates the following as official policy of the United States Government.

(a) *Revised Definitions:*

(i) Mean High Water (MHW)—A tidal datum. The average of all the high water heights observed over the National Tidal Datum Epoch. (See High Water.) For stations with shorter series, simultaneous observational comparisons are made with a control tide station in order to derive the equivalent of a 19-year datum.

(ii) Mean Higher High Water (MHHW)—A tidal datum. The average of the highest high water height of each tidal day observed over the National Tidal Datum Epoch. For stations with shorter series, simultaneous observational comparisons are made with a control tide station in order to derive the equivalent of a 19-year datum.

(iii) Mean Low Water (MLW)—A tidal datum. The average of all the low water heights observed over the National Tidal Datum Epoch. (See Low Water.) For stations with shorter series, simultaneous observational comparisons are made with a control tide station in order to derive the equivalent of a 19-year datum.

(iv) Mean Lower Low Water (MLLW)—A tidal datum. The average of the lowest low water height of each tidal day observed over the National Tidal Datum Epoch. For stations with shorter series, simultaneous observational comparisons are made with a control tide station in order to derive the equivalent of a 19-year datum.

(b) *Retained Definitions:*

For clarification, the following operational definitions will be retained:

(i) High Water (HW)—The maximum height reached by a rising tide. The height may be due solely to the periodic tidal forces or it may have superimposed upon it the effects of prevailing meteorological conditions.

(ii) Low Water (LW)—The minimum height reached by a falling tide. The height may be due solely to the periodic tidal forces or it may have superimposed upon it the effects of prevailing meteorological conditions.

(c) *Reassignment:*

Mean Lower Low Water is assigned as chart datum for the Atlantic coast of the United States, replacing Mean Low Water.

(d) *Name Change:* The name "Gulf Coast Low Water Datum" is replaced by the name "Mean Lower Low Water."

(e) *Epoch Revision:* The National Tidal Datum Epoch is updated to the 1960 through 1978 19-year series, replacing the 1941 through 1959 19-year series.

(2) Effects of Convention: (a) The revised definitions will provide a uniform, continuous tidal datum elevation system for the entire United States, U.S. possessions and territories, and U.N. trust territories under U.S. jurisdiction. Concomitantly, all coastal and marine boundaries and boundary baselines (which are derived from these tidal datums) will become uniform and continuous throughout the entire United States, U.S. possessions and territories, and U.N. trust territories under U.S. jurisdiction.

(b) The revised definitions will cause no significant changes in tidal datum elevations or horizontal displacements of tidal datum lines along the Altantic or Pacific coasts of the United States (including Alaska and Hawaii). However, the revised definition for the tidal datum of Mean High Water will lower the datum and move the Mean High Water Line slightly seaward in areas of diurnal tides. This will provide a uniform and continuous Mean High Water Line without the present vertical jumps or horizontal discontinuities along the Gulf of Mexico Coast of the United States and along the coasts of Puerto Rico and the U.S. Virgin Islands. The continuity of the Mean High Water Line is made possible by the independence of the revised definition from computations based on type of tide. Thus, a uniform and continuous Mean High Water Line is achieved regardless of frequent changes from mixed to diurnal (and vice versa) types of tide, both with time and distance.

(c) The revised definitions will create a tidal datum of Mean Higher High Water and a Mean Higher High Water Line in areas of diurnal tides. This datum and line will coincide with the former Mean High Water and Mean High Water Line of the diurnal tide. Thus, similarly, a uniform and continuous Mean Higher High Water Line is achieved regardless of frequent changes from mixed to diurnal (and vice versa) types of tide, both with time and distance, along the Gulf of Mexico Coast of the United States and along the coasts of Puerto Rico and the U.S. Virgin Islands.

(d) The lowering of chart datum from Mean Low Water to Mean Lower Low Water along the Atlantic coast, coupled with the change in name from "Gulf Coast Low Water Datum" to "Mean Lower Low Water" along the Gulf of Mexico, will provide a uniform and continuous chart datum at Mean Lower Low Water throughout the entire United States, U.S. possessions and territories, and U.N. trust territories under U.S. jurisdiction.

(e) Updating the National Tidal Datum Epoch (the period of time used in averaging for tidal datums) from 1941 through 1959, to 1960 through 1978, will provide current, realistic datum elevations in view of the continuing rise in secular, eustatic sea level (1.5 mm/yr average from 1855 to the present).

(3) Impacts: (a) Only datum statements will be changed on nautical charts, bathymetric maps, tide tables, or other nautical products of the National Ocean Survey. Shoreline, depth sounding values, isobaths, etc., will not be modified as a result of this name change. This is because of:

(i) the small changes in comparison to the overall accuracy of the hydrographic-cartographic process (including determination of tidal datums);

(ii) the small changes in comparison to the line thickness on the largest scale nautical charts;

(iii) the mitigating effect of lowering the elevation of Mean High Water in areas of diurnal tides and the rise in datum elevation due to Epoch revision; and

(iv) the mitigating effect of lowering chart datum along the Atlantic coast and the relatively large rise (along the Atlantic coast) in datum elevation due to Epoch revision.

(b) Datum statements (legends, labels, etc.) will be changed on all affected products of the National Ocean Survey with their next regularly scheduled editions of these products.

(c) Although depictions of the changes will not be evident on even the largest scale National Ocean Survey nautical charts, they can be measured "on the ground" using accepted surveying techniques, tidal bench marks, and the numerical relationships provided by the National Ocean Survey.

Inquiries: Inquiries and comments are welcomed and should be sent to Physical Oceanographer Steacy D. Hicks at the address set out above.

Dated: October 17, 1980.

Francis J. Balint,

Acting Director, Office of Management and Computer Systems.

[FR Doc. 80-33015 Filed 10-22-80; 8:45 am]

BILLING CODE 3510-12-M

Issuance of Permit

On July 8, 1980, Notice was published in the **Federal Register** (45 FR 45937) that an application had been filed with the National Marine Fisheries Service, by Ms. Barbara A. Kuljis, c/o National Marine Fisheries Service, P.O. Box 3830, Honolulu, Hawaii 96812, and Mr. C. Scott Baker, University of Hawaii, Honolulu, Hawaii 96822, for a scientific research permit to take two (2) bottlenose dolphins for experimental studies of food aversion behavior.

Notice is hereby given that on October 15, 1980, the National Marine Fisheries Service issued a scientific research Permit, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) to Barbara A. Kuljis, and C. Scott Baker subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: October 15, 1980.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 80-33011 Filed 10-22-80; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service and Fish and Wildlife Service; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The National Marine Fisheries Service and the U.S. Fish and Wildlife Service will hold a joint meeting to discuss implementation of the Emergency Striped Bass Study as authorized by the amended Anadromous Fish Conservation Act, (Pub. L. 96–118).

DATE: The meeting will convene on Friday, November 21, 1980 at 10:00 a.m. and will adjourn at approximately 5:00 p.m. The meeting is open to the public, however space is limited.

ADDRESS: National Marine Fisheries Service, Room 401, Page Building No. 2, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Richard H. Schaefer, State/Federal Division, Office of Resource Conservation and Management, National Marine Fisheries Service, Washington, D.C. 20235. Telephone: (202) 634–7454.

Dated: October 20, 1980.

Robert K. Crowell,

Deputy Executive Director.

[FR Doc. 80-33025 Filed 10-22-80; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

October 15, 1980.

The USAF Scientific Advisory Board Armament Division Advisory Group will hold a meeting on November 12 and 13, 1980 from 8:30 am to 4:30 pm at the Armament Division, Eglin Air Force Base, Florida, in Building 1, Room 204.

The group will receive classified briefings and participate in classified discussions relating to Air Force Armament Programs for Air-to-Air and Air-to-Ground Munitions.

The meetings concern matters listed in Section 552b(c), of Title 5, United States Code, specifically subparagraph (1), thereof, and accordingly the meetings are closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–4648.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 80-33030 Filed 10-22-80; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

October 15, 1980.

The USAF Scientific Advisory Board Foreign Technology Division Advisory Group, Air Force Systems Command, will hold meetings on November 20, 1980 from 8 a.m. to 5 p.m. and November 21, 1980 from 8 a.m. to 1 p.m. at Wright-Patterson Air Force Base, Ohio, Room E202, Building 856.

The Division Advisory Group will receive classified briefings and participate in discussions related to assessments of system design techniques and materials used by foreign military aircraft designers.

The meetings concern matters listed in Section 552b(c), of Title 5, United States Code, specifically subparagraph (1), thereof, and accordingly the meetings are closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–4648.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 80-33031 Filed 10-22-80; 8:45 am]

BILLING CODE 3910-01-M

Determinations of Active Military Service and Discharge; Civilian or Contractual Personnel

In accordance with Pub. L. 95–202, Section 401 (The G.I. Bill Improvement Act of 1977) and under the provisions of DODD 1000.20, Determinations of Active Military Service and Discharge: Civilian or Contractual Personnel, the Secretary of the Air Force, acting in accordance with authority delegated to him by the Secretary of Defense, determined on October 2, 1980, that the service of the members of the groups known as Crewmen, US Army Vessels, WWII; Office of Field Service, Office of Scientific Research and Development Technical Observers; Army Exchange Service Auditors; CAA War Training Service Trainees; and Civilian Technician Employees of the CAA, not be considered active military service in the Armed Forces of the United States.

For further information contact: Staff Sergeant Stephen J. Koegle, USAF, telephone: 694–5380, Office of the Secretary of the Air Force Personnel Council (SAF/MIPC), The Pentagon, Washington, D.C. 20330.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 80–33084 Filed 10–22–80; 8:45 am]

BILLING CODE 3910–01–M

Department of the Army

Privacy Act of 1974; Amendments to Systems of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice of amendments to systems of records.

SUMMARY: The Army proposes to amend 2 systems of records subject to the Privacy Act of 1974. Specific changes to the systems being amended are set forth below, followed by the systems, as amended, printed in their entirety.

DATE: The systems shall be amended as proposed without further notice on November 24, 1980, unless comments are received on or before November 24, 1980 which would result in a contrary determination and require republication for further comments.

ADDRESS: Comments, including written data, views or arguments concerning the proposed action should be addressed to The Adjutant General, Headquarters, Department of the Army, ATTN: DAAG–AMR–R, Washington, DC 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Richard S. Christian, The Adjutant General's Office (DAAG–AMR–R), 1000 Independence Avenue, SW, Washington, DC 20314; telephone 202/693–0973.

SUPPLEMENTARY INFORMATION: Department of the Army systems of records have been published in the following editions of the **Federal Register:**

FR Doc. 79–37052 (44 FR 73729) December 17, 1979.
FR Doc. 80–594 (45 FR 1658) January 8, 1980.
FR Doc. 80–3891 (45 FR 8399) February 7, 1980.
FR Doc. 80–7515 (45 FR 15736) March 11, 1980.
FR Doc. 80–9633 (45 FR 20992) March 31, 1980.
FR Doc. 80–10014 (45 FR 21673) April 2, 1980.
FR Doc. 80–150501–M (45 FR 26117) April 17, 1980.
FR Doc. 80–13708 (45 FR 29390) May 2, 1980.
FR Doc. 80–18501 (45 FR 41478) June 19, 1980.
FR Doc. 80–20779 (45 FR 46842) July 11, 1980.
FR Doc. 80–21847 (45 FR 48936) July 22, 1980.
FR Doc. 80–29170 (45 FR 62875) September 22, 1980.

Proposed amendments are not within the purview of the provisions of 5 USC 552a(o) which require submission of a new or altered report.

Dated: October 20, 1980.

M.S. Healy,

OSD Federal Register Liaison Officer Washington Headquarters Services Department of Defense.

A0201.08bDAAG

System name:

201.08 Privacy Act Request File (44 FR 73773), 17 December 1979.

Changes:

System ID:

Delete "A0201.08bDAAG" and add: "AO240.01DAAG".

System name:

Substitute "Case" for "Request".

System location:

Delete entry and substitute the following therefor: "These records exist at Headquarters, Department of the Army, staff and field operating agencies, major commands, installations and activities receiving Privacy Act requests. They also exist in offices of Access and Amendment Refusal Authorities (enumerated in Army Regulation 340–21) when an individual's request to access and/or amend his/her record is denied; upon appeal of that denial, record is maintained by the DA Privacy Review Board. Official mailing addresses are in the DOD Directory following the Annual Compilation of system notices appearing at 44 FR 74011 on December 17, 1979."

Categories of records in the system:

Delete entry and substitute the following: "Documents which notify requestors of the existence of records on them, providing or refusing access to or amendment of records, acting on appeals or refusals to provide access to or amend records, and providing or developing information for use in litigation. Included are requests; approval and refusal actions; appeals and actions on appeals, including DA Privacy Review Board minutes and actions; coordination actions; copies of the requested and amended/unamended records; statements of disagreement; and related documents."

Authority for maintenance of the system:

Add: "; Title 5 U.S.C. section 552a".

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Safeguards:

Delete entry and substitute therefor: "Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties who are properly screened and cleared. Records are stored in locked cabinets or rooms."

Retention and disposal:

Delete entry and substitute therefor: "Office of appelate authorities: Appeals adjudicated fully in favor of requestor: destroyed after 4 years. Appeals refused in full or in part: destroyed after 10 years provided legal proceedings are completed.

"Offices of Access and Amendment Refusal Authorities: Approved requests, unappealed refusals, and refusals fully overruled by appellate authorities: destroyed after 4 years." Refusals upheld in whole or in part by appellate authorities: destroyed after 10 years, provided legal proceedings are completed "Other offices: destroyed after 4 years."

Contesting record procedures:

Delete entry and substitute therefor: "The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505)."

Systems exempted from certain provisions of the act: Delete entry and substitute therefor: "The majority of records in this system are not exempt. Copies of documents residing in the office of an Access and Amendment Refusal Authority having a law enforcement mission which fall within (j)(2) are exempt from the following provisions of Title 5 U.S.C. section 552a: (c)(3), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5), (e)(8), (f), and (g). Copies

of documents maintained by the DA Privacy Review Board and by those Access and Amendment Refusal Authorities not having a law enforcement mission which fall within 5 U.S.C. section 552a (k)(1) through (k)(7) are exempt from the following provisions of Title 5 U.S.C. section 552a: (C)(3), (D), (e)(1), (e)(4)(G), (e)(4)(H), and (f)."

A0202.08DAAG

System name:

202.08 Request for Information Files (44 FR 73773), December 17, 1979.

Changes:

System ID:

Delete "AO202.08DAAG" and substitute therefor: "AO239.01DAAG".

System location:

Delete entry and substitute the following: "These records exist at Headquarters, Department of the Army, staff and field operating agencies, major commands, installations and activities receiving requests to access records pursuant to the Freedom of Information Act or to declassify documents pursuant to Executive Order 12065. They also exist in offices of Initial Denial Authorities (enumerated in Army Regulation 340–17) when an individual's request is denied; upon appeal of that denial, record is maintained in the Secretary of the Army's Office of General Counsel. Official mailing addresses are in the DOD Directory following the Annual Compilation of system notices appearing at 44 FR 74011 on December 17, 1979."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry and substitute the following: "To control administrative processing of requests for information pursuant either to the Freedom of Information Act or to Executive Order 12065, including appeals from denials."

Retention and disposal:

Delete entry and substitute the following: "Records reflecting granted requests are destroyed after 2 years."

When requests have been denied, records are retained for 5 years except that, if appeals result, records are retained until 4 years after final denial by the Army or 3 years after final adjudication by the courts, whichever is later."

Record access procedures:

Delete entry and substitute the following: "Written requests should be addressed to the office that processed the initial inquiry or access request. Individual may obtain assistance from the System Manager.

"Personal visits may be made to the office maintaining the records upon presentation of acceptable identification such as driver's license, and furnishing verbal information that can be verified."

Contesting record procedures:

Delete entry and substitute the following: "The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505)."

Systems exempted from certain provisions of the act:

Change entry to read: "The majority of records in this system are not exempt. Copies of documents residing in the office of an Initial Denial Authority having a law enforcement mission which fall within (j)(2) are exempt from the following provisions of Title 5 U.S.C. section 552a: (c)(3), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5), (e)(8), (f), and (g). Copies of documents maintained by those Initial Denial Authorities not having a law enforcement mission which fall within 5 U.S.C. section 552a (k)(1) through (k)(7) are exempt from the following provisions of Title 5 U.S.C. section 552a: (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), and (f)."

AO239.01DAAG

SYSTEM NAME:

239.01 Request for Information Files

SYSTEM LOCATION:

These records exist at Headquarters, Department of the Army, staff and field operating agencies, major commands, installations and activities receiving requests to access records pursuant to the Freedom of Information Act or to declassify documents pursuant to Executive Order 12065. They also exist in offices of Initial Denial Authorities (enumerated in Army Regulation 340–17) when an individual's request is denied; upon appeal of that denial, record is maintained in the Secretary of the Army's Office of General Counsel. Official mailing addresses are in the DOD Directory following the Annual Compilation of system notices appearing at 44 FR 74011 on December 17, 1979.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who requests an Army record under the Freedom of Information Act or requests mandatory review of a classified document pursuant to Executive Order 12065.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's request; related processing papers; correspondence between the office of receipt, records custodians, Army staff offices and other government agencies; retained copies of classified or other exempt material; and other selective documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C. section 552: The Freedom of Information Act, as amended by Pub. L. 93–502; Executive Order 12065.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To control administrative processing of requests for information either pursuant to the Freedom of Information Act or to Executive Order 12065, including appeals from denials.

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by requestor's surname.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel who are properly trained.

RETENTION AND DISPOSAL:

Records reflecting granted requests are destroyed after 2 years. When requests have been denied, records are retained for 5 years except that if appeals result, records are retained until 4 years after final denial by the Army or 3 years after final adjudication by the courts, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Requests should be addressed to the custodian of the record sought; if unknown, write to: HQDA (DAAG–AMR–S), Room GA–082, Forrestal Building, Washington, DC 20310, telephone: 202/693–1847.

RECORD ACCESS PROCEDURES:

Written requests should be addressed to the office that processed the initial inquiry or access request. Individual may obtain assistance from the System Manager.

Personal visits may be made to the office maintaining the records upon presentation of acceptable identification such as driver's license, and furnishing verbal information that can be verified.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual requestor, Department of Army organizations, other Department of Defense components, and other Federal, state, and local government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The majority of records in this system are not exempt. Copies of documents residing in the office of an Initial Denial Authority having a law enforcement mission which fall within (j)(2) are exempt from the following provisions of Title 5 U.S.C., section 552a: (c)(3), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5), (e)(8), (f), and (g). Copies of documents maintained by other Initial Denial Authorities not having a law enforcement mission which fall within 5 U.S.C., section 552a (k)(1) through (k)(7) are exempt from the following provisions of Title 5 U.S.C., section 552a: (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), and (f).

AO240.01DAAG

SYSTEM NAME:

240.01 Privacy Act Case Files.

SYSTEM LOCATION:

These records exist at Headquarters, Department of the Army, staff and field operating agencies, major commands, installations and activities receiving Privacy Act requests. They also exist in offices of Access and Amendment Refusal Authorities (enumerated in Army Regulation 340–21) when an individual's request to access and/or amend his/her record is denied; upon appeal of that denial, record is maintained by the DA Privacy Review Board. Official mailing addresses are in the DOD Directory following the Annual Compilation of system notices appearing at 44 FR 74011 on December 17, 1979.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who request information concerning themselves which is in the custody of the Department of the Army, including requests to amend such records pursuant to Title 5, U.S.C. section 552a(d) (Privacy Act of 1974).

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents which notify requestors of the existence of records on them, providing or refusing access to or amendment of records, acting on appeals or refusals to provide access to or amend records, and providing or developing information for use in litigation. Included are requests; approval and refusal actions; appeals and actions on appeals, including DA Privacy Review Board minutes and actions; coordination actions; copies of the requested and amended/unamended records; statements of disagreement; and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., section 3012; Title 5 U.S.C., section 552a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To process and coordinate individual requests for access to or amendment of personal records; to process and record appeals on denials of requests for access or amendment to personal records by the individual against agency rulings; and to ensure timely response to requestors.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By name of requestor on whom the records pertain.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties who are properly screened and cleared. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Office of appellate authorities: Appeals adjudicated fully in favor of requestor: destroyed after 4 years. Appeals refused in full or in part: destroyed after 10 years provided legal proceedings are completed.

Offices of Access and Amendment Refusal Authorities:

Approved requests, unappealed refusals, and refusals fully overruled by appellate authorities: destroyed after 4 years. Refusals upheld in whole or in part by appellate authorities: destroyed after 10 years, provided legal proceedings are completed.

Other offices:

Destroyed after 4 years.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, ATTN: DAAG–AMR–R, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Requests should be addressed to the custodian of the record sought; if unknown, write to: HQDA (DAAG–AMR–R), 1000 Independence Avenue, SW, Washington, DC 20314, telephone: 202/693–0973.

RECORD ACCESS PROCEDURES:

Written requests should be addressed to the office that processed the initial inquiry, access request, or amendment request. Individual may obtain assistance from the System Manager.

Personal visits may be made to the office maintaining the records upon presentation of acceptable identification such as driver's license, employee identification card, and furnishing verbal information that can be verified from individual's case file.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual requestor, Department of Army organizations, other Department of Defense components, and other Federal, state, and local government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The majority of records in this system are not exempt. Copies of documents residing in the office of an Access and Amendment Refusal Authority having a law enforcement mission which fall within (j)(2) are exempt from the following provisions of Title 5 U.S.C., section 552a: (c)(3), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5), (e)(8), (f), and (g). Copies of documents maintained by the DA Privacy Review Board and by those Access and Amendment Refusal Authorities not having a law enforcement mission which fall within 5 U.S.C., section 552a (k)(1) through (k)(7) are exempt from the following provisions of Title 5 U.S.C., section 552a: (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), and (f).

[FR Doc. 80–33133 Filed 10–22–80; 8:45 am]

BILLING CODE 3710–08–M

Corps of Engineers, Department of the Army

Notice of Intent To Prepare a Draft Environmental Impact Statement for a Proposed Project on the Little Arkansas Watershed, Kansas

AGENCY: U.S. Army Corps of Engineers, DOD, Tulsa District.

ACTION: Notice of Intent to Prepare a Draft Envirionmental Impact Statement (DEIS).

SUMMARY: 1. The purpose of the project is to provide flood protection, water supply, and recreation for the Upper Little Arkansas River Watershed and address other national and local needs such as erosion control and fish and wildlife.

2. Reasonable Alternatives: Evaluation included various combinations of flood plain acquisition, floodproofing, flood plain management, channel improvement, levees, small dams, large lakes, water rationing, water reuse, interbasin transfers, wildlife management, fisheries management, game refuges, and no action.

3. Scoping Process: a. Public Involvement: A comprehensive public involvement program was developed as a means of disseminating information and soliciting public views. A variety of techniques including formal public meetings, public workshops, and the local news media were employed to involve Federal, State, and local agencies, citizen committees, organizations, and the interested public in the planning studies.

b. Significant Issues Requiring In-Depth Analysis: None.

c. Assignment: U.S. Fish and Wildlife Service is preparing a Fish and Wildlife Coordination Act Report.

d. Environmental Review and Consultation Requirements: The draft environmental impact statement will be circulated for review and all comments will be incorporated into the final environmental impact statement.

4. Scoping meeting will not be held.

5. Estimated date when the DEIS will be available: March 1981.

ADDRESS: Mr. Buell O. Atkins, Chief, Environmental Resources Branch, U.S. Army Corps of Engineers, Tulsa District, P.O. Box 61, Tulsa, OK 74121, (918) 581-7857; FTS 736-7857.

Dated: October 14, 1980.

James J. Harmon,

Colonel, CE District Engineer.

[FR Doc. 80-33066 Filed 10-22-80; 8:45 am]

BILLING CODE 3710-39-M

Department of the Navy

Amendment to System of Records

AGENCY: Department of the Navy (DON).

ACTION: Notice of amendment to system of records.

SUMMARY: The Department of the Navy proposes to amend one system of records subject to the Privacy Act of 1974. The specific change to the system being amended is set forth below followed by the system published in its entirety, as amended.

DATES: The system shall be amended as proposed without further notice on November 24, 1980, unless comments are received on or before November 24, 1980, which would result in a contrary determination.

ADDRESS: Send comments to the system manager identified in the record system notice.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Rhoads, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP-09B1P), Department of the Navy, The Pentagon, Washington, D.C. 20350, telephone: 202-694-2004.

SUPPLEMENTARY INFORMATION: The Navy systems of records notices as prescribed by the Privacy Act of 1974, Title 5, U.S.C., Section 552a (Pub. L. 93-579) have been published in the **Federal Register** as follows:

FR Doc. 79-26400 (44 FR 67703) November 27, 1979.
FR Doc. 79-36789 (44 FR 68947) November 30, 1979.
FR Doc. 79-37052 (44 FR 74553) December 17, 1979.
FR Doc. 80-6599 (45 FR 13794) March 3, 1980.
FR Doc. 80-14965 (45 FR 32037) May 15, 1980.
FR Doc. 80-15427 (45 FR 33679) May 20, 1980.
FR Doc. 80-17286 (45 FR 38099) June 6, 1980.
FR Doc. 80-19603 (45 FR 43841) June 30, 1980.
FR Doc. 80-20317 (45 FR 43938) July 8, 1980.
FR Doc. 80-23111 (45 FR 50851) July 31, 1980.
FR Doc. 80-24237 (45 FR 53508) August 12, 1980.
FR Doc. 80-26396 (45 FR 57514) August 28, 1980.
FR Doc. 80-26960 (45 FR 58651) September 4, 1980.
FR Doc. 80-27976 (45 FR 59938) September 11, 1980.
FR Doc. 80-29172 (45 FR 62876) September 22, 1980.
FR Doc. 80-29774 (45 FR 63898) September 26, 1980.

The proposed corrections are not within the purview of the provisions of 5 U.S.C 552a(O) of the Act which requires the submission of a new or altered system report.

Dated: October 20, 1980.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

N96021-431

System name: Employee Relations Including Discipline, Employee Grievances, Complaints, etc. (45 FR 58651) 4 Sep 80

Changes:

Categories of records in the system: Delete the last phrase in the entry: ". . . including formal and informal supervisor's notes."

N96021-431

SYSTEM NAME:

Employee Relations Including Discipline, Employee Grievances, Complaints, etc.

SYSTEM LOCATION:

Chief of Naval Operations (OP-14), Naval Civilian Personnel Command (NCPC), NCPC Field Divisions, Navy and Navy Staff Headquarters and Field Activities employing civilians. Mailing addresses are provided in the Department of the Navy Directory published in the **Federal Register.**

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy civilian emloyees, paid from appropriated funds serving under career, career-conditional, temporary and excepted service appointments on whom discipline, grievances, and complaints records exist. Discrimination complaints of Navy civilian employees, paid from appropriated and non-appropriated funds, applicants for employment and former employees in appropriated and non-appropriated positions. Appeals of Navy civilian employees paid from appropriated funds. Filipino employee appeal case files ("Filipinos who are lawfully admitted residents.") Cases reviewed by CINCPAC under Filipino Employment Policy Instructions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Manual files, maintained in paper folders, contain copies of documents and information pertaining to discipline, grievances, complaints, and appeals. Management Operations Record System consisting of manual file maintained by immediate supervisors and high level managers concerning employee performance, capability, informal discipline, attendance, leave and tardiness, work assignments, and similar work related to employee records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 9830, Amending the Civil Service Rules and Providing for Federal Personnel Administration, Amended by Executive Order 10577 and Executive Order 12106; Executive Order 12107; 5 U.S.C. §§ 1205, 1206, 1207, 1302, 3301, 3302, 7105, 7512, relevant portions of the Civil Service Reform Act, Pub. L. 95–454; 42 U.S.C. Section 2000e–116 et seq.; Equal Employment Opportunity Act of 1972, Pub. L. 93–259, amendment to the Fair Labor Standards Act, 29 U.S.C. Section 201, et seq.; Age Discrimination and Employment Act, 29 U.S.C. Section 633a; the Rehabilitation Act of 1978 as amended, 29 U.S.C. § 791, 794a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials of the Department of the Navy in the performance of their official duties related to the management of civilian employees in the processing, administration and adjudication of discipline, grievances, appeals, litigation and program evaluation. Representatives of the United States Office of Personnel Management on matters relating to the inspection, survey, audit or evaluation of a Navy civilian personnel management program or personnel action, or other such matters under the jurisdiction of the Office of Personnel Management. Appeals officers and complaints examiners of the Merit Systems Protection Board and Equal Employment Opportunity Commission for the purpose of conducting hearings in connection with employees appeals from adverse actions and formal discrimination complaints. The Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Navy's civilian, manpower management programs. The Attorney General of the United States or his authorized representatives in connection with litigation law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. The Senate or the House of Representatives of the United States or any member, committee or subcommittee of joint committees on matters within their jurisdiction relating to the programs. The records may also be used to disclose information to any source from which additional information is requested in the course of processing a grievance or appeal to the extent necessary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested. The records may also be used to disclose information to a Federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary. The records may be used by the National Archives and Records Service (General Services Administration) in records management inspection conducted under authority of 5 U.S.C. 2904 and 2906. The records may be used to disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in the pending judicial or administrative proceeding. The records may also be used to provide information to officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices and matters affecting working conditions."

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual records are stored in paper folders.

RETRIEVABILITY:

Manual records are filed by last name.

SAFEGUARDS:

All records are stored under strict control, and are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Manual records are destroyed upon separation of the employee from the activity, or in accordance with appropriate record disposal schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Operations (OP–14), Department of the Navy, Washington, D.C. 20350.

NOTIFICATION PROCEDURE:

Requests by correspondence should be addressed to the Chief of Naval Operations (OP–14), Department of the Navy, Washington, D.C. 20350, Commanding Officers or Heads of Navy Staff Headquarters and Field Activities. The letter should contain the full name, social security number, and signature of the requester. The individual may visit the Chief of Naval Operations (OP–14), Department of the Navy, Arlington Annex, Washington, D.C. or the Navy Activity at which he or she is employed. The addresses of these activities are provided in the Department of the Navy Directory, published in the Federal Register.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Supervisors or other appointed officials designated for this purpose.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 80-33134 Filed 10-22-80; 8:45 am]

BILLING CODE 3810-71-M

Office of the Secretary

Defense Advisory Committee on Women in the Services (DACOWITS); Meeting

Pursuant to Pub. L. 92–463 notice is hereby given that a meeting of the Defense Advisory Committee on Women in the Services (DACOWITS) will be held 16–19 November 1980 at the Safari Resort Hotel, Scottsdale, Arizona.

The purpose of the DACOWITS Committee is to assist and advise the Secretary of Defense on matters relating to women in the Services. The Committee meets semiannually.

Sessions will be conducted daily as indicated and will be open to the public. The agenda will include the following meetings and discussions:

Sunday, November 16, 1980—Safari Resort Hotel

12:00 noon–9:00 p.m.—Registration.
3:00 p.m.—Executive Committee Meeting.
5:30 p.m.–7:00 p.m.—Orientation Briefing for New Members.
7:00 p.m.–8:30 p.m.—"No Host" Cocktail Buffet

Monday, November 17, 1980—Safari Resort Hotel.

8:00 a.m.–12:00 noon—Registration.
9:00 a.m.–9:45 a.m.—Official Opening.

10:00 a.m.–12:00 noon—OSD/Service Briefings.
12:00 noon–1:30 p.m.—Luncheon (By invitation only).
1:30 p.m.–3:00 p.m.—OSD/Service Briefings.
3:15 p.m.–5:30 p.m.—Subcommittee Meetings.
7:00 p.m.–10:30 p.m.—Official Department of Defense, Reception and Dinner (By invitation only).

Tuesday, November 18, 1980—Williams Air Force Base, Ariz.

8:30 a.m.–5:00 p.m.—Field Trip to Integrated Undergraduate Pilot Training Facilities at Williams Air Force Base

Wednesday, November 19, 1980—Safari Resort Hotel.

8:30 a.m.–10:15 a.m.—Subcommittee Meetings.
10:15 a.m.–11:45 a.m.—Subcommittee Meetings.
11:45 a.m.–1:30 p.m.—"No Host" Luncheon.
1:30 p.m.–4:00 p.m.—Subcommittee Meetings.
6:00 p.m.–7:00 p.m.—Executive Committee and Military Representatives to DACOWITS Meeting.
7:00 p.m.—Business Session. Adjourn.

Members of the public will not be permitted to go on the field trip or attend the social functions.

The following rules and regulations will govern the participation by members of the public at the meeting:

(1) All business sessions, to include Executive Committee sessions, will be open to the public.

(2) Interested persons may submit a written statement and/or make an oral presentation for consideration by the Committee during the meeting.

(3) Persons desiring to make an oral presentation or submit a written statement to the committee must notify Captain Mary J. Mayer, USAF, DACOWITS, Executive Secretary, OASD (Manpower, Reserve Affairs and Logistics), Room 3D322, the Pentagon, Washington, D.C. 20301, (202) 697–5655/5656 by 10 November 1980.

(4) Length and number or oral presentations to be made will depend on the number of requests received from the members of the public.

(5) Oral presentations by members of the public will be permitted only from 7:00 p.m. to 7:30 p.m. on Wednesday, 19 November 1980 before the full Committee.

(6) Each person desiring to make an oral presentation or submit a written statement must provide the DACOWITS Secretariat with 40 copies of the presentation/statement by 10 November 1980.

(7) Persons submitting a written statement only for inclusion in the minutes of the meeting must submit one (1) copy either before or during the meeting or within five (5) days after the close of the meeting.

(8) Members of the public will not be permitted to enter into the oral discussion conducted by the Committee members at any of the sessions; however, they will be permitted to reply to questions directed to them by the members of the Committee.

(9) Members of the public will be permitted to orally question the scheduled speakers if time allows after the official participants have asked questions and/or made comments.

(10) Questions from the public will not be accepted during the subcommittee sessions, the Executive Committee sessions, or the Business Session on Wednesday, 19 November 1980.

Additional information regarding the committee and/or this meeting may be obtained by contacting the DACOWITS Executive Secretary, OASD (MRA&L), The Pentagon, Washington, D.C. 20301.

M. S. Healy,

OSD Federal Register Liaison Office, Washington Headquarters Service, Department of Defense.

October 20, 1980.

[FR Doc. 80-33119 Filed 10-22-80; 8:45 am]

BILLING CODE 3810-70-M

DoD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group D (Mainly Laser Devices) of the DoD Advisory Group on Electronic Devices (AGED) will meet in closed session 1 December 1980 at the Hughes Aircraft Company, Culver City, California and 2 and 3 December 1980 at JPL/NASA, California Institute of Technology, 4800 Oak Grove Drive, Pasadena, California.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering; the Director, Defense Advanced Research Projects Agency, and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group D meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The laser area includes programs on developments and research related to low energy lasers for such application as battlefield surveillance, target designation, ranging, communications, weapon guidance and data transmission. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1, 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

Dated: October 17, 1980.

M.S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 80-33068 Filed 10-22-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

Asbestos Hazards School Safety Task Force; Meeting

AGENCY: The Asbestos Hazards School Safety Task Force.

ACTION: Notice of Meeting.

SUMMARY: The Acting Deputy Assistant Secretary, Office of Educational Support announces a meeting and proposed agenda of the Asbestos Hazards School Safety Task Force. Notice of this meeting is required by the Federal Advisory Committee Act. This notice also describes the functions of the task force.

DATE: The meeting will be held on November 12, 1980, 10:00 a.m.–5:00 p.m.

ADDRESS: Federal Office Building #6, 400 Maryland Avenue, S.W., Room 2189, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Dr. Herman R. Goldberg, Acting Deputy Assistant Secretary, Office of Educational Support, Room 2079, FOB–6, 400 Maryland Avenue, S.W., Washington, D.C. 20202. (202) 245–8094.

SUPPLEMENTARY INFORMATION: The Asbestos Hazards School Safety Task Force was established under Section 3 of the Asbestos School Hazard Detection and Control Act of 1980, Pub. L. 96–270, (20 U.S.C. 3604, 3605). The task force was established to compile medical, scientific, and technical information on health and safety hazards associated with friable materials emitting asbestos fibers; to compile information on the means of identifying, sampling and testing materials suspected of emitting asbestos fibers; to distribute compiled information to State and local education agencies; to review applications for grants and loans to assit in identifying and eliminating imminent hazards associated with friable asbestos

building materials in school buildings and to make recommendations to the Secretary on these applications; and to review guidelines established by the Environmental Protection Agency and the Department of Education to implement this Act.

The meeting of the task force is open to the public. The meeting will be held from 10:00 a.m. to 5:00 p.m. on Wednesday, November 12, 1980. The proposed agenda includes:

1. A review of the proposed application packet.
2. A discussion on comments received in response to the notice of proposed rulemaking.
3. An assessment of the progress of the task force.
4. Reports of task force subcommittees.
5. Other items of importance.

Records will be kept of all task force proceedings, and will be available for public inspection in the Office of Educational Support, Room 2079, 400 Maryland Avenue, S.W., Washington, D.C., 20202 between the hours of 8:00 a.m. and 4:30 p.m. week days except Federal holidays.

Dated: October 10, 1980.

Herman R. Goldberg,

Acting Deputy Assistant Secretary.

[FR Doc. 80-33032 Filed 10-22-80; 8:45 am]

BILLING CODE 4000-01-m

Intent To Waive Certain Title IV (Educational Improvement, Resources, and Support) and Title V (State Leadership) of the Elementary and Secondary Education Act Statutory Requirements for the Trust Territory of the Pacific Islands for the Period From July 1, 1980 Through June 30, 1981

AGENCY: Department of Education.

ACTION: Notice of intent.

SUMMARY: Notice is given that, under Section 1003(a) of the Elementary and Secondary Education Act of 1965 (ESEA), the Secretary intends to waive the applicability of certain Title IV and Title V, ESEA, requirements pertaining to the Trust Territory of the Pacific Islands.

ADDRESS: Submit written comments to Dr. Alpheus White, Division of State Educational Assistance, U.S. Department of Education, 400 Maryland Avenue, SW., (Room 3010, ROB-3), Washington, D.C. 20202.

EFFECTIVE DATE: The proposed waiver will not be granted until at least 30 days after publication of this notice. All comments must be received on or before November 24, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. Alpheus White, Telephone: (202) 245-2592.

SUPPLEMENTARY INFORMATION:

A. Authority for Granting a Waiver

The Elementary and Secondary Education Act of 1965 (ESEA) was amended by the Education Amendments of 1978 (Pub. L. 95-561), to authorize the Secretary to waive ESEA requirements for the Trust Territory of the Pacific Islands. In particular, Section 1003(a)(1) of the Act states "(i)f the (Secretary) determines that compliances with any of the requirements of this Act by * * * the Trust Territory of the Pacific Islands is impractical or inappropriate because of conditions or circumstances particular to the Trust Territory, (she) may waive any of those requirements upon the request of (its) State educational agency * * *"

B. Waiver Request

On January 31, 1980, the Trust Territory Bureau of Education requested the Secretary to waive the applicability of certain Titles IV and Title V, ESEA, requirements. This waiver request identifies the requirements contained in sections 404(a)(12) and 522(2), 20 U.S.C. 3084(a)(12) and 3162(2).

These sections require that each jurisdiction participating in Title IV and V, ESEA, describe as one part of its State Plan * * * "a comprehensive plan for the coordination of Federal and State funds for training activities for educational personnel in the State including preservice and inservice training, which plan shall be developed with the involvement of teachers, professional associations, institutions of higher education, and other interested individuals."

The January 31, 1980 waiver request describes why the Title IV and Title V, ESEA, requirements that the State plan include the coordination of training activities are impractical or inappropriate in light of conditions in the Trust Territory. In general, the request is based upon the imminent dissolution of the Trust Territory, scheduled for 1981.

The Commonwealth of the Northern Mariana Islands has been operating as a separate entity, apart from the Trust Territory, since January, 1978. The remainder of the Trust Territory, namely the Marshall and Caroline Islands, has been divided into three political entities: the Government of the Marshall Islands, the Federated State of Micronesia, and the District of Palau. These three entities are presently under the jurisdiction of the High Commissioner of the Trust Territory. Responsibilities for governance, including responsibility for educational programs, are presently being determined by the High Commissioner and representatives of the three entities.

These three entities will have difficulty in identifying individuals to represent the required resources to develop a comprehensive plan. Their geographical location places a financial burden on them if they are required to coordinate training activities as a part of the development of the State plan. In any event, with the impending dissolution of the Trust Territory, it would be extremely difficult for the coordination of training activities to be carried out.

In light of these facts, the requirements imposed by sections 404(a)(12) of Title IV and 522(2) of Title V of ESEA are inappropriate and impractical for the Trust Territory Bureau of Education, serving as a State educational agency, to implement.

C. Notice of the Secretary's Intent To Grant a Waiver

Section 1003(a)(1) of the Elementary and Secondary Education Act of 1965 requires that at least 30 days prior to approving any such request for waiver, the (Secretary) shall "publish in the **Federal Register** a notice of his intent to grant such a waiver and the terms and conditions upon which such a waiver will be granted."

In accordance with this requirement, notice is hereby given that the Secretary intends to waive the requirements contained in sections 404(a)(12) of Title IV and 522(2) of Title V, ESEA. If granted, this waiver would be effective through the period covered by the approved Title IV and Title V, ESEA State Plans—July 1, 1980 through June 30, 1981. Because of the very limited nature of the proposed waiver, the unique circumstances which justify the waiver and the June 30, 1981 expiration date, the Secretary does not believe that it is appropriate or necessary to attach any additional terms or conditions to the waiver.

D. Opportunity for Public Comment

Public comment is invited on this notice of intent. Interested persons may send written comments to Dr. Alpheus L. White, at the address at the beginning of this notice. All comments must be received on or before November 24, 1980. All comments will be considered before a final determination is made regarding this waiver request.

Dated: October 17, 1980.

(Catalog of Federal Domestic Assistance No. 13.570 Libraries and Learning Resources, 13.571 Improvement in Local Educational

Practices, 13.577 Guidance, Counseling, and Testing, and 13.486 Strengthening State Educational Agency Management)

Steven A. Minter,

Under Secretary of Education.

[FR Doc. 80-33104 Filed 10-22-80; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Council for Career Education; Meeting

AGENCY: Department of Education, National Advisory Council for Career Education.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming meeting of the National Advisory Council for Career Education. It also describes the functions of the Council. Notice of the meetings is required pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463). This document is intended to notify the general public of their opportunity to attend.

DATE: November 6-7, 1980.

ADDRESS: Department of Transportation Building, 400 7th Street, S.W., Room 8334, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Nancy N. Swanby, Department of Education, Office of Education, 7th and D Streets, S.W., ROB 3, Room 3108A, Washington, D.C. 20202, (202) 245-2331.

The National Advisory Council for Career Education is established under Section 406 of the Education Amendments of 1974, P.L. 93-380 (88 Stat. 552, 553). The Council is directed to:

Advise the Secretary of Education and the Assistant Secretary for Elementary and Secondary Education on the implementation of Section 406 of the Education Amendments of 1974, Sections 331-336 of the Education Amendments of 1976, and the Career Education Incentive Act and carry out such advisory functions as it deems appropriate, including reviewing the operation of these sections and all other programs of the Department of Education pertaining to the development and implementation of career education, evaluating their effectiveness in meeting the needs of career education throughout the United States, and in determining the need for further legislative remedy in order that all citizens may benefit from the purposes of career education as described in Section 406 and in the Career Education Incentive Act.

The Secretary, to the extent practicable, seeks the advice and assistance of the Council concerning the lifelong learning activities authorized by Sec. 133 of Part B of Title I of the Higher Education Act of 1965, as amended.

The meeting of the Council shall be open to the public. The meeting will be held on Thursday, November 6 and Friday, November 7, 1980 and will begin at 9:00 A.M. and end at 4:30 P.M. The meeting will be held at the Department of Transportation Building, 400 7th Street, S.W., Washington, D.C.

The proposed agenda includes:

Issues in K-12 and Postsecondary Education.

Council Discussion—Old and New Business.

Records shall be kept of all Council proceedings and shall be available 14 days after the meeting for public inspection between the hours of 8:00 A.M. to 4:30 P.M., Monday through Friday at the Office of Career Education located at 7th and D Streets, S.W., Room 3100, Washington, D.C. 20202.

Signed at Washington, D.C. on September 30, 1980.

John Lindia,

Delegate, National Advisory Council for Career Education.

[FR Doc. 80-33326 Filed 10-22-80; 11:25 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA DOCKET NO. 80-CERT-031]

Federal Paper Board Co., Inc.; Recertification of Eligible Use of Natural Gas to Displace Fuel Oil

On September 18, 1980, Federal Paper Board Company, Inc. (Federal Paper), 75 Chestnut Ridge Road, Montvale, New Jersey 07645, filed an application pursuant to 10 CFR Part 595 for recertification of an eligible use of up to 18,000 Mcf of natural gas per day to displace approximately 2,850 barrels of No. 6 fuel oil (2.1 percent maximum sulfur) per year at its Riegelwood Mill located in Riegelwood, North Carolina, with the Administrator of the Economic Regulatory Administration (ERA). The certified daily volumes are only expected to be available on an intermittent basis. The eligible sellers of the natural gas are the East Tennessee Natural Gas Company and the U.G.C. Energy Company. The gas will be transported by the Tennessee Gas Pipe Line Company, the North Carolina Gas Company, and the Transcontinental Gas Pipe Line Corporation. Notice of that application was published in the Federal Register (45 FR 65652, October 3, 1980) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

On October 3, 1979, Federal Paper received the original certification (ERA Docket No. 79-CERT-086) of an eligible use of natural gas at the Riegelwood Mill facility for a period of one year, which expired October 2, 1980. Although this recertification is being issued after the expiration date of the original certification, Federal Paper had informed ERA that it did not expect to use this gas during the interim period. Thus, the lack of continuity with the original certificate will not result in any reduction in the amount of fuel oil displaced.

The ERA has carefully reviewed Federal Paper's application for recertification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Federal Paper's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the recertification and transmitted that recertification to the Federal Energy Regulatory Commission. More detailed information including a copy of the application, transmittal letter, and the actual recertification are available for public inspection at the Division of Natural Gas Docket Room, Room 7108, RG-55, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., October 16, 1980.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 80-33120 Filed 10-22-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-80-003; (OFC Case No. 55381-2900-01-12)]

Republic Steel Corp.; Seeking Permanent Fuels Mixture Exemption

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Order granting an exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On January 16, 1980, Republic Steel Corporation (Republic) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking a permanent fuels mixture exemption for a new major

fuel burning installation (MFBI) from certain provisions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) (42 U.S.C. 8301 *et seq.*). The Act prohibits the use of petroleum or natural gas as a primary energy source in certain new MFBIs. ERA accepted Republic's petition on February 15, 1980. Applicable criteria for petitioning for exemption from the prohibitions of FUA are published at 10 CFR Part 500, *et seq.* (Interim Rules). ERA published Final Rules relating to New Facilities on June 6, 1980 (45 FR 38276) which became effective August 5, 1980.

Republic requested a permanent fuels mixture exemption under 10 CFR 505.28 of the interim rules (44 FR 28530 and FR 28950) for a field-erected boiler to be constructed at its Warren Works Steel Plant, Warren, Ohio, in order to burn a mixture of blast furnace gas or coke oven gas (alternate fuels) and natural gas or No. 6 fuel oil. Republic stated that the amount of natural gas or oil it proposed to use would not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in that unit.

The MFBI (designated as No. 3 high pressure (HP) boiler by Republic), will have a design heat input rate capability of 467 million Btu's per hour and a steam generating capacity of 300,000 pounds per hour.

Pursuant to Section 212(d) of the Act, and subject to specified terms and conditions stated herein, this order grants a permanent fuels mixture exemption to Republic to permit the use of natural gas and/or No. 6 fuel oil in a mixture with blast furnace gas and/or coke oven gas in the No. 3 HP boiler. However, the total amount of natural gas and/or No. 6 fuel oil used in the unit shall not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in that unit.

In accordance with Section 702(a) of the Act, this order shall not take effect earlier than December 22, 1980.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128, Washington, D.C. 20461; Phone (202) 653–4226.

William H. Freeman, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128–F, Washington, D.C. 20461; Phone (202) 653–4235.

Edward Jiran, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6G–087, 1000 Independence Avenue SW., Washington, D.C. 20585; Phone (202) 252–2967.

The public file containing a copy of all documents and supporting materials on this proceeding is available for inspection upon request at: ERA, Room B–110, 2000 M Street NW., Washington, D.C., Monday through Friday, 8:00 a.m.–4:30 p.m.

SUPPLEMENTARY INFORMATION: Republic petitioned ERA, on January 16, 1980, for a permanent exemption from the prohibitions of Title II of FUA for a field-erected boiler located at its Warren Works Steel Plant, Warren, Ohio. The petition requested a permanent fuels mixture exemption for the boiler, identified by Republic as No. 3 HP boiler, to burn a mixture of blast furnace gas and/or coke oven gas (alternate fuels) and natural gas or No. 6 fuel oil under the provisions of § 505.28 of ERA's interim rule. In its petition Republic demonstrated to the satisfaction of ERA that:

(1) It proposes to use a mixture of natural gas and/or petroleum and an alternate fuel (blast furnace gas and/or coke oven gas) as a primary energy source; and

(2) the amount of natural gas and/or No. 6 fuel oil proposed for use in the mixture will not exceed the minimum percentage of the total annual Btu heat input of the primary energy sources needed to maintain operational reliability of the installation consistent with maintaining a reasonable level of fuel efficiency.

If a fuels mixture exemption is granted to an MFBI, ERA may not require that the percentage of natural gas (or petroleum) used in the mixture be less than 25% of the total annual Btu heat input of the primary energy sources of the installation.

Republic stated that the amount of natural gas to be used in the proposed fuel mixture would not exceed 25% of the total annual Btu heat input of the primary energy sources of the MFBI. Republic submitted a duly authorized certification to that effect for the unit.

Preceding this determination and the issuance of this order, and in accordance with the procedural requirements of FUA and ERA's implementing interim rules, ERA accepted Republic's petition for a permanent fuels mixture exemption on February 15, 1980. Notice of that acceptance and a statement of the reasons contained in the petition were published in the **Federal Register** on February 26, 1980 (45 FR 12478) commencing a 45-day public comment period pursuant to Section 701 of FUA. As required by Sections 701(f) and (g) of the Act, ERA provided a copy of Republic's petition to the Environmental Protection Agency and the Federal Trade Commission for their comment. During this period, interested persons were also afforded an opportunity to request a public hearing. The period for submitting comments and for requesting a public hearing closed on April 11, 1980. No comments were received and a public hearing was not requested.

On August 11, 1980, ERA published in the **Federal Register** a Notice of Availability of a Tentative Staff Determination recommending that Republic's petition be granted and providing a 14 day period for interested persons to submit written comments or to request a public hearing (45 FR 53201). That period ended August 25, 1980. Comments were filed only by Republic. No public hearing was requested.

In its comments to ERA, Republic contended that ERA does not have the authority to restrict fuel uses excluded from the definition of primary energy source.

ERA believes that the statement in the Tentative Staff Determination concerning the amounts of fuel to be allowed under Section 103(a)(15)(A) of the Act as an exclusion from the definition of primary energy source, where a fuels mixture exemption has been granted, is consistent with the purposes of the Act and within the authority of ERA. Section 103(a)(15) provides that the minimum amounts which are excluded are subject to rules prescribed by the Secretary. In the final rule implementing FUA, in connection with the definition of "Primary energy source" (10 CFR 500.2), ERA has set the excluded amount at zero where a fuels mixture exemption has been granted. The footnote to the definition provides: "For purposes of subparagraph (1), no fuel will be excluded from the definition of primary energy source where a mixtures exemption has been granted under Parts 503 or 504 of these regulations. The minimum amount of natural gas or petroleum provided by a mixtures exemption to maintain reliability of operation, consistent with maintaining a reasonable level of fuel efficiency is in lieu of the minimum amount required for unit ignition, start-up, testing, flame stabilization, and control uses." It should be noted that the rule does not include, as part of the exempt fuel covered by a mixtures exemption, any amount of fuel which could otherwise be excluded from the definition of primary energy source. Whenever, with respect to exemptions other than a fuels mixture, a given

amount of excluded fuel is authorized (for example the 15% presumptive exclusion provided for in the final rule) it is in addition to the fuel that is exempt as a primary energy source. ERA has determined that this regulatory treatment (i.e., to set the amount of fuel which could be excluded under Section 103(a)(15) at zero) where a mixtures exemption is granted, best accommodates the purposes of the Act in minimizing the amounts of petroleum and natural gas to be used for congruent purposes.

Republic requested that paragraph 5 of the recommended terms and conditions found in the Tentative Staff Determination be deleted and ERA has not included that provision in the order.

Subsequent to the issuance of the Notice of Availability of the Tentative Staff Determination on Republic's petition, ERA published a final rule pertaining to new facilities (45 FR 38276 and 38302, June 6, 1980) which became effective on August 5, 1980. Accordingly, this order is issued under the provisions of the final rule.

The implementing provisions for the fuels mixture exemption authorized by Section 212(d) of the Act are found at 10 CFR 503.38 of the final rule. ERA has determined that the conclusions reached in the Tentative Staff Determination, prepared under the provisions of the interim rules, are consistent with the provisions of the final rule. Therefore the terms and conditions of this order incorporate the specific terms and conditions required by 10 CFR 503.38(e) of the final rule.

ERA has determined that Republic has met all requirements for a permanent fuels mixture exemption from the prohibitions of Title II of FUA to enable it to burn a mixture of blast furnace gas and/or coke oven gas (alternate fuels) and natural gas or No. 6 fuel oil in No. 3 HP boiler. ERA has also determined that by its certification, Republic has demonstrated that the total amount of natural gas and/or No. 6 fuel oil to be used in the fuels mixture with alternate fuels will not exceed 25% of the total annual Btu heat input of the primary energy sources of the boiler. Republic, therefore, has satisfied the evidentiary requirement of Section 212(d) (1)(B) of the Act.

Pursuant to Section 212(d) of the Act, and subject to the terms and conditions stated below, ERA hereby grants Republic a permanent fuels mixture exemption to permit the use of natural gas and/or No. 6 fuel oil in a mixture with blast furnance gas and coke oven gas in No. 3 HP boiler. As specified in the terms and conditions of this order, the total amount of natural gas and/or No. 6 fuel oil used in the boiler shall not exceed 25% of the total annual Btu input of the primary energy sources of that boiler.

This order takes into account the purposes for which the minimum percentage of natural gas provided by a fuels mixture exemption is to be used, i.e., to maintain reliability of operation consistent with maintaining a reasonable level of fuel efficiency. Therefore, ERA will not exclude from the definition of primary energy source any fuel used in the boiler for the purposes of unit ignition, startup, testing, flame stabilization and control.

Terms and Conditions: Section 214(a) of the Act gives ERA the authority to attach terms and conditions to any order granting an exemption. Based upon analysis of the information contained in the record of this proceeding, this order is granted subject to the following terms and conditions:

1. The total combined use of petroleum and/or natural gas may not exceed 25 percent of the total annual Btu heat input of the primary energy source for No. 3 HP Boiler.

2. All steam pipes must be insulated and all steam traps properly maintained; and

3. The quality of any petroleum to be burned in the unit will be the lowest grade available, which is technically feasible, and capable of being burned consistent with applicable environmental requirements.

4. In accordance with the reporting requirement in Section 505.38(d), Republic shall submit an annual report to the Economic Regulatory Administration (ERA), OFC Case Control Unit, Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461, each year within 30 days after the anniversary of the date No. 3 HP Boiler is placed in service containing a certified statment identifying the actual quantities of blast furnace gas, coke oven gas, natural gas (in MCF), and petroleum (in barrels) used in the unit during the year, as well as the heating value (in Btu's) of each of those fuels. The following format for quantities shall be used:

Fuel type	Amount of fuel used (Mcf or bbls)	Btu equivalent	Percent of total Btu's heat input

(Cite OFC Case Number 55381–2900–01–12 on all reports.)

The certification of fuel use must be executed by a duly authorized representative of Republic.

The exemption granted by this order shall not become effective earlier than December 22, 1980.

Pursuant to Section 702(c) of the Act, any person aggrieved by this order may at any time before December 22, 1980 petition for judicial review in accordance with the procedures outlined in 10 CFR 501.69.

Based upon information provided by Republic, ERA has conducted an analysis which has been reviewed by DOE's Office of Environment, with consultation from the Office of the General Counsel, and DOE has concluded that the granting of these exemptions will not be a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). Accordingly, neither an environmental impact statement nor an environmental assessment is required.

Issued in Washington, D.C., on October 16, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-33121 Filed 10-22-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Volume 302]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: October 17, 1980.

BILLING CODE 6450-85-M

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
**** OHIO DEPARTMENT OF NATURAL RESOURCES ****								
*WILLIAM F HILL					RECEIVED: 10/07/80 JA: OH			
8100857	05105	3407520989	108	D	WARREN MASSIE #1		0,0	COLUMBIA GAS TRANSMI
8100858	05106	3407521577	108	D	WARREN MASSIE #2		0,0	COLUMBIA GAS TRANSMI
**** OKLAHOMA CORPORATION COMMISSION ****								
*AMERICAN QUASAR PETROLEUM CO					RECEIVED: 10/06/80 JA: OK			
8100808	05552	3509520179	107		BEARD #1	SEC 3 T8S R4F	1825,0	NATURAL GAS PIPE LIN
*AMOCO PRODUCTION CO					RECEIVED: 10/07/80 JA: OK			
8100869	05282	3500721729	103		ANGLETON GAS UNIT B #2	MOCANE LAVERNE	255,0	PANHANDLE EASTERN PI
*ANDOVER OIL COMPANY					RECEIVED: 10/06/80 JA: OK			
8100814	05525	3501720819	103		E M LEICHENBERGER #35-1	SE RICHLAND	100,0	PHILLIPS PETROLEUM C
8100833	05604	3501720904	103		REMP #7-1	RICHLAND	100,0	PHILLIPS PETROLEUM C
*ANDOVER OIL COMPANY					RECEIVED: 10/07/80 JA: OK			
8100870	05550	3508321056	103		KRATKY #34-1	WILDCAT	55,0	CHAMPLIN PETROLEUM C
*BLAIK OIL COMPANY					RECEIVED: 10/07/80 JA: OK			
*8100883	05476	3504722102	103		THOMAS UNIT #3	SOONER TREND	61,0	EXXON CO USA
*CITIES SERVICE COMPANY					RECEIVED: 10/06/80 JA: OK			
8100840	05548	3500721762	102		HAMM A #1	EAST LORENA	512,0	NORTHERN NATURAL GAS
8100826	05498	3506120320	102		TREASURE COVE A #2 (CROMWELL)	NORTH RUSSELLVILLE	88,3	ARKANSAS LOUISIANA G
8100839	05549	3513921224	103		WEAR A #1	PANOMA	136,0	PANHANDLE EASTERN PI
8100841	05547	3500721736	102		WINDSOR A #1	LORENA	202,0	NORTHERN NATURAL GAS
*CLARK RESOURCES INC					RECEIVED: 10/06/80 JA: OK			
8100806	05555	3504721876	103		KREJCI #8-1	SOONER TREND	89,0	PANHANDLE EASTERN PI
8100807	05553	3504722206	103		MALY #21-1	SOONER TREND	182,5	PANHANDLE EASTERN PI
8100805	05556	3504722044	103		SIMUNEK #18-1	SOONER TREND	115,5	PANHANDLE EASTERN PI
8100804	05557	3507322245	103		STURGEON #2-1	SOONER TREND	53,9	CITIES SERVICE GAS C
*CLARK RESOURCES INC					RECEIVED: 10/07/80 JA: OK			
8100871	05554	3507322321	103		STAMBAUGH #5-1	SOONER TREND	275,6	CITIES SERVICE GAS C
*CONOCO INC					RECEIVED: 10/06/80 JA: OK			
8100820	05507	3503920280	102		SNIDER NO 1-A	S ARAPAHO	1,9	MICHIGAN WISCONSIN P
*COTTON PETROLEUM CORPORATION					RECEIVED: 10/06/80 JA: OK			
8100799	05572	3501721283	103		MEIWES NO 1	PIEDMONT NORTH	5,0	PHILLIPS PETROLEUM C
*COTTON PETROLEUM CORPORATION					RECEIVED: 10/07/80 JA: OK			
8100866	05573	3515321012	103		PIERSON B NO 1	SE FARGO	360,0	NORTHERN NATURAL GAS
*F M BUXTON					RECEIVED: 10/06/80 JA: OK			
8100815	05529	3508300000	103		STATE 16 NO 1	SOONER TREND	110,0	CONOCO INC
*FERGUSON OIL & GAS COMPANY INC					RECEIVED: 10/07/80 JA: OK			
8100881	05346	3507920316	103		CLUCK NO 1	KINTA	219,0	ARKANSAS LOUISIANA G
*GETTY OIL COMPANY					RECEIVED: 10/06/80 JA: OK			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8100812	05534	3501700000	103		M L HARRINGTON #2	WATONGA TREND	0.0	OKLAHOMA GAS & ELECT
*GULF OIL CORPORATION					RECEIVED: 10/07/80 JA: OK			
8100874	05585	3501721212	103		COMPTON ORIS #2-26	NORTH FORK	243.0	PHILLIPS PETROLEUM C
*HAMM PRODUCTION CO					RECEIVED: 10/07/80 JA: OK			
8100873	05583	3509321741	103		WIGGINS-ROYSEN #1	RINGWOOD	237.3	UNION TEXAS PETROLEU
*HARPER OIL COMPANY					RECEIVED: 10/06/80 JA: OK			
*8100797	05577	3510900000	108		ALDEN #1	N EDMOND	12.0	CITIES SERVICE GAS C
8100795	05579	3504700000	108		CHESTNUT #5	N DRUMMOND	7.0	UNION TEXAS PETROLEU
*8100825	05522	3503920264	102		GEORGE #1	W ARAPAHO	365.0	NATURAL GAS PIPELINE
*8100796	05578	3510900000	108		J GRIFFIN #1	N EDMOND	17.0	CITIES SERVICE GAS C
8100815	05521	3508321268	103		LILA #1	S ELK HORN	75.0	EASON OIL CO
*8100832	05581	3507321093	108		MCKEEVER #1 28-18-7	SOONER TREND	7.0	PHILLIPS PETROLEUM C
8100794	05580	3507320520	108		MOERY #1	SOONER TREND	13.0	PHILLIPS PETROLEUM C
8100798	05576	3500300000	108		WHITE 13-1	E ALINE	9.6	AMINOIL USA INC
*HARPER OIL COMPANY					RECEIVED: 10/07/80 JA: OK			
8100865	05584	3501120726	108		KENT #1	N W GEARY	9.0	OKLAHOMA NATURAL GAS
*HESTON OIL CO					RECEIVED: 10/06/80 JA: OK			
8100809	05539	3509321765	103		BERTHA #8-1	NE FAIRVIEW	36.5	OKLAHOMA NATURAL GAS
*JAMES D HARMAN					RECEIVED: 10/07/80 JA: OK			
8100868	03149	3513700000	108		DUMA SPEARS	SHO-VEL-TUM	6.3	GETTY OIL CO
*KRUMME OIL CO					RECEIVED: 10/06/80 JA: OK			
8100818	05518	3511120487	108		MCNUTT #1	BEGGS	2.6	PHILLIPS PETROLEUM C
8100817	05519	3511120843	108		MCNUTT #2	BEGGS	2.6	PHILLIPS PETROLEUM C
*MUSTANG PRODUCTION CO.					RECEIVED: 10/07/80 JA: OK			
8100872	05560	3501121006	103		ALLREAD #1-33	GREENFIELD	280.0	MICHIGAN WISCONSIN P
*NATIONAL COOP REFINERY	ASSOC				RECEIVED: 10/06/80 JA: OK			
8100823	05603	3505920810	102		CAL-RAY #1	NORTHWEST LOVEDALE	64.0	NATURAL GAS PIPE LIN
*QUINTIN LITTLE CO					RECEIVED: 10/06/80 JA: OK			
8100819	05517	3509500000	103		CARRIE LOU LITTLE #1-19	CUMBERLAND	700.0	LONE STAR GAS CO
*RICKS EXPLORATION CO					RECEIVED: 10/06/80 JA: OK			
8100824	05530	3500721712	103		WOLF 17A	MOCANE-LAVERNE	150.0	MICHIGAN-WISCONSIN P
*RICKS EXPLORATION CO					RECEIVED: 10/07/80 JA: OK			
8100860	05599	3515320990	103		BENNETT 29B	S W WOODWARD	20.0	PHILLIPS PETROLEUM C
8100863	05596	3515320966	103		BONNIE 29A	SHARON WEST	220.0	PHILLIPS PETROLEUM C
8100875	05587	3515321042	103		FEN-MAN 33A	WEST SHARON	20.0	PHILLIPS PETROLEUM C
8100864	05593	3507322362	103		GLAZIER 15A	S LOYAL	100.0	CITIES SERVICE GAS C
8100859	05600	3515320911	103		LYLE 28A	SHARON WEST	2.0	PHILLIPS PETROLEUM C
8100862	05597	3507322086	103		MURPHY 2A	ALTONA SE	500.0	PHILLIPS PETROLEUM C
8100861	05598	3515320946	103		PHILLIPS 26A	WAYNOKA NE	180.0	PANHANDLE EASTERN PI
8100884	05602	3515321062	103		TOMMY 31 B	S W SHARON	28.0	PHILLIPS PETROLEUM C
*ROBERT E FRERLY SR					RECEIVED: 10/06/80 JA: OK			
8100827	05433	3505100000	103		EBERLY & MEADE SHOEMAKE #1-29	S TABLER	73.0	MOBIL OIL CORP
*SAMEDAN OIL CORPORATION					RECEIVED: 10/06/80 JA: OK			
8100847	05540	3501721216	102		BONEBRAKE #1		225.0	PHILLIPS PETROLEUM C
*SAMEDAN OIL CORPORATION					RECEIVED: 10/07/80 JA: OK			
8100877	05609	3501721310	103		OYLER #2	RICHLAND	100.0	PHILLIPS PETROLEUM C
*SEARCH DRILLING CO					RECEIVED: 10/06/80 JA: OK			
8100828	05430	3500721770	103		LEONARD #1-33	FORGAN	445.0	
*SERVICE DRILLING CO					RECEIVED: 10/06/80 JA: OK			
8100816	05520	3513121082	103		FRASIER #4	WEST TALALA	36.0	DIAMOND S GAS SYSTEM
*SHELL OIL CO					RECEIVED: 10/07/80 JA: OK			
8100879	05611	3505120843	102		CUMMINGS 1-25	WEST CHICKASHA	550.0	ARKANSAS LOUISIANA G

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8100878	05610	3505920794	103		MOORE 2-10	MOCANE LAVERNE	456.0	MICHIGAN WISCONSIN P
-TENNECO OIL COMPANY			RECEIVED: 10/06/80 JA: OK					
8100834	05608	3512920377	102		SMITH 1-19	BERLIN	252.0	EL PASO NATURAL GAS
-TEXAS OIL & GAS CORP			RECEIVED: 10/06/80 JA: OK					
8100803	05562	3509321711	103		CONDREAY #1	N E SEILING	155.0	DELMI GAS PIPELINE C
8100801	05567	3507302232	103		HUMPHREY A #1	ALTONA	238.0	DELMI GAS PIPELINE C
8100835	05569	3504321009	103		JEFFREY #1	VICI	90.0	
8100837	05564	3500721728	103		SAM #1	PLAINVIEW	250.0	
8100802	05566	3501721407	103		SCHWARZ A #1	RICHLAND	95.0	DELMI GAS PIPELINE C
8100838	05563	3507321917	103		STROUD #1	ALTONA	128.0	DELMI GAS PIPELINE C
8100836	05568	3512120645	103		WEAVER D #1	KIOWA	0.0	
8100800	05570	3501720701	103		ZUM MALLEN #1	RICHLAND	526.0	DELMI GAS PIPELINE C
-TEXAS OIL & GAS CORP			RECEIVED: 10/07/80 JA: OK					
8100867	05565	3504722057	103		THEILEN #1	SOONER TREND	99.0	
-TOWER OIL AND GAS COMPANY INC			RECEIVED: 10/06/80 JA: OK					
8100821	05607	3507322336	103		DROKE #1	SOONER TREND	547.5	ARKANSAS LOUISIANA G
-TOWNSEND OPERATING CO INC			RECEIVED: 10/06/80 JA: OK					
8100831	08195	3513321261	102		CHRISTIAN NO 7	ADA	150.0	ARKANSAS LOUISIANA G
-UNION OIL COMPANY OF CALIF			RECEIVED: 10/06/80 JA: OK					
8100822	05606	3507920360	103		GOLDSBOROUGH #2-29	RED OAK NORRIS	910.0	ARKANSAS LOUISIANA G
-UNIVERSAL RESOURCES CORPORATION			RECEIVED: 10/06/80 JA: OK					
8100846	05541	3501721168	103		BOYD 1-12	YUKON NW	150.0	DELMI GAS PIPELINE C
8100843	05545	3501720860	103		CANNON 1-33	RICHLAND S	90.0	PHILLIPS PETROLEUM C
8100844	05543	3501721416	103		FREDRICK 1-17	RICHLAND N	175.0	OKLAHOMA GAS & ELECT
8100845	05542	3501721167	103		MORRIS 1-11	YUKON NW	340.0	DELMI GAS PIPELINE C
8100842	05546	3509321726	103		WOODS 2-28	CEDAR SPRINGS S	80.0	DELMI GAS PIPELINE C
-WILLIAM M FULLER			RECEIVED: 10/06/80 JA: OK					
8100829	04561	3504721879	102		LOUIS KREJCI NO 2	EAST WAUKOMIS	350.0	PANHANDLE EASTERN PI
-WALKER & WITHROW INC			RECEIVED: 10/07/80 JA: OK					
8100876	05605	3501721385	103		DELANA 8-1	NORTH YUKON	125.0	DELMI GAS PIPELINE C
-WALTER A KELLY JR			RECEIVED: 10/07/80 JA: OK					
8100882	05473	3511921061	103		EBERHART #1	NO MARCH SEC 29-19N-5E	5.0	COLORADO GAS COMPRES
-WARREN DRILLING CO INC			RECEIVED: 10/06/80 JA: OK					
8100810	05536	3509321698	103		DRECHSLER #1	RINGWOOD	91.0	UNION TEXAS PETROLEU
8100848	05538	3500320697	103		MILO CRAIG #2	RINGWOOD	100.0	UNION TEXAS PETROLEU
8100811	05535	3509300000	103		PERCY #1	RINGWOOD	150.0	PIONEER GAS PRODUCTS
-WARREN DRILLING COMPANY INC			RECEIVED: 10/06/80 JA: OK					
8100830	03482	3509300000	103		CUNNINGHAM #1	OKEENE NORTHWEST	100.0	PHILLIPS PETROLEUM C
-WM J OCONNOR			RECEIVED: 10/07/80 JA: OK					
8100880	05615	3500320711	103		DEVEREAUX #1	OAKDALE	180.0	
**********								
UTAH DIVISION OF OIL,GAS, & MINING								
**********								
-BELCO PETROLEUM CORPORATION			RECEIVED: 10/06/80 JA: UT					
8100851	K-111-13	4304730611	103		STAGECOACH 18-17 30614	STAGECOACH WASATCH	0.0	MOUNTAIN FUEL SUPPLY
-PETRODYNE PRODUCTION CO			RECEIVED: 10/06/80 JA: UT					
8100850	K-127-1	4304730695	102		JENSEN #3		139.0	
**********								
VIRGINIA DEPARTMENT OF LABOR & INDUSTRY								
**********								
-CLINCHFIELD COAL CO			RECEIVED: 10/06/80 JA: VA					
8100853		4505119828	108		AYERS & ASHTON 157	NORA	6.0	KENTUCKY-WEST VIRGIN
8100855		4505119864	108		J W WRIGHT 212	NORA	7.3	KENTUCKY-WEST VIRGIN

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8100854		4505119856	108		LOVELL STANLEY 202	NORA	6.0	KENTUCKY-WEST VIRGIN
8100856		4505119849	108		W J RING 190	NORA	7.2	KENTUCKY-WEST VIRGIN
**********								
** U.S. GEOLOGICAL SURVEY - CASPER,WY								
**********								
-NORTHWEST EXPLORATION COMPANY					RECEIVED: 10/06/80 JA: CO 5			
8100849	CC 1150-9	0510308057	103		PHILADELPHIA CREEK #5	CATHEDRAL	37.0	NORTHWEST PIPELINE C
**********								
** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA,OK								
**********								
-V N OIL CO					RECEIVED: 10/06/80 JA: OK 8			
8100852		3511300000	103		STUART 1-2	QUAPAW	75.0	CITIES SERVICE GAS C

BILLING CODE 6450-85-C

Other Purchasers—Volume No. 302

8100796 Champlin Petroleum Co
8100797 Champlin Petroleum Co
8100825 Ong Western Inc
8100832 Petro Lewis Corp
8100883 Panhandle Eastern Pipeline Co

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before November 7, 1980.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32994 Filed 10-22-80; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[A5-FRL 1628-6]

Region V: Granite City Steel

In the matter of the applicability of Title I, Part C of the Clean Air Act (the Act), as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulgated thereunder at 40 CFR 52.21 (43 FR 26388, June 19, 1978) for the Prevention of Significant Deterioration of Air Quality (PSD), to Granite City Steel, Granite City, Illinois.

On May 5, 1979, Granite City Steel submitted a request to the U.S. Environmental Protection Agency (U.S. EPA), Region V office, for a determination of applicability of the regulations for PSD.

On August 29, 1980, Granite City Steel was notified that it is not subject to a PSD review.

This determination does not relieve Granite City Steel of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

This determination may now be considered final agency action which is locally applicable under section 307(b)(1) of the Act and therefore a petition for review may be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with section 307(b)(1), petitions for review must be filed sixty days from the date of this notice (December 22, 1980).

For further information contact Kathy Kline, Acting Chief, Compliance Section, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 353-2090.

John McGuire,

Regional Administrator, Region V.

Dr. John G. Manda,

Vice President, Environmental Control
Granite City Steel, 20th and Madison,
Granite City, Illinois

Dear Dr. Manda: This is in reference to your application for a permit to reconstruct coke oven battery "B" under the regulations for the Prevention of Significant Deterioration of Air Quality (PSD) at 45 FR 52735, August 7, 1980 (40 CFR 52.21).

As a result of the *Alabama Power Co.* vs. *Douglas M. Costle* (73-1006 and consolidated cases) ruling on December 14, 1979, and the PSD regulations promulgated on August 7, 1980, at 45 FR 52736, the reconstruction of the "B" battery is not subject to the PSD regulations.

The U.S. Environmental Protection Agency has determined that the reconstruction of "B" battery by Granite City Steel is not a major modification to the iron and steel mill as there will be no net increase in emission, therefore, no PSD permit is required [45 FR 52736(b)(3)(VI), August 7, 1980].

This exemption from PSD review does not relieve Granite City Steel of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

If you have further questions, contact Kay Kamalick at (312) 353-2090.

Very truly yours,

Sandra S. Gardebring,

Director, Enforcement Division.

cc:

Daniel Goodwin,

Manager, Division of Air Pollution Control, Illinois Environmental Protection Agency.

Edward E. Reich,

Director, Division of Stationary Source Enforcement (EN-341).

bcc:

Steve Rothblatt, Paisie/Thayil.

August 29, 1980.

[FR Doc. 80-31320 Filed 10-22-80; 8:45 am]

BILLING CODE 6560-26-M

[PH-FRL 1640-4; PF-205]

Dow Chemical Co.; Filing of Pesticide and Food Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that Dow Chemical Co., P.O. Box 1706, Midland, MI 48640, has submitted notices for filing for a pesticide and food additive petition, for the combined residues of the insecticide chloropyrifos [methyl[*O,O*-dimethyl*O*-(3,5,6-trichloro-2-pyridyl)]phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in or on the certain raw agricultural commodities and on food items.

ADDRESS: Written comments to: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E-303, 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 document control number "[PF-205]" 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.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger (202-426-2635).

SUPPLEMENTARY INFORMATION: EPA gives notice that the following pesticide petitions have been submitted to the Agency to establish a tolerance and a food additive regulation for combined residues of chloropyrifos 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 OF2423. Proposes amending 40 CFR 180.342 by establishing tolerances for the combined residues of the insecticide chloropyrifos-methyl[*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl)] phosphorothioate and its metabolite 3,5,6-trichloro-2-pyridinol in or on the following raw agricultural commodities:

Commodities	Parts per million
Barley, corn, oats, rice, sorghum, and wheat grain	6.0
Eggs	0.05
Milk, fat	0.1
Milk, whole	0.02
Meat of cattle, goats, hogs, horses, and sheep	0.1
Fat of cattle, goats, and sheep	0.2
Fat of hogs and horses	0.3
Meat byproducts of cattle, goats, and sheep	1.0
Meat byproducts of hogs and horses	0.5
Meat, fat, and meat byproducts of poultry	0.05

The proposed analytical method for determining residues is by liquid chromatography.

FAP 0H5277. Proposes amending 21 CFR 193.85 by establishing a regulation for the combined residues of chloropyrifos-methyl and its metabolite 3,5,6-trichloro-2-pyridinol in the commodities:

Commodities	Parts per million
Corn oil	160
Milling fractions (except flour) of barley, corn, oats, sorghum, wheat	20
Milling fractions of rice	30

(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 17, 1980.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-33073 Filed 10-22-80; 8:45 am]

BILLING CODE 6560-32-M

[A-10-FRL 1640-7]

Intent to Award Clean Air Act Program Grant to State of Oregon; Comments Solicited—Opportunity for Hearing

AGENCY: Evironmental Protection Agency (EPA).

ACTION: Notice for hearing opportunity.

SUMMARY: The U.S. Environmental Protection Agency, Region X (EPA) invites comments on and announces an opportunity for public hearing on EPA's intent to award a grant to the State of Oregon to assist the Oregon Department of Environmental Quality in the funding of its air pollution control program for federal fiscal year 1981.

DATE: Public Hearing: November 24, 1980, 7:30 p.m.

ADDRESS: Yeon Bldg., 14th Floor, 522 S.W. Fifth Avenue, Portland, Oregon 97204.

FOR FURTHER INFORMATION CONTACT: John Vlastelicia, Director, U.S. Environmental Protection Agency, Oregon Operations Office, 522 S.W. Fifth Avenue, Yeon Building, 2nd Floor, Portland, OR 97204; Telephone: (503) 221-3250, FTS: 423-3250.

SUPPLEMENTAL INFORMATION:

Background Information

For several years, EPA has provided financial assistance to the State of Oregon to aid the DEQ in administration of its air pollution control program. This assistance has been provided through a grant under Section 105 of the Clean Air Act (42 U.S.C. 7405(b)).

The Clean Air Act prevents award of such grants where the recipient agency's—

> Expenditures of non-Federal funds for other than nonrecurrent expenditures for air pollution control programs will be less than its expenditures were for such programs during the preceding fiscal year, unless the Administrator, after notice and opportunity for public hearing, determines that a reduction in expenditures is attributable to a nonselective reduction in expenditures in the programs of all executive branch agencies of the applicable unit of Government * * *

(42 U.S.C. 7405(b))

The State of Oregon Department of Environmental Quality (DEQ) has budgeted 24 percent (24%) fewer dollars in the general fund for the air program in 1981. DEQ has provided EPA with information indicating that (1) the programs of all agencies of the executive branch of State government have also been scheduled for a reduction in expenditures (although the percentage reductions vary somewhat from agency to agency); and (2) that the air pollution control program and DEQ have not been selectively targeted by the State for a disproportionate reduction in funding.

Intended Action

Based on the information received from the State, EPA is prepared to determine that the reduction in funding is nonselective and, if all other conditions for grant award are met, intends to award a grant to DEQ under Section 105 of the Clean Air Act for the continued support of the State's air pollution control program. The information upon which this intent has been formed is available to the public by writing or phoning to the office listed above.

Invitation of Comments—Opportunity for Hearing

Any person who desires to comment on this intended action may do so by writing to the above listed contact person. Comments must be received on or before November 24, 1980.

If No Timely Request for a Hearing is Received, No Hearing Will Be Held

A public hearing will be held *if* (and only if) a request for a public hearing is received at the office listed above in the thirty (30) days following publication of this notice. The purpose of such a hearing would be to take testimony regarding whether the reduction of expenditures for the DEQ air pollution control program is or is not attributable to a nonselective reduction in expenditures in the programs of all State executive branch agencies. If it is held, the hearing will be conducted at the time and place listed above.

If a request is not received, no public hearing will be held. It is suggested that any one who anticipates attending this public hearing call the above listed office to verify if a hearing is to be held.

A shorter notice period is being employed for this action (the usual period is 45 days) because the State's current Section 105 grant expired at the end of the previous fiscal year, September 30, 1980. EPA cannot obligate funds beyond that date without first concluding that the requirements of Section 105 have been met.

Dated: October 17, 1980.

Donald P. Dubois,

Regional Administrator.

[FR Doc. 80-33086 Filed 10-22-80; 8:45 am]

BILLING CODE 6560-26-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket Nos. 80-620, 80-621; File Nos. BPH-790713AD, BPH-790801AF]

Hensley Broadcasting, Inc, and Town and Country Broadcasting Corp.; Hearing Designation Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: September 30, 1980.

Released: October 16, 1980.

In re applications of Hensley Broadcasting, Inc., Burlington, Iowa, Req: 93.5 MHz, Channel 228, 3.0 kW (H&V), 276 feet, BC Docket No. 80-620, File No. BPH-790713AD; Town & Country Broadcasting Corporation, Burlington, Iowa, Req: 93.5 MHz, Channel 228, 3 kW (H&V), 300 feet, BC Docket No. 80-621, File No. BPH-

790801AF; for construction permit for a new FM station.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Hensley Broadcasting, Inc. and Town & Country Broadcasting Corporation.

2. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

4. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

5. It is further ordered, that in the event the application of Town & Country Broadcasting Corporation is granted, it is subject to the condition that if the Commission ultimately adopts a rule prohibiting commonly owned AM and FM stations in the same market, Town & Country will divest itself of either its AM station or FM station in accordance with the requirements established in such rulemaking proceeding.

6. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

7. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594(g) of the Commission's rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Jerold L. Jacobs,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 80-33047 Filed 10-22-80; 8:45 am]

BILLING CODE 6712-01-M

Radio Technical Commission for Marine Services; Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 71

"VHF Automated Radiotelephone Systems"
Notice of 21st Meeting: Wednesday, November 5, 1980—10:00 a.m. (full day meeting)
Conference Room A-106, F.C.C. Annex, 1229—20th Street, NW, Washington, DC

Agenda

1. Call to Order; Chairman's Report.
2. Administrative Matters.
3. Discussion concerning additions and changes to draft final report.
4. Approval/disposition of final report.
5. Discussion of future work.

John J. Renner, Chairman, Advanced Technology Systems, Inc., 3426 N. Washington Blvd., Arlington, VA 22201. Phone: (703) 525-2664

Special Committee No. 75

"MPS—Automatic Coordinate Conversion Systems"
Notice of 6th Meeting: Wednesday, November 12, 1980—9:00 a.m.
Maritime Institute of Technology and Graduate Studies, 5700 Hammonds Ferry Road, Linthicum Heights, MD 21090

Agenda

1. Call to Order; Chairman's Report.
2. Administrative Matters.
3. Discussion of draft of Minimum Performance Specifications.

Mortimer Rogoff, Chairman, SC-75, 4201 Cathedral Avenue, NW, Apartment 91W, Washington, DC 20016. Phone: (202) 362-5462

Special Committee No. 76

"Maritime Advisory Committee In preparation for the 1982 Mobile Services World Administrative Radio Conference (1982 Mobile Services WARC)"
Notice of 5th Meeting: Wednesday, November 12, 1980—9:30 a.m. to 4:30 p.m.
1st Floor Auditorium, Comsat Building, 950 L'Enfant Plaza, SW, Washington, DC

Agenda

1. Call to Order; Chairman's Report.
2. Administrative Matters.
3. Discussion of Proposals and Review of work Program.
4. Establishment of future meeting schedule.

Charles Dorian, Chairman, SC-76, Comsat Corporation, Washington, DC. Phone: (202) 554-6756

Executive Committee Meeting

Notice of November Meeting: Thursday, November 20, 1980—9:30 a.m.
Conference Rooms 9230/9232, Nassif (DOT) Building, 400 Seventh Street, SW at D Street, Washington, DC

Agenda

1. Administrative matters and committee reports.
2. Discussion concerning terms of reference for: A. Special Committee No. 71 (VHF Automated Radiotelephone Systems)
B. New special committee to study Federal Radionavigation Plan

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632-6490).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-33046 Filed 10-22-80; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 80-644—80-654; File Nos. 2316-C1-R-71, etc.]

Service Electric Co. et al.; Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Service Electric Company, for renewal of licenses for point-to-point microwave radio stations: KGH98, Pimple Hill, Pennsylvania, CC Docket No. 80-644, File Nos. 2316-C1-R-71, 621-C1-ML-75, 7737-CF-R-76, 2079-CF-ML-79; KGH99, Bears Head Mountain, Pennsylvania, CC Docket No. 80-645, File Nos. 95-C1-R-71, 4840-C1-ML-74, 396-C1-ML-75, 4941-C1-ML-76, 7738-CF-R-76, 76-CF-ML-79; KHI61, Pimple Hill, Pennsylvania, CC Docket

No. 80-646, File Nos. 1856-C1-R-71, 3330-C1-ML-75, 3891-CF-ML-76, 7736-CF-R-76; KGI69, Nescopeck Mountain, Pennsylvania, CC Docket No. 80-647, File Nos. 96-C1-R-71; KGJ20, Montour Ridge, Pennsylvania, CC Docket No. 80-648, File Nos. 97-C1-R-71, 5436-1-ML-73, 7739-CF-R-76, 2073-CF-R-79, 2078-CF-ML-79, 3481-C1-AL-(5)-74; Penn Service Microwave Company, Inc., for renewal of and licenses for point-to-point microwave radio stations: KGO 20, Bears Head Mountain, Pennsylvania, CC Docket No. 80-649, File Nos. 3629-C1-R-71, 401-CF-ML-75, 4477-CF-ML-76, 2289-CF-ML-76, 7741-CF-R-76, 8217-CF-ML-76, 250-CF-ML-76, 487-CF-ML-77, 2081-CF-ML-77, 3859-CF-ML-80; WAY80, Bald Eagle Mountain, Pennsylvania, CC Docket No. 80-650, File Nos. 2087-C1-L-71, 7741-CF-R-76, 1202-CF-ML-77, 1975-CF-ML-77, 2533-CF-ML-77, 139-CF-ML-78, 3858-CF-ML-80; WBB218, Mill Hall, Pennsylvania, CC Docket No. 80-651, File No. 1974-CF-L-77; WCF956, Ralston, Pennsylvania, CC Docket No. 80-652, File No. 140-CF-L-78; WCU533, Canton, Pennsylvania, CC Docket No. 80-653, File No. 2055-CF-L-79; WQQ37, Wyoming Mountain, Pennsylvania, CC Docket No. 80-654, File Nos. 13858-CF-L-75, 1690-CF-ML-77, 1691-CF-ML-77, 1455-CF-ML-78, 2351-CF-ML-78, 536-CF-ML-80, 3857-CF-ML-80.

Adopted: October 14, 1980.

Released: October 15, 1980.

By the Commission: Commissioner Jones absent.

Introduction and Summary

1. The Commission has before it the above-captioned renewal and license applications of Service Electric Co. (hereinafter referred to as Service Electric) and Penn Service Microwave Co. (hereafter Penn Service).[1]

A Joint Petition to Deny the 1971 renewal applications was filed by Taft Television Corp.,[2] Scranton Broadcasters, Inc., and WBRE-TV, Inc.

2. John Walson is the sole proprietor of Service Electric. He owns 50% of the stock of Penn Service jointly with his wife, with the remaining 50% held in equal amounts by his two sisters. Additionally, he is the president of Penn Service. Mr. Walson also owns Service Electric Cable TV, Inc., (hereinafter Service Electric Cable) which operates systems in a number of communities served by the microwave carriers. In this order we evaluate arguments made by Mr. Walson that despite his failure to comply with a cease and desist order issued by the Commission, his microwave licenses nevertheless should be renewed. We conclude that in light of the arguments submitted, the renewal and license applications of Service Electric and Penn Service should be designated for hearing pursuant to Section 309(e) of the Act.

Background

3. The background of this proceeding is detailed in our Memorandum Opinion and Order, 77 F.C.C. 2d 986 (hereafter *Microwave Order*), and will be only briefly summarized here.

4. In November of 1974 the Commission initiated a proceeding pursuant to Section 403 of the Communications Act, 47 U.S.C. § 403, to examine allegations by the stations that John Walson operated his cable systems and microwave facilities in disregard of the Commission's rules. The designation order noted that findings made in the hearing would be used to evaluate the pending microwave applications.[3] The hearing had all of the requisites of administrative due process; parties were represented by counsel, had the right to call and cross-examine witnesses, to introduce exhibits, and to file proposed findings of fact and conclusions of law. In his Recommended Decision,[4] the Administrative Law Judge stated that Service Electric Cable operated its systems in a haphazard manner with a lack of concern for Commission procedures. He found a number of specific violations, including Service Electric Cable's carriage of specific signals on the Hazleton system long after those signals had been ordered to be deleted by the Commission, in unjustified defiance of a Commission cease and desist order.

5. The Commission subsequently affirmed the judge's findings with regard to a number of violations, including those on the Hazleton system.[5] The Commission found illegal signal carriage on the Hazleton system "was in continuous and willful derogation of an outstanding Commission cease and desist order and a judicial affirmance thereof."[6] The Commission expressly found the conduct was not inadvertent.

6. In the companion *Microwave Order*, the Commission stated it was obliged to evaluate the microwave renewal and license applications in light of the findings of the *Report and Order*. It stated that an evidentiary hearing had been conducted and that further hearings were unnecessary. The carriage of signals at Hazleton in violation of the cease and desist order was found to be the most serious of the several violations established. The Commission noted that it has a legitimate interest in the character qualifications of common carriers to the extent that it must have a basis for expecting its licensees to follow the Commission's rules and orders. These rules and orders are designed to ensure that authorized facilities are operated in a manner consistent with the public interest. It found that based on the record, it could not determine that Walson is qualified to perform his common carrier duties in a responsible manner. However, it offered Penn Service and Service Electric an opportunity to file "a particularized proffer of specific evidence"[7] to mitigate the findings made or to show why the findings should not be considered to reflect on the qualifications of the licenses.

7. On May 7, 1980, Penn Service and Service Electric took advantage of the opportunity the Commission allowed them and filed a brief in support of their renewal and license applications. The carriers claim that they have operated the microwave stations in a superior manner in that charges under their tariffs have been reasonable. They claim that denial of their applications would effectively deny some service to cable television systems presently using the carriers because the cable systems would be unable to obtain alternative service at the same reasonable rates.[8] Service Electric also asserts that the violations of the cable rules were in no way connected to operation of the microwave stations since the signals were received directly off-the-air at the system's headend. Service Electric further submits that Section 309(e) of the Communications Act (47 U.S.C. 309(e))[9]

[1] Service Electric and Penn Service are both licensees of common carrier microwave stations relaying television broadcast signals to cable television systems in Pennsylvania.

[2] NEP Communications, Inc., is the current licensee of WNEP-TV; Taft's sale of the station to NEP was approved by the Commission on October 30, 1973. NEP subsequently withdrew from these proceedings and was not a party to the Section 403 hearing.

[3] 49 F.C.C. 2d 707, 713 (1974).

[4] FCC 77D-23 (1977).

[5] Service Electric Cable TV, Inc., (Docket 20218) 77 F.C.C. 2d 994 (1980), hereafter referred to as *Report and Order*.

[6] Id. at 1002. The cease and desist order is at 23 F.C.C. 2d 468 (1970); the judicial affirmance 463 F. 2d 672 (3rd Cir. 1972).

[7] 77 F.C.C. 2d at 992, 993.

[8] Service Electric and Penn Service have submitted letters and affidavits from several of their cable television customers to this effect.

[9] Section 309(e) provides in pertinent part: If * * * a substantial and material question of fact is presented or the Commission for any reason is unable to make the finding [that the public interest,

Footnotes continued on next page

requires that the Commission designate the renewal applications for a hearing if the applications cannot be granted based on the record before it. Service Electric argues that the evidence adduced at the Section 403 proceeding cannot be utilized to deny renewal of common carrier licenses without a further adjudicatory hearing to evaluate the grieviousness of the offenses. Service Electric contends that because the character qualifications of Mr. Walson were not considered during the 403 proceedings, the Commission cannot now deny the license and renewal applications and still satisfy the requirement of Section 309(e).

8. Service Electric argues that prior statements by the Commission in this matter acknowledge that the section 403 proceeding does not satisfy the requirements of section 309. For example, it points to the order in *Service Electric Cable TV, Inc. tr/as Mountain City TV Co.*, which acted on Scranton's petition for reconsideration of the 403 hearing designation order.[10] In denying this request on procedural grounds, the Commission noted:

> We have indicated that the findings in the instant hearing would be of help in evaluating the microwave renewal applications, and we therefore declined to set the latter for hearing immediately. For this reason we shall again deny Scranton's request that we designate the microwave renewal applications for hearing now. Service Electric Cable TV, Inc., (51 F.C.C. 2d 763, 764 (1975).

Service Electric further states that the Review Board, in denying Scranton's Motion to Enlarge Issues, clearly recognized that the addition of a character issue would turn the 403 inquiry into a 309(e) hearing and thus transform the nature of the proceedings.[11] It also argues that in June, 1977 Service Electric Cable TV filed a Motion for a Declaratory Order in which it sought clarification of the jurisdiction of the Chief, Cable Television Bureau and the Chief, Office of Opinions and Review in the further consideration of the proceeding. It notes the Commission stated:

> * * * the purpose of this proceeding is not to make a 'final disposition' or adjudicate the rights of any party but to ascertain the facts. It may be that an adjudicatory proceeding will be initiated after the facts are ascertained but we have not yet decided that point. The evidentiary hearings held herein were conducted pursuant to Section 403 of the Communications Act and Section 403 proceedings are investigatory not adjudicatory. *Service Electric Cable TV, Inc.*, 67 F.C.C. 2d 1563, 1565 (1978).

9. Service Electric states that it is also significant to note that the carriers and the cable companies are represented by separate counsel. It submits that, assuming Mr. Walson was placed on notice that the outcome of the 403 proceeding could ultimately effect the status of the microwave renewal applications, the carriers, and particularly Penn Service, were entitled to be represented by their own counsel at the 403 investigation, if the evidence adduced in that proceeding could be used as a vehicle for refusing to grant the renewals without a further hearing.[12]

10. In response to Service Electric's brief, WBRE–TV, Inc., and Scranton Broadcasters, Inc., (collectively referred to hereafter as "Broadcasters") filed a joint statement opposing the suggestion that further hearings are required. Broadcasters argue that the microwave companies have been on notice for almost six years that the results of the 403 investigation would be used to evaluate their renewal applications. Broadcasters contend that Section 309(e) requires a hearing only if there are substantial and material questions of fact relating to the license applications or if, on the basis of the established factual record, the Commission is uncertain whether the public interest, convenience and necessity would be served by grant of the license renewals. If neither of these alternative situations exists, Broadcasters maintain that the Commission many deny a renewal application without a hearing.[13]

11. As to Service Electric's statement of mitigation, Broadcasters argue that the carriers' record of performance is legally insufficient to mitigate the pattern of abuse found by the Commission in the 403 proceeding. Broadcasters assert that existing precedent in the non-broadcast area requires a stronger showing in mitigation than Service Electric has made.[14]

Discussion

12. It is undisputed that the judicially affirmed Commission Cease and Desist Order directed at Service Electric Cable TV was violated on more than one occasion over a period of years. The violation reflects adversely on the qualifications of Service Electric Cable TV's owner, John Walson, to remain a licensee of the Commission. Indeed, the impact on Mr. Walson's qualifications is such that, absent mitigation of the violation, denial of the microwave renewals and license applications of Service Electric and Penn Service might be warranted.

13. Mr. Walson has submitted what he considered to be mitigating factors concerning the willfulness of the violation. Without ruling on the merits of the respective arguments made in mitigation, we agree that the contradictory characterizations of the Section 403 hearing, by the Commission, the Review Board, and the Administrative Law Judge assigned to the case, may have led Mr. Walson to assume that the proceeding was investigatory not adjudicatory in nature and thus, that Service Electric and Penn Service's qualifications to remain Commission licensees were not then in issue. Because these pronouncements may have misled Mr. Walson in the presentation of his case during the Section 403 proceeding, we deem it appropriate that the above-captioned renewal and license applications presently be designated for hearing.[15]

14. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, the above-captioned applications of Service Electric Company and Penn Service Microwave Company ARE DESIGNATED FOR HEARING, at a time and place to be specified in a subsequent Order, upon the following issues: (a) To determine the facts and circumstances surrounding the violation by Service Electric Cable TV, Inc., of the Commission's Cease and Desist Order,

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Footnotes continued from last page

convenience, and necessity will be served by granting the application] it shall formally designate the application for hearing * * *.

[10] 51 F.C.C. 2d 763 (1975). Scranton had requested that the designation order be revised to eliminate inquiry into the alleged violations of the cable systems, and that an order to show cause be issued. It also asked that the designation order be redrafted to include inquiry into the renewal of Service Electric's microwave applications, claiming that this is required pursuant Section 309(e) of the Communications Act.

[11] *Service Electric Cable TV, Inc., tr/as Mountain City TV Co.*, 51 F.C.C. 2d 1167 (Rev. Bd. 1975).

[12] Penn Service and Service Electric also refer to a pleading filed by Service Electric Cable TV, Inc., captioned "Statement of Service Electric Cable TV, Inc. and Request for Revision of the Report and Order." In it petitioner argues that the manager of the Hazelton system believed the signals were authorized, that the local press did not publicize the fact the signals in question had been ordered deleted, and that a change in counsel all led to a failure to remind Walson the signals had to be deleted. The pleading also attempts to assert that the broadcasters' failure to remind Walson to delete the signals constituted entrapment.

[13] However, in a brief filed on August 25, 1980, in *Scranton Broadcasters* v. *FCC*, (Civil No. 80–1631) Scranton argues that "[t]he Commission's responsibility to designate a Section 309(e) hearing in these circumstances is not discretionary." *Brief* at p. 27. Scranton had previously called for immediate designation of a 309(e) hearing on the microwave applications at page 44 of its exceptions to the Recommended Decision.

[14] In support of this position, the Broadcasters cite *TelePrompter Cable Systems, Inc.*, 40 F.C.C. 2d 1027 (1973).

[15] We previously stated our intent to order a hearing if we felt the carriers' statement in mitigation and the responses warranted such a proceeding. *Microwave Order* at 992, fn. 11.

23 F.C.C. 2d 468 (1970) *aff'd.* 463 F.2d 672 (3rd Cir. 1972); and

(b) To determine, in light of the evidence adduced under issue (a), whether the licensees possess the requisite character qualifications to be or remain licensees of the Commission, and whether a grant of the captioned applications would serve the public interest, convenience and necessity.

15. It is further ordered, that, in accordance with Section 309(e) of the Communications Act of 1934, the burden of proceeding with the introduction of evidence and the burden of proof with respect to all issues SHALL BE upon Service Electric Company and Penn Service Microwave Company.

16. It is also ordered, that, to avail themselves of the opportunity to be heard, Service Electric Company and Penn Service Microwave Company, pursuant to § 1.221(e) of the Commission's Rules, in person or by attorney, SHALL within TWENTY (20) days of the mailing of this Order, FILE with the Commission in triplicate, a written appearance stating an intent to appear on the date fixed for hearing and present evidence on the issues specified in this Order.

17. It is also ordered, that the Chief, Common Carrier Bureau, WBRE–TV, Inc. and Scranton Broadcasters ARE MADE parties to this proceeding.

18. It is further ordered, that the Secretary of the Commission send copies of this Order by Certified Mail—Return Receipt Requested to Service Electric Company and Penn Service Microwave Company.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80–33048 Filed 10–22–80; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

[Docket No. 80–73]

Kelco, Division of Merck & Co. v. Johnson Scanstar; Filing of Complaint and Assignment

Notice is given that a complaint filed by Kelco, Division of Merck & Company against Johnson Scanstar was served October 15, 1980. Complainant alleges that respondent has subjected it to payment of rates for ocean transportation in violation of section 18(b)(3) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge Charles E. Morgan. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 80–33035 Filed 10–22–80; 8:45 am]

BILLING CODE 6730–01–M

[Docket No. 80–74; Agreement No. 5850 DR (W&S)]

North Atlantic Westbound Freight Association Wines and Spirits Dual Rate Contract; Order To Show Cause

The North Atlantic Westbound Freight Association (NAWFA) is a conference of ocean carriers serving the trade from ports and points in Great Britain, Northern Ireland and Ireland to Atlantic Coast ports of the United States. Pursuant to permission originally granted by the Commission in 1964, NAWFA offers a dual rate contract arrangement for the carriage of wines and spirits.

Any wines or spirits importer may become a party to this contract. However, the contract provides for rate consultation between NAWFA members and the National Association of Alcoholic Beverage Importers, Inc. (NAABI).

At the time the Commission originally granted NAWFA permission to offer this particular dual rate contract arrangement, the Commission believed that NAABI members imported the large majority of wines and spirits moving in the NAWFA trade. The Commission no longer believes this to be the case. Many wines and spirits importers are not members of NAABI, but are members of the Wines and Spirits Shippers Association (WSSA). The use of NAWFA's wines and spirits dual rate contract, which specifically requires consultations between NAWFA members and NABBI, may be unjustly discriminatory or unfair as between shippers, exporters or importers, and may be contrary to the public interest because it specifically provides for consultations with only one segment of the wines and spirits imports industry.

Not only does the NAWFA contract specifically mention rate consultations with only one segment of the industry, but since at least 1978, NAWFA has been unwilling to consult with NAABI pursuant to the terms of its contract. Assuming, *aguendo,* that the contract otherwise meets the requirements of section 14(b) of the Shipping Act, 1916 (46 U.S.C. 813(a)) the Commission is of the opinion that it is not in the public interest to permit the existence of a dual rate contract arrangement when the carrier parties thereto are not abiding by its terms.

Section 14(b) states that:

> The Commission shall withdraw permission which it has granted under the authority contained in this section for the use of any contract if it finds, after notice and hearing, that the use of such contract is detrimental to the commerce of the United States or contrary to the public interest, or is unjustly discriminatory or unfair as between shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors.

Based on its view that NAWFA's wines and spirits dual rate contract arrangement should not provide for rate consultations with only one segment of the wines and spirits industry and that the existing consultation provisions are not being followed, the Commission will order NAWFA and its member lines to show cause why the Commission should not either withdraw permission for the use of such contract or require it to be modified to comport with the requirements of section 14(b) in order to permit consultations with all segments of the wines and spirits imports industry.

Now therefore, it is ordered, that pursuant to sections 14(b) and 22 of the Shipping Act, 1916, the North Atlantic Westbound Freight Association and its member lines, as listed in Appendix A hereto, are named Respondents in this proceeding and that such Respondents are ordered to show cause why the Commission should not find the NAWFA dual rate contract arrangement for the carriage of wines and spirits to be contrary to the standards of section 14(b) of the Shipping Act, 1916, and either withdraw permission for its use or require it to be modified to conform to the requirements of section 14(b).

It is further ordered, that this proceeding be limited to the submission of affidavits of fact and memoranda of law. Should any party feel that an evidentiary hearing is required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, a description of the evidence which would be adduced to prove those facts, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed no later than February 2, 1981;

It is further ordered, that notice of this Show Cause Order be published in the **Federal Register** and that a copy thereof be served upon each of the Respondents;

It is further ordered, that Respondents shall file affidavits of fact and memoranda of law no later than December 5, 1980, with the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, in an original and 15 copies;

It is further ordered, that the Commission's Bureau of Hearing Counsel be made a party to this proceeding. Reply affidavits and memorandum of law shall be filed by Hearing Counsel no later than January 5, 1981, with the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, in an original and 15 copies;

It is further ordered, that rebuttal memoranda and affidavits responding to the memorandum and affidavits filed by Hearing Counsel shall be filed by Respondents no later than January 26, 1981, with the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, in an original and 15 copies;

It is further ordered, that any persons having an interest and desiring to participate in this proceeding may file a petition for leave to intervene in accordance with § 502.72 of the Commission's rules (46 CFR 502.72), and

It is further ordered, that all documents submitted by any party of record in this proceeding shall be filed in accordance with § 502.118 of the Commission's rules of practice and procedure (46 CFR 502.118) as well as being mailed directly to all parties of record.

By the Commission.

Francis C. Hurney,

Secretary.

Appendix

North Atlantic Westbound Freight Association, D. G. Jeffries, Chairman, 74 St. James' Street, London SW1A 1PS, England
Atlantic Cargo Service AB, Post Office Box 2188, S-403 13, Gothenburg 2, Sweden
Atlantic Container Line (G.I.E.), Overline House, Central Station, Southampton, England
Dart Containerline Company Limited, Meir 1, Antwerp, Belgium
Farrell Lines, Inc., 1 Whitehall Street, New York, New York 10004
Gulf Europe Express—A Joint Service of—
Intercontinental Transport (ICT) B.V., Wilhelminakade 39, 3000 Rotterdam, Holland
Campagnie General Maritime, Tour Winterthur, 102 Quartie, Boieldieu a La Defense, Cedex, F-92085, Paris—La Defense, France
Hapag-Lloyd AG, Ballindamm 25, Hamburg 1, Germany
Sea-Land Service, Inc., 75, Route 27, Iselin, New Jersey 08830
Seatrain International S.A., Port Seatrain, Weehawken, New Jersey 17087
United States Lines, Inc., 1 Broadway, New York, New York 10004

[FR Doc. 80-33076 Filed 10-22-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Arcadia Agency Co., et al.; Acquisition of Bank

Arcadia Agency Company, Arcadia, Nebraska, Tekamah Agency Company, Tekamah, Nebraska, and Decatur Agency Company, Decatur, Nebraska, have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), each to acquire 24.9 per cent of the voting shares of Emerson First National Company, Emerson, Nebraska, which proposes to acquire 95 per cent of the voting shares of the First National Bank, Emerson, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 17, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 16, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-33028 Filed 10-22-80; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than November 17, 1980.

Federal Reserve Bank of Kansas City (Thomas M. Hoening, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

This notice corrects a previous Federal Register document published at page 48252 of the issue for Friday, July 18, 1980.

1. Union Bancorporation, Inc., Oklahoma City, Oklahoma (finance and lending activities; Oklahoma): to engage, through a subsidiary, Union Loan & Thrift Company, in the sale at retail of money orders having a face value of not more than $1,000, and the sale of travelers checks. These activities would be conducted from an office of applicant's subsidiary in Oklahoma City, Oklahoma, serving Oklahoma County, Oklahoma. Comments on this application must be received by November 14, 1980.

2. Farmers Enterprises, Inc., Albert, Kansas (leasing activities; Kansas): to engage in commercial equipment leasing that is the functional equivalent to extending credit. This activity would be conducted from an office in Albert,

Kansas, serving Barton, Ellsworth, Lane, Pawnee, Rice, Rush, Russell, Scott, and Stafford Counties, Kansas.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, October 16, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-33029 Filed 10-22-80; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on October 16, 1980 (NRC), and October 17, 1980 (FCC). 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 receipts.

The notice includes the title of each 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 FCC and NRC requests 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 requests, comments (in triplicate) must be received on or before November 10, 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.

Federal Communications Commission

The FCC requests an extension-without-change clearance of Section 1.311, National Environmental Policy Act Reporting Requirement of the FCC Rules. The information required by Section 1.311 of the FCC Rules must be filed as a supplement by applicants for authority to construct major communications facilities in order for the Federal Communications Commission to meet the requirement of the National Environmental Policy Act (NEPA). The information collected helps FCC to determine whether the facilities will have a significant effect on the environment. Section 102(2)(c) of the NEPA requires all Federal agencies to prepare an environmental impact statement before taking any major action significantly affecting the quality of human environment. The FCC estimates that approximately 513 statements are filed annually and that each statement requires an average of ten hours to prepare.

The FCC requests an extension-without-change clearance of Form 324, Annual Financial Report of Networks and Licensees of Broadcast Stations. Section 1.611 of the FCC's Rules and Regulations requires that each licensee or permittee of a commercially operated standard, FM, television, or international broadcast station file FCC Form 324 with the FCC on or before April 1 of each year. The data collected by Form 324 are compiled into a complete financial and accounting history of the broadcast industry. These data are then used by the FCC in reporting annually to Congress, trade groups, and public groups. The financial information is used by FCC to develop an overview of the broadcast industry and to supply information pertaining to its economic health and performance; to determine the impact of FCC operational decisions on individual broadcast stations and licensees; and to provide input to policy issues and rule-making procedures regarding the economic impact of proposed actions. Form 324 is filed for the calendar year by April 1 of the following year. The FCC estimates that 8,000 respondents complete Form 324 annually and that each response requires four hours to prepare.

Nuclear Regulatory Commission

The NRC requests an extension-without-change clearance of the recordkeeping and reporting requirements contained in 10 CFR Part 31, General Licenses for Byproduct Material; specifically sections 31.5(c) (4), (5), (8) and (9). The NRC estimates respondents to Part 31 to number approximately 10,000 and that recordkeeping requirements for section 31.5(c)(4) will average 2 minutes per test performed; reporting for section 31.5(c)(5) will average one hour per report; reporting for section 31.5(c)(8) will average 10 minutes per report; and reporting for section 31.5(c)(9) will average 10 minutes per report.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 80-33074 Filed 10-22-80; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Alcohol Abuse Prevention Review Committee; Meeting Change

In FR Doc. 80-28951, appearing on page 62550, in the issue of Friday, September 19, the meeting agenda is changed as follows: From 9:00 a.m. to 5:00 p.m., October 27, the committee will be performing initial review of grant applications for Federal assistance and will not be open in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I). On October 28, the meeting will be open for discussion of administrative announcements, and a report from the Prevention Division of the National Institute on Alcohol Abuse and Alcoholism. There will also be a policy discussion on the assessment of past alcohol abuse prevention programming and on future program direction. Other arrangements for the meeting remain the same.

Dated: October 17, 1980.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 80-33143 Filed 10-22-80; 8:45 am]

BILLING CODE 4110-88-M

National Institutes of Health

Women: A Developmental Perspective; Meeting

Notice is hereby given that a research conference, Women: A Developmental Perspective, will be held November 20-21, 1980 in the Masur Auditorium, Clinical Center, National Institutes of Health, Bethesda, Maryland. The conference is sponsored by the National Institute of Child Health and Human Development in cooperation with the National Institute of Mental Health and the National Institute on Aging.

The conference will convene at 8:30 a.m. each day and will be open to the public. Attendance will be limited to space available.

Women: A Developmental Perspective will address a broad range of research issues concerning the physical and psychological development of women. The agenda includes presentations on: women's health concerns, infancy to womanhood, women and work.

reproduction and giving birth, women and the family, sexuality, and implications for the middle and later years.

There will be opportunity for audience participation following each panel. Groups or individuals are encouraged to present their views during open discussion.

Inquiries about the conference and requests for programs should be addressed to Pamela Driscoll or Joan Muller, Office of Research Reporting, NICHD, Building 31, Room 2A–32, Bethesda, Maryland 20205, or telephone (301) 496–5133.

Dated: October 14, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-33144 Filed 10-22-80; 8:45 am]

BILLING CODE 4110-08-M

Public Health Service
Health Services Administration

Geographic Composition of the Contract Health Service Delivery Areas (CHSDA's) Established by Regulations of the Indian Health Service

The purpose of this notice is to list the geographic composition of the CHSDA's established by 42 CFR 36.22(a). Final regulations for Indian Health Service (IHS) Contract Health Services were published in the **Federal Register** on August 4, 1978 (43 FR 34650).

The regulation at 42 CFR 36.22(a)(6) provides that:

> With respect to all other reservations [i.e., other than those not specifically listed in the regulation] within the funded scope of the Indian health program, the contract health service delivery area shall consist of a county which includes all or part of a reservation, and any county or counties which have a common boundary with the reservation.

This is the geographic area within which contract health services may be made available by the IHS to eligible individuals who reside within the area, subject to the provisions of the regulation.

This list presents reservations within the funded scope of the IHS program, and includes exceptions to the rule specifically provided for by the regulation at 42 CFR 36.22(a) and several exceptions covering areas which have been traditionally served by IHS and are within the funded scope. Listed for each reservation are the counties comprising the CHSDA.

It should be clearly understood that residence within a CHSDA by a person who is within the scope of the Indian health program, as set forth in 42 CFR 36.12, creates no legal entitlement to contract health services but only potential eligibility for services. Services needed but not available at an IHS facility are provided under the Contract Health Services program dependent upon the availability of funds, the person's relative medical priority, and the actual availability and accessibility of alternate resources in accordance with the regulations.

The list was compiled utilizing various maps, but primarily the latest Bureau of Indian Affairs (BIA) Federal Aid Indian Road System Atlas, the 1978 BIA Annual Report of Indian Lands, and the 1974 U.S. Department of Commerce publication, *Federal and State Reservations and Indian Trust Areas.* Counties included or excluded from the following list of CHSDA's were determined by applying the regulation quoted above (42 CFR 36.22(a)(6)) except where otherwise provided for by regulations, public laws or congressional action in the appropriations process. Any mistakes in the list of CHSDA's should be brought to the attention of: Mr. Richard J. McCloskey, Director, Office of Legislation and Regulations Services/Indian Health Service, Rm 6A–20, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Corrections of mistaken inclusions or exclusions of a county or counties in a CHSDA may be made administratively and included in a later **Federal Register** notice. However, redesignations of areas included or excluded from a CHSDA for reasons other than a mistake in applying the regulation is governed by the procedures in 42 CFR 36.22(b) and may only be made by the Secretary. The regulations at 42 CFR 36.22(b) provide that redesignation of an area or community as appropriate for inclusion or exclusion in a CHSDA may be made by the Secretary of Health and Human Services, but only after consultation with the tribal governing body or bodies of those reservations included within the CHSDA. The regulations also stipulate certain criteria which must be considered before any redesignation will be made. This criteria is as follows:

1. The number of Indians residing in the area proposed to be so included or excluded;

2. Whether the tribal governing body has determined that Indians residing in the area near the reservations are socially and economically affiliated with the tribe;

3. The geographic proximity to the reservation of the area whose inclusion or exclusion is being considered; and

4. The level of funding which would be available for the provision of contract health services.

Additionally, 42 CFR 36.22(c) stipulates that any redesignation of a CHSDA must conform with the procedures of the Administrative Procedure Act (5 U.S.C. 553). Anyone wishing to change the boundaries of a CHSDA should seek advice from or submit a written request to the IHS Area or Program Office which is responsible for the reservation which determines the current CHSDA.

The CHSDA's for all reservations within the funded scope of the IHS program are as follows:

Contract Health Service Delivery Areas

Reservation and CHSDA (County/State)

Acoma Pueblo—Valencia, NM
Agua Caliente Indian Reservation—Riverside, CA
Ak Chin—Pinal, AZ
Alaskaw [1]
Alturas Indian Rancheria—Modoc, CA
Augustine Reservation—Riverside, CA
Bad River—Ashland, WI, Iron, WI
Barona Reservation—San Diego, CA
Bay Mills—Chippewa, MI
Benton Paiute Reservation—Mono, CA
Berry Creek Rancheria—Butte, CA
Big Bend Rancheria—Shasta, CA
Big Lagoon Rancheria—Humboldt, CA
Big Pine Reservation—Inyo, CA
Bishop Colony—Inyo, CA
Blackfeet—Glacier, MT, Pondera, MT
Bridgeport Indian Colony—Mono, CA
Burns Paiute—Harney, OR
Cabazon Reservation—Riverside, CA
Cahuilla Reservation—Riverside, CA
Campe Verde—Yavapai, AZ
Campo Indian Reservation—San Diego, CA
Capitan Grande Reservation—San Diego, CA
Cedarville Rancheria—Modoc, CA
Chehalis—Grays Harbor, WA, Thurston, WA
Chemehuevi Reservation—San Bernardino, CA, Mohave, AZ
Cheyenne River—Corson, SD, Dewey, SD, Haakon, SD, Meade, SD, Perkins, SD, Potter, SD, Stanley, SD, Sully, SD, Walworth, SD, Ziebach, SD
Chitimacha—St. Mary Parish, LA
Choctaw—Jasper, MS, [2] Kemper, MS, Leake, MS, Neshoba, MS, Newton, MS, Noxubee, MS [2]
Cochiti Pueblo—Sandoval, NM
Cocopah—Yuma, AZ
Coeur d'Alene—Benewah, ID, Kootenai, ID, Latah, ID, Spokane, WA, Whiteman, WA
Cold Springs Rancheria—Fresno, CA
Coleville—Douglas, WA, Ferry, WA, Grant, WA, Lincoln, WA, Okanogan, WA, Stevens, WA
Colorado River—Yuma, AZ, Riverside, CA, San Bernardino, CA
Colusa Rancheria—Colusa, CA
Cortina Indian Rancheria—Colusa, CA
Coushatta—Allen Parish, LA
Coyote Valley Rancheria—Mendocino, CA
Crow—Big Horn, MT, Carbon, MT, Yellowstone, MT, Big Horn, WY, Sheridan, WY

[1] Alaska Native Regions are reservations (42 CFR 36.21(i)) and the entire State of Alaska is included as a CHSDA by regulation (42 CFR 36.22(a)(1)).

[2] Choctaw Indians residing in Jasper and Noxubee Counties, MS, will continue to be eligible for contract health services pending correction of the inadvertent omission of these two counties from § 36.22 of the regulations.

Crow Creek—Brule, SD, Buffalo, SD, Hand, SD, Hughes, SD, Hyde, SD, Lyman, SD, Stanley, SD
Cuyapiape Reservation—San Diego, CA
Dry Creek Rancheria—Sonoma, CA
Duck Valley—Elko, NV, Owyhee, ID
Eastern Band of Cherokees—Cherokee, NC, Graham, NC, Haywood, NC, Jackson, NC, Swain, NC
Enterprise Rancheria—Butte, CA
Flandreau—Moody, SD
Flathead—Flathead, MT, Lake, MT, Missoula, MT, Sanders, MT
Fond Du Lac—Carlton, MN, St. Louis, MN
Fort Apache—Apache, AZ, Coconino, AZ, Gila, AZ, Graham, AZ, Greenlee, AZ, Navajo, AZ
Fort Belknap—Blaine, MT, Phillips, MT
Fort Berthold—Dunn, ND, Mercer, ND, McKenzie, ND, McLean, ND, Mountrail, ND, Ward, ND
Fort Bidwell Reservation—Modoc, CA
Fort Hall—Bannock, ID, Bingham, ID, Caribou, ID, Power, ID
Fort Independence Reservation—Inyo, CA
Fort McDermitt—Humboldt, NV, Malheur, OR
Fort McDowell—Maricopa, AZ
Fort Peck—Daniels, MT, McCone, MT, Richland, MT, Roosevelt, MT, Sheridan, MT, Valley, MT
Fort Totten (Devil's Lake Sioux Reservation)—Benson, ND, Eddy, ND, Nelson, ND, Ramsey, ND
Fort Yuma (Quechan)—Imperial, CA, Yuma, AZ
Gila River—Maricopa, AZ, Pinal, AZ
Goshute—Juab, UT, Tooele, UT, White Pine, NV
Grand Portage—Cook, MN
Grindstone Indian Rancheria—Glenn, CA
Hannahville—Delta, MI, Menominee, MI
Havasupai—Coconino, AZ
Hoh—Jefferson, WA
Hoopa Valley Reservation—Humboldt, CA
Hopi—Apache, AZ, Coconino, AZ, Navajo, AZ
Hopland Rancheria—Mendocino, CA
Hualapai—Coconino, AZ, Mohave, AZ, Yavapai, AZ
Inaja and Cosmit Reservation—San Diego, CA
Iowa—Brown, KS, Doniphan, KS, Richardson, NE
Isabella—Clare, MI, Isabella, MI, Midland, MI
Isleta Pueblo—Bernalillo, NM, Torrance, NM, Valencia, NM
Jackson Rancheria—Amador, CA
Jemez Pueblo—Sandoval, NM
Jicarilla Apache—Archuleta, CO, Rio Arriba, NM, Sandoval, NM
Kaibab—Coconino, AZ, Mohave, AZ, Kane, UT
Kalispel—Pend Oreilla, WA
Karok Tribe of California—Humboldt, CA
Katakitegoning (Watersmeet) or Lac Vieux Desert Band—Gogebic, MI
Keweenaw Bay—Baraga, MI, Houghton, MI, Ontonagon, MI
Kickapoo—Brown, KS, Jackson, KS
Kootenai—Boundary, ID
Lac Courte Oreilles—Sawyer, WI
Lac de Flambeau—Iron, WI, Oneida, WI
La Jolla Reservation—San Diego, CA
Laguna Pueblo—Bernalillo, NM, Sandoval, NM, Velancia, NM
La Posta Indian Reservation—San Diego, CA
Laytonville Rancheria—Mendocino, CA
Leech Lake—Baltrami, MN, Cass, MN, Hubbard, MN, Itasca, MN
Lone Pine Reservation—Inyo, CA
Lookout Rancheria—Modoc, CA
Los Coyotes Reservation—San Diego, CA
Lower Brule—Brule, SD, Buffalo, SD, Hughes, SD, Lyman, SD, Stanley, SD
Lower Elwha—Clallam, WA
Lower Sioux—Redwood, MN, Renville, MN
Lummi—Whatcom, WA
Makah—Clallam, WA
Manchester—Pt. Arena Rancheria—Mendocino, CA
Manzanita Reservation—San Diego, CA
Menominee—Langlade, WI, Menominee, WI, Shawano, WI
Mesa Grande Reservation—San Diego, CA
Mescalero—Chaves, NM, Lincoln, NM, Otero, NM
Middletown Rancheria—Lake, CA
Mille Lacs—Aitkin, MN, Kanebec, MN, Mille Lacs, MN
Mole Lake—Forest, WI
Montgomery Creek Rancheria—Shasta, CA
Morongo Reservation—Riverside, CA
Mucklesoot—King, WA, Pierce, WA
Nambe Pueblo—Santa Fe, NM
Navajo (including Alamo Navajo, Cononcito Navajo, and Ramah Navajo)—Apache, AZ, Bernalillo, NM, Coconino, AZ, McKinley, NM, Montezuma, CO, Navajo, AZ, Sandoval, NM, San Juan, NM, San Juan, UT, Socorro, NM, Valencia, NM
Nett Lake—Itasca, MN, Koochiching, MN, St. Louis, MN
Nevada [3]
Nez Perce—Clearwater, ID, Idaho, ID, Latah, ID, Lewis, ID, Nez Perce, ID
Nisqually—Pierce, WA, Thurston, WA
Nooksah—Whatcom, WA
Northern Cheyenne—Big Horn, MT, Rosebud, MT
Oklahoma [4]
Omaha—Burt, NE, Cuming, NE, Monona, IA, Thurston, NE, Wayne, NE
Oneida—Brown, WI, Outagamie, WI
Pala Reservation—San Diego, CA
Papago—Maricopa, AZ, Pima, AZ, Pinal, AZ
Pasqua-Yaqui—Pima, AZ [5]
Passamaquoddy, Penobscot, ME—Aroostook, ME [6]
Pauma and Yuima Reservation—San Diego, CA
Payson Community (Tonto Apache)—Gila, AZ
Pechanga Reservation—Riverside, CA, San Diego, CA
Penobscot—Aroostook, ME,[6] Penobscot, ME
Picuris Pueblo—Taos, NM
Pine Ridge—Bennett, SD, Cherry, NE, Custer, SD, Dawes, NE, Fall River, SD, Jackson, SD, Mellette, SD, Pennington, SD, Shannon, SD, Sheridan, NE, Todd, SD, Washabaugh, SD
Pit River Indian Tribe of the X–L Ranch Reservation—Modoc, CA
Pojoaque Pueblo—Rio Arriba, NM, Santa Fe, NM
Port Gamble—Kitsap, WA
Port Madison—Kitsap, WA
Potowatomi—Forest, WI, Marinette, WI, Oconto, WI
Potawatomi—Jackson, KS
Prairie Island—Goodhue, MN
Prior Lake—Scott, MN
Puyallup—King, WA, Pierce, WA
Quileute—Clallam, WA, Jefferson, WA
Quinault—Grays Harbor, WA, Jefferson, WA
Ramona Reservation—Riverside, CA
Red Cliff—Bayfield, WI
Red Lake—Beltrami, MN, Clearwater, MN, Koochiching, MN, Lake of the Woods, MN, Marshall, MN, Pennington, MN, Polk, MN, Roseau, MN
Resighini Rancheria—Del Norte, CA
Rincon Reservation—San Diego, CA
Roaring Creek Rancheria—Shasta, CA
Robinson Rancheria—Lake, CA
Rocky Boy's—Chouteau, MT, Hill, MT
Rosebud—Bennett, SD, Cherry, NE, Mellette, SD, Todd, SD, Tripp, SD
Round Valley Reservation—Mendocino, CA
Rumsey Indian Rancheria—Yolo, CA
Sac and Fox (Iowa)—Tama, IA
Sac and Fox (Kansas)—Brown, KS, Richardson, NE
Salt River—Maricopa, AZ
Sandia Pueblo—Bernalillo, NM, Sandoval, NM
San Carlos—Apache, AZ, Cochise, AZ, Gila, AZ, Graham, AZ, Greenlee, AZ, Pinal, AZ
San Felipe Pueblo—Sandoval, NM
San Ildefonso—Los Alamos, NM, Rio Arriba, NM, Sandoval, NM, Santa Fe, NM
San Juan Pueblo—Rio Arriba, NM
San Manual Reservation—San Bernardino, CA
San Pasqual Reservation—San Diego, CA
Santa Ana Pueblo—Sandoval, NM
Santa Clara Pueblo—Los Alamos, NM, Rio Arriba, NM, Sandoval, NM, Santa Fe, NM
Santa Domingo Pueblo—Sandoval, NM, Santa Fe, NM
Santa Rosa Rancheria—Kings, CA
Santa Rosa Reservation—Riverside, CA
Santa Ynez Reservation—Santa Barbara, CA
Santa Ysabel Reservation—San Diego, CA
Santee—Bon Homme, SD, Knox, NE
Sauke-Suiattle—Snohomish, WA
Sault Ste. Marie Tribe of Chippewa [7]—Alger, MI, Chippewa, MI, Delta, MI, Luce, MI, Mackinac, MI, Marquette, MI, Schoolcraft, MI
Seneca—Allegany, NY, Cattaraugus, NY, Chautauqua, NY, Erie, NY, Warren, PA
Sheep Ranch Rancheria—Calaveras, CA
Sherwood Valley Rancheria—Mendocino, CA
Shingle Springs Rancheria (Veronica Tract)—El Dorado, CA
Shoalwater—Pacific, WA

[3] The entire State of Nevada is designated a CHSDA by regulation (42 CFR 36.22(a)(2)).

[4] Former reservations in the State of Oklahoma are reservations by regulation (42 CFR 36.21(1)). The entire State of Oklahoma is a CHSDA by regulation (42 CFR 36.22(a)(3)).

[5] Legislative History (H.R. Report No. 95–1021) to Pub. L. 95–375, Extension of Federal Benefits to Pascua Yaqui Indians, Arizona, expresses congressional intent that lands conveyed to the tribes pursuant to Act of October 8, 1964, (Pub. L. 88–350) shall be deemed a Fedeal Indian Reservation.

[6] Included to carry out the intention of Congress to fund and provide contract health services to Penobscot and Passamaquoddy Indians in Aroostook County. A notice of proposed rulemaking is under development to reflect this congressional intent.

[7] The counties included in this CHSDA were designated by regulation (42 CFR 36.22(a)(4)).

Siletz [8]—Benton, OR, Lane, OR, Lincoln, OR, Linn, OR, Marion, OR, Polk, OR, Tillamook, OR, Yam Hill, OR
Sisseton—Codington, SD, Day, SD, Grant, SD, Marshall, SD, Richland, SD, Roberts, SD, Sargent, SD, Traverse, MN
Skokomish—Mason, WA
Skull Valley—Tooele, UT
Soboba Reservation—Riverside, CA
South Florida (including Brighton, Florida State, Hollywood, and Miccosukee)—Broward, FL, Collier, FL, Dade, FL, Glades, FL, Hendry, FL
Southern Ute—Archuleta, CO, La Plata, CO, Montezuma, CO, Rio Arriba, NM, San Juan, NM
Spokane—Lincoln, WA, Ferry, WA, Stevens, WA
Squaxin Island—Mason, WA
St. Croix—Barron, WI, Burnett, WI, Pine, MN, Polk, WI, Washburn, WI
St. Regis Mohawk—Franklin, NY, St. Lawrence, NY
Standing Rock—Adams, ND, Campbell, SD, Corson, SD, Dewey, SD, Emmons, ND, Grant, ND, Morton, ND, Perkins, SD, Sioux, ND, Walworth, SD, Zieback, SD
Stewarts Point Rancheria—Sonoma, CA
Stockbridge-Munsee—Menominee, WI, Shawano, WI
Sulfer Bank Rancheria—Lake, CA
Suzanville Indian Rancheria—Lassen, CA
Swinomish—Skagit, WA
Sycuan Reservation—San Diego, CA
Table Bluff Rancheria—Humboldt, CA
Table Mountain Rancheria—Fresno, CA
Taos Pueblo—Colfax, NM, Taos, NM
Tesque Pueblo—Santa Fe, NM
Torres-Martinez Reservation—Riverside, CA, Imperial, CA
Trinidad Rancheria—Humboldt, CA
Tulalip—Snohomish, WA
Tule River Indian Reservation—Tulare, CA
Tuolumne Rancheria—Tuolumne, CA
Turtle Mountain—Rolette, ND
Twenty-Nine Palms Reservation—San Bernardino, CA
Uintah and Ouray—Carbon, UT, Duchesne, UT, Emery, UT, Grand, UT, Rio Blanco, CO, Uintah, UT, Wasatch, UT
Umatilla—Umatilla, OR, Union, OR
Upper Lake Rancheria—Lake, CA
Upper Sioux—Chippewa, MN, Yellow Medicine, MN
Ute Mountain Ute—La Plata, CO, Montezuma, CO
Viejas Reservation-San Diego, CA
Warm Springs—Clackamas, OR, Jefferson, OR, Linn, OR, Marion, OR, Wasco, OR
Washoe River (Dresslerville Colony)—Alpine, CA, Douglas, NV
White Earth—Becker, MN, Clearwater, MN, Mahnomen, MN, Norman, MN, Polk, MN
Winnebago (Nebraska)—Burt, NE, Dakota, NE, Dixon, NE, Monona, IA, Thurston, NE, Wayne, NE, Woodbury, IA
Winnebago (Wisconsin) [9]—Adams, WI, Clark, WI, Columbia, WI, Crawford, WI, Eau Claire, WI, Houston, MN, Jackson, WI, Juneau, WI, La Crosse, WI, Marathon, WI, Monroe, WI, Sauk, WI, Shawano, WI, Vernon, WI, Wood, WI
Yakima—Klickitat, WA, Lewis, WA, Yakima, WA
Yankton—Bon Homme, SD, Boyd, NE, Charles Mix, SD, Douglas, SD, Gregory, SD, Hutchison, SD, Knox, NE
Yavapai-Prescott—Yavapai, AZ
Zia Pueblo—Sandoval, NM
Zuni Pueblo—Apache, AZ, McKinley, NM, Valencia, NM.

Dated: October 14, 1980.

George I. Lythcott,

Assistant Surgeon General, Administrator.

[FR Doc. 80-33016 Filed 10-22-80; 8:45 am]

BILLING CODE 4110-84-M

[8] Under the Siletz Restoration Act, Pub. L. 95-195, a reservation is being established. Pending establishment of a reservation, in order to carry out the congressional intent as expressed in H.R. Report No. 95-623, at page 4, Siletz tribal members residing in these counties are eligible for contract health services.

[9] The counties included in this CHSDA were designated by regulation (42 CFR 36.22(a)(5)).

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Baker District Office, Oregon; Oregon Designation of Public Lands for Off-Road Vehicle Use

Notice is hereby given that the public lands administered by the Bureau of Land Management within Baker County, Oregon have been designated for use by off-road vehicles. The designations (open, limited, closed) are consistent with and in furtherance of Executive Order 11644 (37 FR 2877, February 9, 1972), regulations in 43 CFR Part 8340 and the Federal Land Policy and Management Act of 1976. These designations are the result of decisions made in the Baker Management Framework Plan and received full public participation. These designations apply to all motorized vehicular use except (1) fire, emergency, law enforcement, military, and Federal or other governmental vehicles while use for official or emergency purposes, and (2) any vehicle whose use is expressly authorized by permit, lease, license, agreement or contract issued by the authorized officer.

The area affected by these designations encompasses approximately 380,000 acres of public land and is located within Baker County, Oregon. The rationales for the designation of these lands are:

A. Reduce impacts upon soil and vegetation caused by vehicular use.

B. Minimize harrassment of big game species (deer and elk) while they are on their winter ranges.

C. Minimize harrassment of raptors and other species of non-game birds within major concentration areas. These areas support Bald Eagles, Golden Eagles, Red-Tailed hawks, Rough-legged hawks and many other species; they are crucial for mating, nesting and rearing.

D. Protect important historical, archeological, paleontological and other cultural resources.

E. Provide an area for foot or horseback-oriented traveling and/or hunting experiences.

F. Provide for a quality experience for generalized ORV recreational use (hunting, sightseeing, exploring).

G. Provide for a quality experience for intensive commercial/competitive ORV events.

H. Provide big game additional hiding, escape, and rest cover thereby reducing stress on the animal during the hunting seasons.

I. Interim management of area included in BLM Wilderness Inventory process limits use to existing open roads and trails. This will help prevent degradation of wilderness values while allowing historic uses to occur.

Following the description and designation of specific areas, the rationale is listed.

The designations are:

A. *Open:* 260,440 acres. 1. All public lands not indicated as closed or limited. Rationales F & G.

B. *Limited:* 119,560 acres. 1. *West Fork Burnt River:* 560 acres. Limited to existing open roads and trails from the opening of Blue grouse season to the close of rifle elk season. Rationale H.

2. *Denny Flat:* 1,260 acres. Limited to existing open roads and trails year around. Current ORV use many continue as long as the use area is not increased and the activities are confined to existing roads and trails. Rationales A, D & F.

3. *Burnt River Canyon:* 44,340 acres. Limited to existing open roads and trails from the opening of Blue grouse season to Janurary 15. Rationales A, B, D, E & H.

4. *Lookout Mountain/Soda Lake:* 34,850 acres. Limited to existing open roads and trails from July 1 to January 15. Rationales A, E & H.

5. *Virtue Flat:* 3,560 acres. Area designated for intensive 4x4 and motorcycle free play, commerical and/or competitive events. No commercial/competitive or other permitted uses allowed from April 15 to June 7. Rationales C & G.

6. *South Virtue Flat (south of Ruckles Creek):* 700 acres. Limited year around: no recreational use. Mining, mineral exploration, land management, and other non-recreational uses are allowed. Rationales A & C.

7. *Powder River Canyon:* 6,230 acres. Limited to existing open roads and trails

year around. In addition the area is closed to recreational traffic from December 1 to the opening of trout season. Rationales A, B, C & D.

8. *McGraw Creek/Homestead/Sheep Mountain:* 24,600 acres. Limited to existing open roads and trails year around. Rationales A, E, H & I.

9. *Deer Creek (Halfway):* 3,460 acres. Limited to existing open roads and trails from January 1 to May 31. Rationale A.

C. *Closed:* 0 acres.

Specific locations of these areas are noted on maps and overlays located at the district office in Room 215 in the Federal Building, Baker, Oregon.

For further information contact: District Manager, Bureau of Land Management, P.O. Box 987, Baker, Oregon 97814, 503–523–6391, Ext. 281.

These designations are effective immediately.

Dated: October 14, 1980.

Gordon R. Staker,

District Manager.

[FR Doc. 80-33014 Filed 10-22-80; 8:45 am]

BILLING CODE 4310-84-M

Canon City District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Canon city district advisory council meeting.

SUMMARY: Notice is hereby given, in accordance with Pub. L. 94–579, that a meeting of the Canon City District Advisory Council will be held on Friday, November 21, 1980.

The meeting will begin at 1:00 p.m. in the meeting room of the Chaffee County Bank, 146 G Street, Salida, Colorado.

The topic of discussion will be BLM's management of public lands along the Arkansas River.

The meeting will be open to the public. Interested persons may make oral statements to the council during allotted time period beginning at 2:30 p.m. and lasting at least one-half hour. The District Manager may establish a time limit for oral statements depending on the number of people wishing to speak.

EFFECTIVE DATE: October 22, 1980.

ADDRESS: Anyone wishing to address the council must notify the District Manager, Bureau of Land Management, 3080 East Main, (P.O. Box 311), Canon City, Colorado 81212 by November 14, 1980.

FOR FURTHER INFORMATION CONTACT: Mel Clausen, District Manager, Canon City District, Canon City, Colorado 81212.

SUPPLEMENTAL INFORMATION: Summary minutes of the council meeting will be maintained in the Canon City BLM District Office and will be available for public inspections and reproduction (during regular business hours).

Mel Clausen,

District Manager.

[FR Doc. 80-33013 Filed 10-22-80; 8:45 am]

BILLING CODE 4310-84-M

Butte District, Mont.; Multiple Use Advisory Council Meeting

Notice is hereby given in accordance with Pub. L. 94–579 and 43 CFR Part 1780 that a meeting of the Butte District Advisory Council will be held on Wednesday and Thursday, November 12 and 13, 1980.

The meeting will begin at 1:00 p.m. on November 12 in the conference room of the Butte District Office at 106 North Parkmont (Industrial Park), Butte, Montana. The agenda will include:

1. Reading of the Advisory Council minutes from the meeting held 19 and 20 August.

2. A review of the status of the planning update in the Headwaters Resource Area.

3. A review of the scoping process now underway for the planning update in the Garnet Resources Area.

4. A report on implementation measures planned and in progress in the Dillon Resource Area which are the result of the recent planning update and Range Environmental Impact Statement in that area.

5. Review of oil and gas leasing on the Rocky Mountain Front.

6. Council topics.

The meeting is open to the public. Interested persons may make oral statements to the Council between 10:30—11:30 a.m., November 13, or file written statements for th Council's consideration. Anyone wishing to make an oral statement should notify the District Manager, Bureau of Land Management, 106 North Parkmont, P.O. Box 3388, Butte, Montana 59701 by November 10. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District manager.

Summary minutes of the meeting will be maintained in the District Office and be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: October 10, 1980.

Dave Pickett,

Acting District Manager.

[FR Doc. 80-33067 Filed 10-22-80; 8:45 am]

BILLING CODE 4310-84-M

[AA-9205-C]

Alaska Native Claims Selection

Correction

In FR Doc. 80–28982, appearing on page 62564, in the issue of Friday, September 19, 1980, make the following correction.

On page 62565, first column, under **"Copper River Meridian, Alaska (Unsurveyed)"** in the sixteenth line a comma was omitted. The line should have read as follows:

"Sec. 10 (fractional), S½NW¼, SW¼."

BILLING CODE 1505-01-M

[F-14875-A]

Alaska Native Claims Selection; Kugkaktlik Ltd.

Correction

In FR Doc. 80–30446, appearing on page 64744, in the issue of Tuesday, September 30, 1980, make the following correction:

On page 64745, first column, beneath **"Seward Meridian, Alaska (Unsurveyed). add**

"T .2 S. R. 84 W."

BILLING CODE 1505-05-M

Off-Road Vehicle Use Designations, Parker Mountain Planning Unit, Utah

October 10, 1980.

AGENCY: Bureau of Land Management, Department of the Interior, Richfield District.

ACTION: Utah; Off-Road Vehicle Use Designations, Parker Mountain Planning Unit.

In accordance with Executive Order 1164 (37 FR 2877, as amended, February 9, 1972), under the authority of 43 CFR, Part 8340, the following vehicle use zones are established on Bureau of Land Management administered lands in Wayne County, Utah:

1. *Closed to Vehicles.* Big Hollow Canyon—Below the Awapa Plateau and extending from the Fremont River west to Hunt's Reservoir in Section 33, T. 29 S., R. 1 E., Salt Lake Meridian, with the exception of the Loa-Escalante road crossing.

Fish Creek Cove—That portion of Section 31, T. 29 S., R. 5 E., Salt Lake Meridian, which is situated southwest of

Cock's Comb; Lots 4 & 5, Section 6, T. 30 S., R. 5 E., Salt Lake Meridian.

Fremont Gorge—That portion of the Fremont River Gorge extending from the Torrey-Grover road and the Fish Creek confluence east to the Capitol Reef National Park boundary.

2. *Open to Vehicles.* All other public lands within the Parker Mountain Planning Unit; subject to the regulations found in 43 CFR, Part 8340—Off-Road Vehicles, Use of Public Lands, published in the **Federal Register** June 15, 1979.

The Use Zones shown above are as specified by the Parker Mountain Management Framework Plan, dated April, 1979 which was subject to public input and comment.

The purpose of the closed zones is to protect natural and cultural resource values and prevent conflicts between vehicular and non-vehicular recreation uses.

The closure of Big Hollow Canyon is further intended to provide protection from vehicular use while studies of the area's raptor population are conducted. When the studies are completed the appropriateness of the closed designation will be reviewed.

Vehicle use will be prohibited in the closed zones except for required administrative use, emergency use and other essential access as authorized by the Richfield District Office. Permits will be granted for reasonable management and use purposes as authorized under 43 CFR, Part 8340.

These designations will be effective, October 23, 1980 and remain in effect until further notice. A map showing the use zones is available from the following offices:

Richfield District Office, 150 East 900 North, Richfield, Utah 84701
Henry Mountain Resource Area Office, P.O. Box 99, Hanksville, Utah 84734

Leroy C. Montoya,

Assistant District Manager.

[FR Doc. 80-33083 Filed 10-22-80; 8:45 am]

BILLING CODE 4310-84-M

[W-72517]

Wyoming; Notice of Application

October 15, 1980.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application for a right-of-way to construct a 6 ⅝ inch and two 4½ inch O.D. pipelines and related facilities for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 13 N., R. 94 W.,
Secs. 14, 18, 19, 20, 21, 22 and 23.
T. 13 N., R. 95 W.,
Secs. 3, 4, 10, 11, 13, 14, 23, 24 and 26.

The proposed pipelines will transport natural gas from the McPherson Springs 14–2, McPherson 23–2 and Polaris Unit #1 Wells to a point of connection with a proposed pipeline in section 4, T. 13 N., R. 95 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 80-33082 Filed 10-22-80; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application

Applicant: Patuxent Wildlife Research Center, U.S. Fish and Wildlife Service, Laurel, MD 20811.

The applicant requests a permit to import parts or products (e.g. blood, feces, feathers, tissue samples, etc.) of Andean condors (Vultur gryphus) collected in Peru for scientific research.

Documents and other information submitted with this application are available to the public during normal business hours in Room 605, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–7149. Interested persons may comment on this application on or before November 24, 1980 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: October 16, 1980.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 80-33112 Filed 10-22-80; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to be authorized to conduct the specified activity with the indicated Endangered Species:

Applicant: R. E. Lee Andrew, Easton, MD 21601; PRT 2–7135.

The applicant requests a permit to purchase in interstate commerce captive-bred Nene geese (*Branta sandivicensis*) from U.S. sources for enhancement of propagation and survival.

Applicant: R. H. Crompton, Harvard University, Cambridge, MA; PRT 2–7174.

The applicant requests a permit to export preserved specimens of cotton-top marmosets (*Saquinus oedipus*) and mouse lemurs (*Microcebus murinus*) to Hong Kong for scientific research at the Chinese University.

Applicant: David Lee Moore, Byhalia, MS 38611; PRT 2–7169.

The applicant requests a permit to purchase in interstate commerce captive-bred Nene geese (*Branta sandivicensis*) and Hawaiian ducks (*Anas wyvilliana*) from U.S. sources for enhancement of propagation and survival.

Applicant: San Antonio Zoo, San Antonio, TX 78212; PRT 2–7176.

The applicant requests a permit to import in foreign commerce two captive bred Cuban crocodiles (*Crocodylus rhombifer*) from the Aquarium de Montreal, Quebec, Canada for enhancement of propagation and survival.

Applicant: Joseph C. Allen, Prescott, AZ 86301; PRT 2–7125.

The applicant requests a permit to take (salvage) dead or injured endangered and threatened bird species in Arizona for scientific research and/or rehabilitation purposes.

Humane care and treatment during transport, if applicable, has been indicated by the applicant.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 605, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting

written data, views, or arguments to the Director at the above address.

Dated: October 17, 1980.

Fred L. Bolwahnn,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 80-33113 Filed 10-22-80; 8:45 am]

BILLING CODE 4310-55-M

Heritage Conservation and Recreation Service

Proposed Designation of Five California Rivers in the National Wild and Scenic Rivers System; Intent To Extend EIS Review Period

October 20, 1980.

AGENCY: Heritage Conservation and Recreation Service, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Heritage Conservation and Recreation Service has extended the review period for DES 80-59, *Proposed Designation of Five California Rivers in the National Wild and Scenic Rivers System* through November 20, 1980. The previous deadline for comments was November 5, 1980.

FOR FURTHER INFORMATION CONTACT: John Haubert, Outdoor Recreation Planner, Heritage Conservation and Recreation Service, U.S.D.I., Washington, D.C. 20243, (202/343-4793). The primary author for this Notice is John Haubert.

Dated: October 20, 1980.

Robert A. Ritsch,

Acting Director for Natural Resources.

[FR Doc. 80-33077 Filed 10-22-80; 8:45 am]

BILLING CODE 4310-03-M

INTERSTATE COMMERCE COMMISSION

[Notice No. 200]

Assignment of Hearings

October 15, 1980.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 94201 (Sub-179F), Bowman Transportation, Inc., now assigned for Prehearing Conference on October 15, 1980 at Washington, D.C., is postponed to October 27, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 28088 (Sub-46F), North & South Lines, Inc., now assigned for hearing on September 30, 1980 at Washington, D.C., is cancelled and application dismissed.

MC 34631 (Sub-6F), A. Arnold & Sons Transfer & Storage Co., Inc., now being assigned for hearing on December 10, 1980 (1 day) at Columbus, OH location of hearing room will be designated later.

MC 135524 (Sub-48F), G. R. Trucking Co. now being assigned for hearing on December 11, 1980 (2 days) at Columbus, OH location of hearing room will be designated later.

MC-F-14171, Columbus Retail Merchants Delivery, Inc., Purchase Reed Lines, Inc. and MC 14251, (Sub-7F), Columbus Retail Merchants Delivery, Inc., now being assigned for hearing on December 15, 1980 (5 days) at Columbus, OH location of hearing room will be designated later.

MC 107012 (Sub-499F), North American Van Lines, Inc., now assigned for Prehearing Conference on November 21, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 134922 (Sub-318F), B. J. McAdams, Inc., now assigned for Prehearing Conference on November 21, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 114552 (Sub-249F), Senn Trucking Company, now assigned for Prehearing Conference on November 24, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 113974 (Sub-69F), Pittsburgh & New England Trucking Co., now assigned for Prehearing Conference on November 24, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 148629F, Parkhill Pipe Services Company, now assigned for Prehearing Conference on November 24, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 31389 (Sub-287F), McLean Trucking Company, now assigned for Prehearing Conference on November 24, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 141443 (Sub-25F), John Long Trucking, Inc., now assigned for Prehearing on October 2, 1980 at Los Angeles, CA is transferred to Modified Procedure.

MC 108119 (Sub-151F), E. L. Murphy Trucking Company, now assigned for hearing on December 8, 1980 (1 day) at Birmingham, AL in a hearing room to be later designated.

MC144011 (Sub-1F), Hall System, Inc., now assigned for hearing on December 9, 1980 (9 days) at Birmingham, AL in a hearing room to be later designated.

MC 147848 (Sub-3F), A-1 Express Chartered Bus Service, Inc., now assigned for hearing on December 10, 1980 (3 days) at Indianapolis, IN in a hearing room to be later designated.

MC 101474 (Sub-26F), Red Top Trucking Company, Inc., now assigned for hearing on December 15, 1980 (5 days) at Indianapolis, IN in a hearing room to be later designated.

MC 124078 (Sub-975F), Schwerman Trucking Co., application dismissed.

MC 22301 (Sub-29F), Sioux Transportation Co., Inc., now assigned for hearing on December 9, 1980 (9 days) at Chicago, IL in a hearing room to be later designated.

MC 107912 (Sub-29F), Rebel Motor Freight, Inc., now assigned for hearing on January 6, 1981 (9 days) at Memphis, TN in a hearing room to be later designated.

MC 11838 (Sub-58F), Cabor Trucking, Inc., now assigned for hearing on October 29, 1980 at Seattle WA in Room No. 2866, Federal Building, 915 2nd Avenue.

AB 10 (Sub-21F), Wabash Railroad Company and Norfolk and Western Railway Company—Abandonment—In Elkhart, LaGrange, Noble and Steuben Counties, IN, and Williams County, OH, now assigned for hearing on October 28, 1980 at LaGrange, IN, in the Conference Room, Farmer's State Bank, 220 South Detroit Street.

MC 110563 (Sub-307F), Coldway Food Express, Inc., now assigned for Prehearing Conference on November 13, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 56679 (Sub-167F), Brown Transport Corp., now assigned for Prehearing Conference on December 1, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 145152 (Sub-90F), Big Three Transportation, Inc., now assigned for hearing on December 2, 1980 (1 day) at Kansas City, MO in a hearing room to be later designated.

MC 134755 (Sub-208F), Charter Express, Inc., now assigned for hearing on December 3, 1980 (1 day) at Kansas City, MO in a hearing room to be later designated.

MC 141092 (Sub-2F), E. R. Hopkins Truck Line, Inc., now assigned for hearing on December 4, 1980 at Kansas City, MO in a hearing room to be later designated.

MC 113908 (Sub-495F), Erickson Transport Corp., now assigned for hearing on December 8, 1980 (1 week) at Kansas City, MO in a hearing room to be later designated.

MC 58902 (Sub-19F), Manley Transfer Company, Inc., now assigned for hearing on October 27, 1980 (2 weeks) at Kansas City, MO will be held in hearing rooms as follows, October 27, 1980 (3 days) at the Federal Building, room 280, 601 East 12th Street, continued on October 30, 1980 (2 days) at the HEW, Room No. 276, 601 East 12th Street and November 3, 1980 (5 days) at the Department of Labor, Room Nos. 2506 and 2507—25th Floor, 911 Walnut Street, Old Federal Building.

MC 61825 (Sub-130F), Roy Stone Transfer Corporation, now assigned for Prehearing Conference on December 1, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 114211 (Sub-456F), Warren Transport Inc., now assigned for Prehearing Conference on December 2, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 138878 (Sub-8F), John S. Watson DBA John S. Watson Trucking Co., now assigned for hearing October 7, 1980 at Charleston, WV is transferred to Modified Procedure.

MC 105269 (Sub-77F), Graff Trucking Company, Inc., is transferred to Modified Procedure.

MC 110525 (Sub-1307F), Chemical Leaman Tank Lines, Inc., now assigned for hearing November 6, 1980 at Chicago, IL is transferred to Modified Procedure.

MC 140024 (Sub-166F), J. B. Montgomery, Inc., now assigned for hearing on October 28, 1980 at Pittsburgh, PA is transferred to Modified Procedure.

MC 124151 (Sub-13F), Vanguard Transportation, Inc., is transferred to Modified Procedure.

MC 147895.(Sub-1F), Express Transport Corp., now assigned for Prehearing Conference on October 7, 1980 at Washington, D.C., is postponed to November 6, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 124174 (Sub-151F), Momsen Trucking Co., now assigned for hearing on October 27, 1980 at Laredo, TX at the La Posada Motor Hotel, 1000 Zaragoza.

MC 135732 (Sub-38F), Aubrey Freight Lines, Inc., now assigned for hearing on October 9, 1980 at New York, NY is transferred to Modified Procedure.

MC 146946 (Sub-1F), Linten Heavy Haulers, now assigned for hearing on December 9, 1980 (9 days) at Los Angeles, CA in a hearing room to be later designated.

MC 23618 (Sub-62F), McAlister Trucking Company D/B/A Matco, now assigned for Prehearing Conference on November 25, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 23618 (Sub-63F), McAlister Trucking Company D/B/A Matco, now assigned for Prehearing Conference on November 28, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 125433 (Sub-428F), F–B Truck Line Company, now assigned for Prehearing Conference on November 21, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 107478 (Sub-66F), Old Dominion Freight Line, Inc., now assigned for Prehearing Conference on November 21, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 150777 (Sub-1F), American Contract Carrier, Inc., now assigned for Prehearing Conference on December 1, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 128272 (Sub-392F), Midwestern Distribution, Inc., now assigned for Prehearing Conference on December 15, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 115703 (Sub-13F), Kreitz Motor Express, Inc., now assigned for hearing on October 8, 1980 at Washington, D.C., is canceled and application is dismissed.

MC 58923 (Sub-54F), Georgia Highway Express, Inc., now assigned for October 14, 1980 is canceled and reassigned to October 15, 1980 at Jackson, MS, Suite 707, Federal Building, 100 West Capitol Street, continued hearing assigned for November 17, 1980 is canceled.

MC 147408 (Sub-2F), Isadore Hall DBA I. Hall Charter Service, now assigned for hearing on October 27, 1980 at Baltimore, MD in the Conference Room—First Floor, Garmatz Federal Bldg., & Courthouse, 101 W. Lombard Street.

MC 66746 (Sub-23F), Shippers Express, Inc., now assigned for continued hearing on November 6, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 146379 (Sub-4F), Auto Express, Inc., now assigned for Prehearing Conference on December 2, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 147281 (Sub-2F), Robert G. Willment and Edward J. Blyzwick Jr. D/B/A Keystone Air Freight Expediting, now assigned for hearing on November 3, 1980 (1 week) at Pittsburgh, PA on November 3, 4, & 7, 1980 in Room 2218, Federal Building, 1000 Liberty Avenue, on November 5 & 6, 1980 in Room 2501, Federal Building, 1000 Liberty Avenue.

MC 141804 (Sub-307F), Western Express, Division of Interstate Rental, Inc., now assigned for hearing on November 13, 1980 at Los Angeles, CA in Los Angeles County Courthouse, 111 North Hill Street.

MC 147521 (Sub-4F), J.S.I., now assigned for hearing on November 17, 1980 at Los Angeles, CA in Los Angeles County Courthouse, 111 North Hill Street.

MC 143775 (Sub-123F), Paul Yates, Inc., now assigned for hearing on October 28, 1980 (2 days) at San Francisco, CA in Room 510, 5th Floor, 211 Main Street.

MC 5623 (Sub-51F), Arrow Trucking Co., now assigned for hearing on November 3, 1980 at San Francisco, CA in room 510, 5th Floor, 211 Main Street.

MC 106674 (Sub-402F), Schilli Motor Lines, Inc., now assigned for October 28, 1980 (1 day) at Chicago, IL in Room 3883, Kluczynski Bldg., 230 S. Dearborn Street.

MC 110420 (Sub-811F), Quality Carriers, Inc., now assigned for hearing on October 29, 1980 (3 days) at Chicago, IL in Room 3883, Kluczynski Bldg., 230 South Dearborn Street.

MC 113855 (Sub-490F), International Transport, Inc., now assigned for hearing on November 3, 1980 (1 day) at Chicago, IL in Room 3619, Kluczynski Building, 230 South Dearborn Street.

MC 61592 (Sub-475F), Jenkins Truck Line, Inc., now assigned for hearing on November 4, 1980 (2 days) at Chicago, IL.

MC 35628 (Sub-418F), Interstate Motor Freight System, now assigned for hearing on November 17, 1980 at Buffalo, NY is transferred to Modified Prodecure.

MC 115841 (Sub-752F), Colonial Refrigerated Transportation, Inc., now assigned for hearing on October 29, 1980 at San Antonio, TX will be held in Room No. 371, Old U.S. Courthouse & Post Office, 615 East Houston Street.

MC 113300 (Sub-12F), William T. Herron Trucking, Inc., now assigned for hearing on November 13, 1980 at Columbus, OH will be held in Conference Room No. 426, Federal Building, 85 Marconi Blvd.

MC 31389 (Sub-284F), Mclean Trucking Company, now assigned for hearing on November 3, 1980 at Fort Worth, TX will be held in ICC Hearing Room—4th Floor, 411 West 7th Street, Neil P. Anderson Building.

MC 123048 (Sub-472F), Diamond Transportation System, Inc., now assigned for hearing on November 14,

1980 at Columbus, OH will be held in Conference Rom No. 426, Federal Building, 85 Marconi Blvd.

MC 14552 (Sub-69F), Mcnicholas Transportation Co., now assigned for hearing on November 17, 1980 at Columbus, OH will be held in Conference Room No. 426, Federal Building, 85 Marconi Blvd.

MC 102616 (Sub-1011F), Coastal Tank Lines, Inc., now being assigned for hearing on January 6, 1981 (4 days) at Ft. Worth, TX, location of hearing room will be designated later.

MC 148438 (Sub-1F), Marchand Construction, Inc., now being assigned for hearing on January 12, 1981 (2 days) at Ft. Worth, TX location of hearing room will be designated later.

MC 133095 (Sub-248F), Texas-Continental Express, Inc., now being assigned for hearing on January 14, 1981 (3 days) at Ft. Worth, TX location of hearing room will be designated later.

MC 115841 (Sub-768F), Colonial Refrigerated Transportation, Inc., now being assigned for prehearing conference on November 7, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 147323 (Sub-16F), Haddad Transportation, Inc., now being assigned for prehearing on December 1, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 115311 (Sub-397F), J & M Transportation Co., Inc., now being assigned for prehearing conference on December 2, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 125433 (Sub-424F), F-B Truck Line Company, now being assigned for prehearing conference on November 21, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 108937 (Sub-65F), Murphy Motor Freight Lines, Inc., now assigned for prehearing conference on December 3, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 37466, The Aluminum Association, Inc., Et Al v. The Akron, Canton & Youngstown Railroad Co., et al., now being assigned for prehearing conference at the Offices of the Interstate Commerce Commission, at Washington, D.C.

AB 43 (Sub-38F), Illinois Central Gulf Railroad Company Abandonment near Rosedale and Greenville, in Washington and Bolivar Counties, Mississippi now assigned for hearing on November 3, 1980 (9 days) at Rosedale, MS is postponed to December 2, 1980 (9 days) at Rosedale, MS., location of hearing room will be designated later.

MC 119789 (Sub-639F), Caravan Refrigerated Cargo, Inc., now being assigned for hearing on December 5, 1980 (1 day) at Chicago, IL location of hearing room will be designated later.

No. 37499 The Murray Ohio Manufacturing Co. v. The Louisville & Nashville Railroad Co., now being assigned for prehearing conference on November 7, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 125985 (Sub-29F), Auto Driveaway Company, is transferred to Modified Procedure.

MC 136343 (Sub-182F), Milton Transportation, Inc., is transferred to Modified Procedure.

MC 145481 (Sub-12F), Coyote Truck Line, Inc., is transferred to Modified Procedure.

MC 105566 (Sub-201F), Sam Tanksley Trucking, Inc., is transferred to Modified Procedure.

MC 29079 (Sub-168F), Brada Miller Freight Systems, Inc., now being assigned for hearing on December 2, 1980 (1 week) at Birmingham, AL location of hearing room will be designated later.

MC 111302 (Sub-169F), Highway Transport, Inc., now being assigned for hearing on December 8, 1980 at Atlanta, GA location of hearing room will be designated later.

MC 143594 (Sub-10F), National Bulk Transport, Inc., is transferred to Modified Procedure.

No. 37450, Central Illinois Light Company v. the Atchison Topeka and Santa Fe Railway Company, et al, now being assigned for hearing on December 15, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 144678 (Sub-9F), American Freight System, Inc., now being assigned for hearing on December 15, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 147568F, Sam Broussard Trucking Co., Inc., now being assigned for hearings on December 1, 1980 (3 days) at New Orleans, LA location of hearing room will be designated later.

MC 148265F, L & F Leasing, Inc., is transferred to Modified Procedure.

MC 139482 (Sub-128F), New Ulm Freight Lines, Inc., is transferred to Modified Procedure.

MC 107605 (Sub-23F), Advance-UNITED Expressways, Inc., now being assigned for hearing on December 12, 1980 (9 days) at St. Paul, MN location of hearing room will be designated later.

MC 119639 (Sub-20F), Inco Express, Inc., now being assigned for hearing on November 19, 1980 (3 days) at Portland, OR in room No. 103, Pioneer Courthouse, 555 S.W. Yamhill Street.

MC 56679 (Sub-152F), Brown Transport Corp., now being assigned for hearing on December 2, 1980 (9 days) at Atlanta, GA location of hearing room will be designated later.

MC 105120 (Sub-20F), Freightways Express, Inc., now being assigned for hearing on December 9, 1980 (2 week) at Memphis, TN location of hearing room will be designated later.

MC 110817 (Sub-29F) E. L. Farmer & Company, now being assigned for hearing on December 2, 1980 (2 week) at Houston, TX location of hearing room will be designated later.

MC 146863 (Sub-2F), Webb's Hot Service, Inc., MC 147391 (Sub-2F), Loyd Rudy d.b.a. Loyd's Hot Shot Service, MC 147351 (Sub-2F), Yor Enterprises, Inc., d.b.a. Diamond Y Hot Shot, MC 147398 (Sub-2F), A. t. Tucker d.b.a. Hotshot & MC 105006 (Sub-11F), L. L. Smith Trucking., now being assigned for hearing on December 9, 1980 (2 weeks) at Casper, WY location of hearing room will be designated later.

MC 14702 (Sub-85F), Ohio Fast Freight, Inc., is transferred to Modified Procedure.

MC 135524 (Sub-44F), G. F. Trucking Company, now being assigned for hearing on December 9, 1980 at Chicago, IL location of hearing room will be designated later.

MC 142268 (Sub-39F), Gorski Bulk Transport, Inc., now being assigned for hearing on December 11, 1980 at Chicago, IL location of hearing room will be designated later.

MC 109533 (Sub-119F), Overnite Transportation Company, now being assigned for hearing on December 15, 1980 at Indianapolis, IN location of hearing room will be designated later.

MC 135518 (Sub-20F), Western Carriers, Inc., is transferred to Modified Procedure.

MC 144969 (Sub-12F), Wheaton Cartage, Co., now being assigned for hearing on December 4, 1980 at Chicago, IL, (1 day) at Chicago, IL location of hearing room will be designated later.

MC 143594 (Sub-10F), National Bulk Transport, Inc., now being assigned for hearing on December 5, 1980 (1 day) at Chicago, IL location of hearing room will be designated later.

MC 147522 (Sub-1F), George Joseph Brzezinski, d.b.a. Shur-Way Moving & Cartage Company, now being assigned for hearing on December 8, 1980 (1 day) at Chicago, IL location of hearing room will be designated later.

MC 128273 (Sub-378F), Midwestern Distribution, Inc., now being assigned for prehearing conference on November 13, 1980 at the Offices of the Interstate

Commerce Commission, Washington, D.C.

MC 26396 (Sub-368F), The Waggoners Trucking, now being assigned for prehearing conference on November 14, 1980 at the Offices of the International Commerce Commission, at Washington, D.C.

MC 49387 (Sub-56F), Orscheln Bros. Truck Lines, Inc., now being assigned for prehearing conference on November 14, 1980 at the Offices of the Interstate Commerce Commission at Washington, D.C.

MC 124141 (Sub-30F), Julian Martin, Inc., now being assigned for prehearing conference on November 17, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 146281 (Sub-4F), Silver Fleet Express, Inc., now being assigned for prehearing conference on November 17, 1980 at the Offices of the Interstate Commerce Commission Washington, D.C.

MC 136343 (Sub-182F), Milton Transportation, Inc., now being assigned for hearing on October 29, 1980, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 114569 (Sub-305F), Shaffer Trucking, Inc., now being assigned for hearing on November 13, 1980 at the Offices of the Interstate Commerce Commission at Washington, D.C.

MC 119991 (Sub-26F), Young Transport, Inc., now being assigned for hearing on November 18, 1980 at the Offices of the Interstate Commerce Commission at Washington, D.C.

No. 37487, Volkswagen of America, Inc. v. The Baltimore and Ohio Railroad Company, Inc., et al, now being assigned for prehearing conference at the offices of the Interstate Commerce Commission, at Washington, D.C.

AB 43 (Sub-62F), Illinois Central Gulf Railroad Company—Abandonment—between Bemis, TN and Coffeeville, MS is being assigned for continued hearing on November 12, 1980 (1 week) at Bolivar, TN and November 17, 1980 (1 week) at Oxford, MS location of hearing room will be designated later.

MC 146378 (Sub-5F), Paul Harpole Truck Service, Inc., now being assigned for hearing on December 3, 1980 at Chicago, IL (1 day) at Chicago, IL location of hearing room will be designated later.

MC 115826 (Sub-479F), W. J. Digby, Inc., now being assigned for hearing on December 4, 1980 (1 day) at Denver, CO location of hearing room will be designated later.

MC 115826 (Sub-511F), W. J. Digby, Inc., now being assigned for hearing on December 5, 1980 (1 day) at Denver, CO location of hearing room will be designated later.

MC 106194 (Sub-39F), Horn Transportation, Inc., now being assigned for hearing on December 8, 1980 (1 week) at Denver, CO location of hearing room will be designated later.

MC 125299 (Sub-7F), Witt Brothers Exchange, Incorp., now being assigned for hearing on December 4, 1980 (2 days) at St. Louis, MO location of hearing room will be designated later.

MC 128299 (Sub-35F), Rediehs Interstate, Inc., now being assigned for hearing on December 8, 1980 (1 day) at St. Louis, MO location of hearing room will be designated later.

MC 119656 (Sub-62F), North Express, Inc., now being assigned for hearing on December 9, 1980 (2 days) at St. Louis, MO location of hearing room will be designated later.

MC 112304 (Sub-222F), Ace Doran Hauling & Rigging Co., now being assigned for hearing on December 11, 1980 (2 days) at St. Louis, MO, location of hearing room will be designated later.

MC 109708 (Sub-101F), Indian Ribert Transport Co., now being assigned for hearing on December 1, 1980 (1 week) at Indianapolis, IN location of hearing room will be designated later.

MC 145516 (Sub-7F), T. G. Stegall Trucking Company, Inc., now being assigned for prehearing conference on November 20, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 73165 (Sub-497F), Eage Motor Lines, Inc., now being assigned for prehearing conference on November 20, 1980 at the Offices of the Interstate Commerce Commission at Washington, D.C.

MC 115841 (Sub-709F), Colonial Refrigerated Transportation, now being assigned for hearing on December 9, 1980 (2 days) at Seattle, WA location of hearing room will be designated later.

MC 11722 (Sub-72F), Brader Hauling Service, Inc., now being assigned for hearing on December 11, 1980 (2 days) at Seattle, WA location of hearing room will be designated later.

MC 144315 (Sub-5F), Port City Leasing, Inc., now being assigned for hearing on December 15, 1980 at Seattle, WA location of hearing room will be designated later.

MC 140665 (Sub-59F), Prime, Inc., now being assigned for hearing on December 17, 1980 (3 days) at Seattle, WA, location of hearing room will be designated later.

MC 730 (Sub-440F), Pacific Intermountain Express Co., now being assigned for hearing on December 2, 1980 at St. Louis, MO location of hearing room will be designated later.

MC 115331 (Sub-507F), Truck Transport Incorporated, now being assigned for hearing on December 3, 1980 at St. Louis, MO location of hearing room will be designated later.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-33061 Filed 10-22-80; 8:45 am]

BILLING CODE 7035-01-M

Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(e) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive

amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* any application directly related thereto filed within 30 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: October 10, 1980.

By the Commission, Review Board Number 5, members Krock, Taylor and Williams. (member William not participating)

MC-F-14334F, filed March 5, 1980. P. L. LAWTON, INC. (Lawton) (P.O. Box 325, Berwick, PA 18603) PURCHASE—DAILEY TRUCKING, INC. (Dailey) (2935 Moreland Avenue, Conley, GA 30027). Representative: J. Bruce Walter, P.O. Box 1146, 410 N. Third Street, Harrisburg, PA 17108. Lawton seeks authority to purchase the interstate operating rights of Dailey. Lawton Enterprises, Inc., a non-carrier and sole stockholder of Lawton, and in turn, LaBar Enterprises, Inc., a non-carrier and sole stockholder of Lawton Enterprises, Inc., and in turn, James C. LaBar, the sole stockholder of LaBar Enterprises, Inc., seek authority to acquire control of said rights through the transaction. Lawton is purchasing the interstate operating rights of Dailey which are contained in MC 144731 (Sub-1F), and authorize the transportation, as a motor contract carrier, over irregular routes, of *floor covering installation materials* (except commodities in bulk), from Conyers, GA, to points in the United States (except AK, HI, AZ, CA, CO, ID, MT, NV, NM, ND, OR, SD, UT, WA, and WY), under continuing contract(s) with Taylor Industries, of Conyers, GA. P. L. Lawton is a motor contract carrier pursuant to authority issued in MC 128762 and sub-numbers thereunder. Condition: So far as can be ascertained from the evidence of record in this proceeding, Lawton's parent, LaBar's Enterprises, Inc., is a non-carrier with its investments and functions primarily related to transportation. Accordingly, concurrently with consummation of the transaction authorized in this proceeding, LaBar's Enterprises, Inc., will be considered a motor carrier within the meaning of 49 U.S.C. 11348. It will, therefore, be subject to the applicable provisions of 49 U.S.C. Subtitle IV, subchapter III of chapter 111 relating to reporting and accounting, and of 49 U.S.C. 11302 relating to the issuance of securities.

Note.—Application for temporary authority has been filed.

MC-F-14441F, filed June 26, 1980. BEST-WAY TRANSPORTATION (Best-Way) (5150 N. 16th Street, Ste. 232, Phoenix, AZ 85016) —PURCHASE (PORTION)— SYSTEM 99 and NEVADA FREIGHT LINES, INC. (Nevada) (both of 8201 Edgewater Drive, Oakland, CA 94621). Representative: Lewis P. Ames, 111 W. Monroe, 10th Floor, Phoenix, AZ 85003. Best-Way seeks authority to purchase a portion of the interstate operating rights of System 99 and Nevada. Arrow Delivery Company which controls 100% of the stock of Best-Way seeks authority to acquire control of said rights through the transaction. Best-Way is purchasing a portion of the interstate operating rights contained in System 99 certificate MC 98327 (Subs.-26, 27 and 34), which authorized the transportation of general commodities [except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment], over regular routes, as summarized: [1] Between San Bernardino, California and junction unnumbered highway and Interstate Highway 15, near Nipton, California, serving all intermediate points. From San Bernardino over Interstate Highway 15 to junction U.S. Highway 66, then over U.S. Highway 66 to Essex, CA, then over unnumbered highways via Goffs, Ivanpah, and Nipton, CA, to junction Interstate Highway 15, and return over the same route. Serving as off-route points those in that part of CA and NV within 50 miles of Nipton, CA, including Nipton, CA. [2] Between the junction of U.S. Highway 93 and U.S. Highway 95 [near Alunite, NV] and the junction of Interstate Highway 40 [U.S. Highway 66] and the AZ State Highway 95, east of Topock, AZ, serving all intermediate points; From the junction of U.S. Highway 93 and U.S. Highway 95 [near Alunite, NV] over U.S. Highway 95 to its junction with Interstate Highway 40 west of Needles, CA, thence over Interstate Highway 40 to its junction with AZ State Highway 95, east of Topock, AZ, and return over the same route. Between Essex, CA, and the junction of Interstate Highway 40 [U.S. Highway 66] and U.S. Highway 95 west of Needles, CA, serving all intermediate points; From Essex, CA, over Interstate Highway 40 to its junction with U.S. Highway 95, west of Needles, CA, and return over the same route. [3] Between junction Interstate Highway 10 and U.S. Highway 60, and Phoenix, AZ, serving all intermediate points; From junction Interstate Highway 10 and U.S. Highway 60 over U.S. Highway 60 via Hope, Aguila and Wickenburg, AZ, to Phoenix and return over the same route. Between Kingman, AZ and Hope, AZ, serving all intermediate points; From Kingman, AZ, to junction AZ Highway 95, thence over AZ Highway 95 via Lake Havasu City and Parker, AZ, to junction AZ Highway 72, and thence over AZ Highway 72 to Hope, and return over the same route. Best-Way is purchasing a portion of the interstate operating rights contained in Nevada's certificate in MC 97526 (Sub.-3), which authorizes transportation of *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 Reno, NV and junction U.S.

Hwy. Alternate 95 and U.S. Hwy. 95 near Schurz, NEV. serving all intermediate points: From Reno over Interstate Hwy. 80 to junction U.S. Highway Alternate 95, then over U.S. Hwy. Alternate 95, through Silver Springs, NV, to junction U.S. Hwy. 95 near Schurz, and return over the same route. [2] Between Fernley, NV, and Schurz, NV, serving all intermediate points: From Fernley over U.S. Hwy. Alternate 95, through Hazen, NV, to junction U.S. Hwy. 95, then over U.S. Hwy. 95 to Schurz, and return over the same route. [3] Between Schurz, NV and Las Vegas, NV, serving all intermediate points: From Schurz over U.S. Hwy. 95 to Las Vegas, and return over the same route. Best-Way is authorized to operate as a common carrier pursuant to certificates issued in MC–112123. [Hearing site: Los Angeles or Phoenix.] Impediment: An impediment exists to a summary grant of this application in that (1) the rights to be sold by Nevada in MC 97526 (Sub-3) duplicate the rights to be retained by Nevada, to serve Reno and Las Vegas, NV; and (2) the rights to be sold by System 99 in MC 98327 (Sub-27) duplicate the rights to be retained by System 99 to serve intermediate points on Interstate Hwy 15 between San Bernardino, CA, and the junction of U.S. Hwy. 66 and Interstate Hwy 15.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–33060 Filed 10–22–80; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 29242]

Hillsdale County Railway Co., Inc.—Common Control of Designated Operators and Motor Common Carrier Operating Rights, Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Hillsdale County Railway Company, Inc. and its controlling officers need not obtain further approval from the Interstate Commerce Commission in order for Hillsdale to operate certain motor common carrier authority ancillary to its rail operations. The Commission is exempting the resuting common control of rail authority and motor common carrier authority in this instance from the need for prior Commission approval.

DATE: Effective on October 23, 1980.

FOR FURTHER INFORMATION CONTACT: Ellen Hanson (202) 275–7245.

SUPPLEMENTARY INFORMATION:

Procedural Background

Hillsdale County Railway Company, Inc. (Hillsdale) filed an application on March 30, 1978, seeking motor common carrier operating rights ancillary to its presently held rail designated operator authority. The lines of the designated operator extend approximately 60 miles in Branch County, MI and Steuben County, IN. The motor common carrier authority was sought to complement the rail authority and is inextricably tied to that service.

The motor common carrier authority would allow Hillsdale to operate by transporting general commodities, when moving in trailer-on-flat car service, between points in Indiana and Michigan on the one hand, and, on the other, Toledo, OH and Detroit, MI. The authority is restricted to service which is auxiliary to, or supplemental of, Hillsdale's rail service. Therefore, it is not an independent operation.

The three controlling officers of Hillsdale also control the Lenawee County Railroad Company, Inc. (Lenawee) and the Tuscola and Saginaw Bay Railway Company (T&SB). Lenawee operates 31 miles of railroad in Michigan between Morenci and Grosvenor, Bimo and Leaf, and Adrian and Lenawee Jct. T&SB operates 44 miles of railroad between Millington and Colling, MI. Since the motor carrier authority granted is restricted to service at stations on the rail lines of the Hillsdale County Railway Company, Inc., it cannot be used in conjunction with Lenawee's or T&SB's operations.

The application for motor common carrier authority was approved, but the grant of authority was conditioned upon Hillsdale either receiving approval of the resulting common control of motor and rail operating authority under 49 U.S.C. § 11343 or demonstrating why such approval was unnecessary.

By our authority under 49 U.S.C. 10505 we began this proceeding to consider exempting Hillsdale and its controlling officers from the requirement of obtaining prior Commission approval under 49 U.S.C. 11343–11347 for the proposed transaction.[1] We published a notice in the **Federal Register** on May 23, 1980, 45 FR 35025 (1980), requesting comments on the proposed exemption. There were no comments in opposition to the proposed exemption. Hillsdale filed a comment in support.

Hillsdale notes that in accordance with *Exemption of Certain Designated Operators from 49 U.S.C. 11343*, 361 I.C.C. 379 (1979) (*DOP Case*), common control of designated operators is an exempt transaction. However, in order to take advantage of this exemption the operations conducted must be exclusively rail service under designated operator certificates. Here the proposed motor carrier service will either originate at, or be destined to, a station on Hillsdale's line. All traffic must have either a prior or subsequent movement by rail, and will be traffic that is directly related to Hillsdale's own service. Since the proposed motor common carrier service is not independent of the operations of the designated operator, Hillsdale argues that an exemption should be granted.

Rail Exemption Authority

The common control of designated operator rights along with motor common carrier rights will be exempted in this instance from the provisions of 49 U.S.C. 11343–11347 under 49 U.S.C. 10505. This section provides that we can exempt the transaction if it is limited in scope, not necessary to carry out the national transportation policy, would be an unreasonable burden, and would serve little or no useful purpose.

Limited Scope

Geographically the transaction will be of minor significance. As mentioned above, the designated operator's line totals approximately 60 miles in two States. It has a single connection, with ConRail at Quincy, MI. Therefore, the motor common carrier authority will operator within this region.

The transaction will have a limited effect on Hillsdale's employees. The rail services of Hillsdale are to continue as before. The new proposed motor common carrier rights can only affect those employees in a positive manner. Hillsdale's operation of the motor common carrier authority may cause it to employ additional people to operate these rights.

The transaction will not affect competitors of Hillsdale. The purpose of the transactionis to gain common control of designated operator and motor common carrier operating rights which can be used in the common and interelated plan to provide better service to the shipping public. This will allow for more efficient and expeditious handling of traffic. The motor common carrier rights will have no independent existence from the rail operating

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[1] The proceeding initiated upon our own motion was docketed as Finance Docket No. 29242. While this matter was being considered Hillsdale filed a petition for exemption under 49 U.S.C. 10505 which was designated as Finance Docket No. 29259. That petition was effectively mooted by the prior proceeding begun on our own motion. Therefore, information contained in the petition was used to supplement our decision in Finance Docket No. 29242. We will dismiss as moot the petition filed by Hillsdale in Finance Docket No. 29259.

authority of Hillsdale as far as competition for freight traffic is concerned, and no change in rail competition will result from the transaction.

We conclude that the exemption is of limited scope, since the transaction is restricted to: (1) A small group of commonly controlled designated operators; (2) a limited geographic area; (3) a minor impact on employees; and (4) no affect on competition for freight traffic.

Since the proposed transaction is of limited scope, we may now proceed to consider the other criteria.

Necessity To Carry Out the National Transportation Policy

The transportation policy stated at 49 U.S.C. 10101 requires us to regulate impartially the modes of transportation subject to 49 U.S.C. Subtitle IV.[2]

Regulation of the Hillsdale transaction under which common control is sought is not necessary to carry out the goals of the National Transportation Policy. It is a transaction involving the common control of motor carrier operating rights with related designated operator rights.

Unreasonable Burden on a Person

The ICC *Railroad Acquisition, Control, Merger, Consolidation, Coordination Project, Trackage Rights and Lease Procedures*, 49 CFR Part 1111 (1979) (Consolidation Procedures) as amended, require a complete application to be filed in order for a decision to be reached within the time constraints of 49 U.S.C. 11345. The submission of the material necessary to comply with the *Consolidation Procedures* will be a time consuming task requiring the dedication of financial resources. This will place an unreasonable burden upon Hillsdale because of the lack of useful purpose of our reviewing a transaction of such limited scope and minimal impact on the national transportation policy.

Little or No Useful Public Purpose

In determining whether or not to approve a transaction, the Commission decides if it is in the public interest. In reaching this determination we rely upon the applications submitted pursuant to the *Consolidation Procedures* and any comments by the parties.

Here we have received no comments from competitors, shippers or anyone else who may object to the proposed common control of rail and motor common carrier operating rights. Because the operating rights already granted will be related to the existing rail authority we see no public purpose to conduct a further proceeding on this matter.

Our permission to exempt such a service is very similar to the existing exemption granted to designated operators in the *DOP Case*. It would be a wasteful allocation of resources to require the filing of an application under the *Consolidation Procedures*.

Because this is a request to continue common control of designated operators along with motor common carrier operating rights which will be directly related to rights of one of the designated operators, our review of the transaction would serve no useful purpose.

Conclusion

We conclude that exemption of the common control of rail designated operator authority and motor common carrier operating rights under 49 U.S.C. 11343–11347 meets the statutory requirements of 49 U.S.C. 10505 in this case. The power to exempt from regulation enables the Commission and carriers to commit their limited resources in areas where they are most needed by enabling the Commission effectively to deregulate those areas which have no significant bearing on the overall regulatory scheme. In enacting 49 U.S.C. 10505, Congress clearly intended us to exempt certain limited transactions from our regulatory power. This is one such transaction.

We find:

(1) The application of the requirements of 49 U.S.C. 11343–11347 for the common control of rail designated operator authority and motor common carrier operating rights by Hillsdale County Railway Company, Inc. and its controlling officers is of a limited scope and (a) is not necessary to carry out the transportation policy of section 10101, (b) would be an unreasonable burden on Hillsdale, and (c) would serve little or no useful purpose.

(2) This action will not significantly affect either the conservation of energy or the quality of the human environment.

It is ordered:

(1) The petition filed in Finance Docket No. 29259 is dismissed.

(2) Hillsdale County Railway Company, Inc. and its controlling officers are exempted under 49 U.S.C. 10505 from the requirements of 49 U.S.C. 11343–11347 of obtaining prior Commission approval for the limited purpose of commonly controlling rail designated operator authority and motor common carrier operating rights.

(3) Hillsdale shall within 60 days of consummating the transaction submit 3 copies of a sworn statement showing all journal entries required to record the transaction.

(4) Public notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, **Federal Register**, for publication therein.

(5) This exemption shall continue in effect for 90 days from the effective date of this decision. Hillsdale must consummate the transaction during that time in order to take advantage of the exemption which we have granted.

(6) This decision shall be effective on October 23, 1980.

Dated: October 14, 1980.

By the Commission, Chairman Gaskins, Vice-Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-33057 Filed 10-22-80; 8:45 am]

BILLING CODE 7035-01-M

[Directed Service Order No. 1398]

Kansas City Terminal Railway Co.—Directed To Operate Over—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee); Final Authorization for Unrepaired Track Damage From Derailments During Directed Service

AGENCY: Interstate Commerce Commission.

ACTION: Authorization.

SUMMARY: This order authorizes the Kansas City Terminal Railway Company (KCT) to reimburse the Missouri-Kansas Texas Railroad Company (MKT) for derailment-caused track repairs which occurred during directed service and which were not repaired during that period. KCT ceased operations March 31, 1980, and the MKT is now authorized to operate all portions of the lines involved.

DATES: This order shall be effective on October 20, 1980.

FOR FURTHER INFORMATION CONTACT: Joel E. Burns, (202) 275–7849.

Decision of the Commission

On September 26, 1979, the Commission directed Kansas City Terminal Railway Company (KCT) to provide service as directed rail carrier

[2] Impartial regulation is achieved through: (1) recognizing and preserving the inherent advantage of each mode; (2) promoting safe, adequate, economical, and efficient transportation; (3) encouraging sound economic conditions in transportation, including sound economic conditions among carriers; (4) encouraging the establishment and maintenance of reasonable rates for transportation without unreasonable discrimination or unfair or destructive competition; (5) cooperating with each State on transportation matters; and (6) encouraging fair wages and working conditions in the transportation industry.

(DRC) under 49 U.S.C. § 11125 over lines of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (RI). See Directed Service Order No. 1398, *Kansas City Term., Ry. Co.—Operate—Chicago, R.I.&P.*, 360 I.C.C. 289, (1979), 44 FR 56343 (October 1, 1979). Directed service operations by KCT over the RI system ended on March 23, 1980, with total operations ending on March 31, 1980.

During the course of the KCT's directed service operation, derailments occurred which were not repaired. In all, seven derailments occurred totalling an estimated $375,521 in damage, four of which happened in the last fifteen days of directed service and totalled $342,725. The following is a summary of the derailments and estimated damage.

Summary A.—*Kansas City Terminal Directed Service Estimated Main Line Derailment Damage*

Location	Date	Material	Labor	Total
1. Sunray, OK; MP 480.8	Mar. 25, 1980	$30,391	$15,300	$45,691
2. Duncan, OK, MP 468.6 to MP 471.4	Mar. 23, 1980	167,543	59,136	226,679
3. Boyd, TX; Trinity River, MP 586.6	Mar. 22, 1980	31,727	20,060	51,787
4. Peck, KS; MP 258	Mar. 10, 1980	12,668	5,900	18,568
5. Riverdale, KS; North Switch	Jan. 30, 1980	6,000	400	6,400
6. Bridgeport, TX, MP 569	Jan. 30, 1980	10,652	4,650	15,302
7. MP 268 pole 21	Jan. 16, 1980	7,654	3,440	11,094
Total		266,635	108,886	375,521

The DRC (KCT) seeks Commission authorization to reimburse the MKT, as interim operator of the line between Herrington, Kansas, and Dallas, Texas, under Service Order No. 1473, for the cost of necessary repairs which were not accomplished prior to cessation of service. The MKT spent a total of $21,689 to date for temporary repairs at derailment sites 1 and 3 (Sunray, OK and Boyd, TX), for which it seeks reimbursement and which is included in the $375,521 total.

Summary of MKT expenses:

Summary B.—*Expenses Incurred Through July 31 for Repairs to Track and Bridges Account Derailments During Kansas City Terminal Directed Operation of Rock Island*

MP 586.6-MP 587.2 (Trinity River)

Labor:	
June:	
48 hr at $9.24	$443.52
40 hr at $8.70	348.00
136 hr at $8.60	1,169.60
(OT) 2 hr at $12.90	25.80
Subtotal	1,986.92
July:	
136 hr at $9.95	1,353.20
136 hr at $9.39	1,277.04
408 hr at $9.29	3,790.32
Subtotal	6,420.56
Total	8,407.48
Material:	
June: 39 SH 8"x10"x10' bridge ties	1,550.00
July:	
25 new 8"x10"x12' bridge ties	1,990.00
20 SH 8"x12"x10' bridge ties	990.00
39 SH 8"x10"x10' bridge ties	1,550.00
133 new ⅝"x10" drive screws	100.00
69 new ¾"x14" bolts	90.00
138 new ¾" OG washers	70.00
69 new ¾" nuts	45.00
9 SH 4"x8"x14' guard rails	185.00
2 new 4"x8"x14' guard rails	70.00
14 SH 8"x10"x14' bridge ties	1,300.00
5 new 4"x8"x18' guard rails	215.00
1 SH 4"x8"x12' guard rails	15.00
Subtotal	6,620.00
Total	8,170.00
Total through July 31, 1980 Trinity River	16,577.48

MP 480.8 (Sunray)

Labor:	
June:	
40 hr at $8.84	353.60
88 hr at $7.72	679.36
(OT) 52½ hr at $13.26	696.15
(OT) 120 hr at $11.58	1,389.60
Subtotal	3,118.71
Material:	
June:	
52 new 5" track bolts	66.56
700 new 6" spikes	203.00
1 car slag ballast	450.00
2 SH 90-lb angle bars	17.00
157 SR crossties at $8	1,256.00
Subtotal	1,992.56
Total through July 31, 1980 Sunray	5,111.27

We find:

This action will not significantly affect the quality of the human environment or the conservation of energy resources. See 49 CFR Parts 1106 and 1108 (1978).

It is ordered:

(1) The DRC is authorized to reimburse the MKT for repairs to derailment damaged track as listed in Summary A, Items 1–4, at a cost not to exceed estimated repair value. Authorization for Items 5–7 of Summary A is denied.

(2) The DRC (KCT) or MKT will not be authorized any contingency cost, nor will KCT be authorized any profit for this disbursement.

(3) The authorized reimbursement should be made a part of the final accounting report to be filed by October 20, 1980.

(4) MKT shall complete all authorized repairs by November 30, 1980.

(5) This decision shall be effective on its service date.

By the Commission. Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam. Commissioner Trantum dissenting with a separate expression. Commissioner Alexis not participating.

Agatha L. Mergenovich,

Secretary.

Commissioner Trantum, Dissenting:

The January derailment damages should not be reimbursed. As to the March derailments, I am not yet prepared to authorize reimbursement to restore the line even to FRA's minimum Class I standard. While I appreciate the distinction between rehabilitation needs caused by years of neglect and repairs that are needed after a derailment, there is more involved. The KCT and MKT should be required to demonstrate that the trustee's prior failure to maintain the property contributed to neither the causation of the four March derailments nor the extent of the resulting damage (particularly in item 2, which appears to extend nearly three miles).

[FR Doc. 80-33055 Filed 10-22-80; 8:45 am]

BILLING CODE 7035-01-M

[Directed Service Order No. 1398]

Kansas City Terminal Railway, Compensation Agreement With Rock Island and Pacific Railroad Trustee; Petition for Clarification or Reconsideration

Decided: October 6, 1980.

AGENCY: Interstate Commerce Commission.

ACTION: Modification of compensation agreement.

SUMMARY: By decision served March 19, 1980, (45 FR 19663, March 26, 1980), we approved and settled the terms of an agreement between the Kansas City Terminal Railway Company (KCT) and Trustee of the Chicago, Rock Island & Pacific Railroad Company (RI) regarding compensation to be paid with respect to directed service operations over the RI system. KCT seeks clarification and modification of several of the terms of

the agreement. We grant the request in part.

DATES: The decision shall be effective on October 20, 1980.

FOR FURTHER INFORMATION CONTACT: Richard J. Schiefelbein (202) 275–0826.

SUPPLEMENTAL INFORMATION:

Decision of the Commission

We have considered: (1) The petition of Kansas City Terminal Railway Company (KCT) seeking clarification or reconsideration of our decisions entered March 17, 1980, in this proceeding, and (2) the reply of Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (Rock Island or RI).

On September 26, 1979, we directed KCT to provide service over the Rock Island system. *Kansas City Term. Ry. Co.—Operate—Chicago, R.I. & P.*, 360 I.C.C. 289 (1979), 49 FR 56343 (October 1, 1979). That decision also required KCT (the directed rail carrier, or DRC) and RI to negotiate regarding compensation in several areas related to directed service. We reserved the right to approve all compensation agreements and to establish just and reasonable terms in the event the parties failed to agree.

The parties reached agreement on many compensation issues. KCT submitted a draft agreement for our approval and RI submitted proposed alternate or additional provisions covering matters not agreed upon. In our prior decision, we settled the areas of dispute and approved the compensation agreement.

KCT seeks clarification or reconsideration of our prior decision, in order, it alleges, (1) to make the compensation agreement more consistent with previous orders in this proceeding, (2) to recognize that the RI Trustee will no longer operate any portion of the RI system, (3) to correct minor inaccuracies, and (4) to clarify certain provisions. RI does not oppose KCT's suggested correction of a typographical error in the compensation agreement. RI concurs in KCT's recommendation that numbered paragraph 13 of the Compensation Agreement be clarified to specify that both opening and closing inventories be valued at the price levels established for the October 5, 1979 inventory. RI opposes all other revisions proposed by KCT.

Because KCT's petition was not filed within 20 days of the service date of our prior decision, we will consider the petition under rule 98(h) of the Rules of Practice (49 CFR 1100.98(h)). Under rule 98(h) a petition to reopen an administratively final action of the Commission must demonstrate material error, new evidence, or substantially changed circumstances.

1. *Incentive Per Diem:* The agreement approved on March 17 provides for KCT to compensate the Trustee for use of the Trustee's owned equipment by paying an amount equal to the daily standard per diem rates including incentive per diem (IPD). KCT requests that IPD be excluded since the Trustee, not being a railroad, cannot invest IPD funds into new equipment and, thus, the IPD funds would be an unintended windfall to the Trustee. The Trustee responds that per diem, including IPD, represents what the Trustee was earning on those cars immediately prior to directed service and that the proper handling of the Trustee's IPD funds will be considered in a different proceeding, presumably the reorganization proceeding.

The Trustee has a strong argument that he could have received IPD payments on these cars if the KCT had not taken them from his control. KCT has not shown material error, new evidence, or substantially changed circumstances. Therefore, the existing (March 17) wording giving the Trustee IPD payments will not be changed. It is our intent in retaining the original wording in this provision that KCT pay IPD to the Trustee only for the time that the Trustee's owned IPD cars were off-line and for which IPD has been collected. The off-line time for these cars is the only time the Trustee could have earned IPD payments.

2. *Typographical errors:* KCT notes one typographical error in our prior decision. In numbered paragraph 4 (beginning on page 4), page 5, line 6, of the Compensation Agreement, as set forth in the Appendix to the March 17 decision, "ICC Account No. 31" should be changed to "ICC Account No. 37," (45 FR 19666, column 1, paragraph 2, line 12). The Trustee agrees that the reference to Account No. 31 is in error and that the suggested correction should be made. Our prior decision, therefore, will be corrected accordingly.

We note another typographical error in our prior decision. In numbered paragraph 3, page 4, lines 6 and 10, the references to "Docket 33–144" should be changed to "Table C of the Appendix in Docket 33145, served February 16, 1978 and amended in Ex Parte 334, served August 22, 1979," (45 FR 19666, column 1, paragraph 1, line 2). Our prior decision will be corrected accordingly.

3. *Equipment Lease Payments:* KCT proposes revising numbered paragraph 5 of the Compensation Agreement to recognize that KCT used RI equipment during the wind-down period from March 24 to March 31, 1980, by adding references to wind-down operations in the first two sentences of the paragraph. The RI Trustee responds that the KCT is proposing new offsets.

The problem here results from a typographical error in the March 17 order. In paragraph 5 (page 6 of the appendix to March 17 order), line 16, the order reads ". . . and the amounts due from the DRC to Trustee under this agreement." The drafts submitted by the KCT and the Trustee, which both agreed, recognized the applicability of offsets in this case, differing only on which payments could be offset against, (45 FR 19666, column 2, paragraph 1, line 18). The KCT language, which was adopted in the March 17 decision, read: "* * * and the amounts thereof shall be offset against any other amounts due from DRC to Trustee under this Agreement."

Thus, KCT's proposed revision, which incorporates this language, does not establish a new offset, as alleged by the Trustee.

We adopt the change proposed by the KCT petition, and our prior decision will be modified accordingly.

4. *Personnel, and Computer and Office Equipment:* KCT recommends revisions to the Compensation Agreement provisions relating to personnel (numbered paragraph 9) and computer and office equipment (numbered paragraph 11). When the draft agreements were originally prepared for submission to the Commission (January 22), Judge McGarr's liquidation order had not been issued (January 25). The drafts were negotiated with the anticipation that the Trustee would operate a portion of the RI system after the directed service period. In this light, the draft agreement (KCT and Trustee had no disagreement on these points) attempted to simplify the problem of apportioning expenses for employees working for both the Trustee and KCT and for the expenses associated with shared use of the computer and other equipment and facilities.

The March 17 agreement established that KCT would pay for everything during directed service and the Trustee could utilize the staff and facilities as necessary. After the directed service period, the Trustee would pay for everything and the KCT could utilize the staff and facilities as necessary.

The Trustee, however, is not an operating railroad now and has not placed any union employees back on this payroll. KCT is thus still paying the wages for the accountants (clerks) and some of the non-union employees. The Trustee and KCT are keeping time records of each's use of the other's

employees. Such records have been maintained since the beginning of directed service. Similar records are maintained for the computers and other facilities.

KCT's proposed changes reflect this situation and call for a monthly payment between the KCT and Trustee to cover the wages paid for the previous month.

The Trustee objects to the monthly payments to cover wages on the basis that, as of July 18, there had been no accounting settlement or payment on railroad operating accounts. This argument is not persuasive. The original provisions are not workable because the Trustee has not settled the clerk's strike and will not pay any clerks directly. Thus, something other than the original plan must be (and has been) worked out. The fact that revenue accounting and interline settlements are performed several months after the fact, however, is not adequate justification to refuse to reimburse KCT for direct wages or expenses incurred for the sole benefit of the Trustee.

We adopt KCT's proposed paragraphs 9 and 11 covering these issues. Our March 17 decision shall be revised by deleting numbered paragraph 9 (page 19666) and 11 (page 19667) and substituting the following:

9. *Personnel.* During the period of directed service, DRC will employ all RI personnel except those listed in DRC's letter delivered to Trustee on October 5, 1979, and in DRC's letter to Trustee dated October 23, 1979, subject to the right to DRC to lay off or furlough Employees, and to blank jobs pursuant to collective bargaining agreements, and to discharge nonagreement Employees. It is recognized that certain Employees and State Attorneys who are compensated by DRC will, during the period of directed service, perform services for both DRC and Trustee. Trustee shall compensate DRC for the salary, payroll and compensation costs incurred by DRC attributable to the performance of any such services for Trustee, and DRC's expenses incurred in the performance of such services shall be offset against other amounts which may be owed by DRC to Trustee in accordance with paragraph 20 hereof. From and after the period of directed service, DRC shall retain in its employment such RI clerical Employees covered by collective bargaining agreements, for such period as DRC shall determine to be necessary in order to conclude DRC's final accounting and wind-down operations, and Trustee shall employ such nonagreement RI personnel as Trustee shall determine to be necessary to provide services to Trustees. It is recognized that certain of the personnel so employeed, as well as State Attorneys, will be required to perform services to each party hereto after the period of directed service. Trustee shall compensate DRC for the salary, payroll and compensation costs incurred by DRC in performing services for the Trustee after the period of directed service, and DRC shall compensate Trustee for the salary, payroll and compensation costs incurred by Trustee in performing services for DRC. At the end of each calendar month after the end of the period of directed service during which personnel employed by Trustee shall perform services for DRC, or during which personnel compensated by DRC shall perform services for Trustee, an accounting will be made of all amounts owed by each party to the other for services rendered during the preceding month, and the party owing the larger amount will pay to the other party the amount of such difference, subject to the setoff provisions of paragraph 20 hereof. Each party shall pay its or his own costs for services of State Attorneys after the end of the period of directed service. Contributions to RI pension and other employee benefit plans for nonagreement Employees during the period of directed service shall be made by DRC to Trustee, in escrow as suggested by ICC on page 21 of the Order. DRC will give Trustee at least five days' notice before dispensing with the sevices of a nonagreement Employee in order to give Trustee an opportunity to hire the Employee.

* * * * *

11. *Computer and Office Equipment.* DRC shall be responsible for all rentals and obligations under agreements covering RI computers, other office equipment and communication services used by DRC which become due during the period of directed service, subject to adjustment as provided in Supplemental Order No. 2. It is recognized that some items of such equipment will be used by both Trustee and DRC, and Trustee shall compensate DRC, on a pro rata basis, for any such use by Trustee.

From and after the end of the period of directed service, DRC shall continue to pay rentals on RI computers and other leased office and communications equipment, and the expense of telephone service, the use of which is required by DRC for concluding its wind-down and final accounting operations, for such period as DRC deems necessary. From and after the end of the period of directed service operations, Trustee shall pay all rentals due on RI Chicago headquarters offices. DRC shall have the right to use such portions of that office space as it shall reasonably require in conducting its final accounting and wind-down operations, and shall compensate Trustee on a pro rata basis, for all such use by DRC. It is recognized that Trustee will also use the RI computers, other leased office and communications equipment, and telephone service, rentals on and expense of which are to be paid by DRC after the period of directed service, and Trustee shall compensate DRC, on a pro rata basis, for any such use by Trustee. At the end of such calendar month after the end of the period of directed service, an accounting will be made of all amounts owed by each party to the other under this paragraph 11 for such equipment, service and office use during the preceding month and the party owing the larger amount will pay to the other party the amount of such difference, subject to the setoff provisions of paragraph 20 hereof.

5. *Vacation Pay:* KCT requests that the Compensation Agreement be modified to provide that all vacation payments made by KCT be considered a "Cost of Administration" claim in the Rock Island's reorganization proceeding. In the alternative, KCT requests that these vacation payments be offset against other amounts payable to the Trustee. The Trustee objects to any offsets.

The March 17 agreement assigned responsibility for vacations earned prior to directed service to the Trustee, but provided for KCT to pay for these during the period of directed service without any right of offset, referring to the process for assignment of claims contained in Supplemental Order No. 8. Although it did not specifically so state, this provision refers to 1980 vacations which were earned in the first 5 months of 1979 as well as 1979 vacations, the rights to which accrued during the first 5 months of 1978. The March 17 decision also addressed 1981 vacations earned in 1980 under directed service. While refusing to advance any payments to the Trustee for a potential 1981 vacation liability, the decision states that KCT will be authorized to reimburse the Trustee if the reorganization process assigns a 1981 vacation liability on the Trustee.

KCT's request that these claims be accorded a cost of administration priority is denied as unnecessary. As an assignment of unpaid wages, the priority of such claims is established by law.

KCT's alternative request, however, has merit. To facilitate a final accounting between the KCT and the Trustee under the terms of our March 17 Order, as amended herein, and subject to our approval upon its submission, we will authorize KCT to offset the amounts paid to employees for vacations taken during the period of directed service. To the extent these claims are offset, the existing claim against the estate shall be released.

In addition, the language from the March 17 decision dealing with 1981 vacations (which was not incorporated in the March 17 agreement) should be added to the end of numbered paragraph 10 (page 19667) of the agreement, as follows:

If, as a result of the settlement of labor claims against Trustee in the reorganization process or by legislation, direct liability is imposed upon Trustee for payment of 1981 vacations as a result of directed service operations conducted by DRC during 1980, DRC will reimburse the Trustee with respect to any such liability.

6. *Fuel, Materials, and Supplies.* The agreement approved by the Commission on March 17 envisioned that KCT would pay the Trustee for inventory items as they were used. At the end of directed

service, the Trustee would pay KCT for any inventory items which KCT had purchased during the directed service operation, unless the trustee did not need the purchased items for his continued operations. Because railroad inventories are not maintained in warehouses, but are often scattered along the right-of-way, the concept of paying for an item as it is used is not workable.

The method actually employed by the RI Trusteee and KCT was to perform two physical inventory counts, one as of October 5, 1979 and the other as of the end of directed service, with the difference representing the materials used by the KCT.

KCT's first request is that the opening and closing inventories both be valued at the October 5, 1979 market values. This is supported by the Trustee in his response.

The Trustee objects, however, to being required to pay for items which KCT purchased and which remain in the inventory as of the end of directed service. The Trustee is concerned that he has no use for these materials because he is no longer operating a railroad and he would not have purchased these materials and supplies if the choice had been left up to him. KCT's position is that the only feasible way to make a final determination of responsibility for inventory items is by comparison of the values of the total invotories as of the beginning and end of directed service.

The Trustee has a valid argument that, in light of the abandonment decision, he should not be required to accept additional inventory items which he would not have purchased. The language in the agreement approved on March 17 can adequately address his concerns:

> * * * if Trustee does not require any such items [materials and supplies purchased by DRC] for use in continued RI rail operations, Trustee will, at DRC's option, either pay to DRC the net liquidating value received by Trustee for the sale of such items, or return such items to DRC for removal and sale by DRC.

We will modify this provision to state clearly that the Trustee can reject inventory items only to the extent that the closing inventory of a particular class of inventory items is greater than the October 5, 1979 inventory for that class of items. For example, during directed service, the DRC used ties and other materials from inventory and also purchased the same materials to replenish the inventory.

To assign responsibility to the DRC for all items purchased during directed service would, in effect, be assigning to the government the expense of disposing of a substantial portion of the inventory the Trustee had on hand when he was no longer able to operate a railroad. Thus, KCT's responsibility for inventory should be: (1) the fuel, materials, and supplies used by the KCT, as reflected in the difference between the opening and closing inventories values at October 5, 1979 market prices, and (2) those items purchased by KCT during directed service which are in greater quantity in the closing inventory than in the opening inventory, with KCT having the option or removing and selling these items or of allowing the Trustee to sell the items and pay to KCT the amount received for the sale of the items less the direct costs of making the sale.

We further modify the March 17 agreement by including the offset provision in all of the payment provisions to avoid the problem of being unable to settle any of the accounts because the Trustee is unlikely to make any cash payments until the consummation date of the RI reorganization. Accordingly, numbered paragraph 13 (page 19667) of the Compensation Agreement is revised as follows:

> 13. *Fuel, Materials and Supplies.* DRC shall be responsible for all fuel, materials, and supplies used by it during directed service operations, whether on hand and in the Trustee's inventory accounts on October 5, 1979, or thereafter purchased by DRC. In order to adjust inventory accounts between DRC and Trustee, DRC will be charged with the full amount of all RI inventories on hand as of October 5, 1979, and Trustee will be charged with the full amount of such inventories on hand as of March 31, 1980 except as described below in this paragraph. Both the opening and closing inventories will be valued at the price levels established for the October 5, 1979 inventory. The amount of any difference between the opening inventory and the closing inventory will be paid by DRC to Trustee, or by Trustee to DRC, as the case may be, subject to the offset provisions of paragraph 20 hereof. To the extent that the DRC purchased fuel, materials and supplies during the period of directed service, and the inventory of a class of items on hand as of March 31, 1980 exceeds the inventory of these classes of items on hand as of October 5, 1979, and the Trustee does not require these additional items for use in continued RI rail operations, the Trustee will, at DRC's option, either pay to DRC the net liquidating value received by Trustee for sale of such items, or return such items to DRC for removal and sale by DRC.

8. *Clarifications:* In adition to the various requested modifications to the Compensation Agreement discussed above, KCT seeks clarification of the agreement on several points.

(a) Shipper Programs. In Supplemental Order No. 2, we authorized KCT to make repayments of shipper and State car and track rehabilitation loans whether those loans were repayable on a usage basis or on a straight monthly installment basis. We permitted offsets of these amounts, but restricted which payments the offsets could be applied against. The March 17 decision states, "* * * any payments relating to track and car rehabilitation made by KCT to shippers or States shall be credited against rental payments owed by KCT to RI covering the same equipment."

KCT argues that, since these payments are repayments of shippers' loans to the Trustee, they should be credited against any amounts owed by KCT-DRC to the Trustee, whether for equipment rental or otherwise. The Trustee objects to any additional offsets.

The theory behind our earlier decision was that repayment offsets could be applied to the rental for the equipment involved. Since we are not compensating the Trustee for the use of his trackage under directed service, there is no rental directly related to the trackage involved in the shipper repayment program for track projects. To reflect that intent more accurately, our March 17 decision is amended to eliminate "track" from the payments to shippers or States KCT is authorized to offset against rental payments owed by KCT to RI for equipment.

KCT's proposed clarification will not be adopted. If, however, the ultimate Court resolution of the track rental issue requires that directed service compensate the Trustee for use of his trackage, then any track, rehabilitation payments should be offset against that rental, and we may reconsider our decision on this issue.

(b) Locomotives. KCT requests that the section of the March 17 decision entitled *Owned and Leased Equipment* be revised to reflect that compensation for owned locomotives should be based on an agreed schedule of rental rates (Exhibit A to the draft compensation agreement) rather than on per diem rates. The Trustee's response requests that compensation for locomotives be at "the Standard industry rates," which presumably would be the Genral Managers Association (GMA) rates for short-term rental of locomotives between railroads. The March 17 decision calls for "per diem" rates on locomotives, but the approved agreement appended to the decision referred to a table of rates reflecting lease rates for long-term leases. Thus, the March 17 agreement reflected the lease prices from a firm which leases locomotives on a longer-term basis to railroads.

The GMA rates require the locomotive owner to perform the maintenance on the equipment while the longer-term leases require the lessee to perform the maintenance. The latter is more respresentative of the KCT situation. Therefore, we will not adopt any change in the original version of the locomotive lease provisions of numbered paragraph 4.

(c) Maintenance of Equipment. KCT requests that numbered paragraph 7 of the March 17 agreement be changed to limit KCT's liability for repairs which the Trustee must make to equipment left in bad order at the end of directed service. KCT proposes limits of $1,200 per unit for car repairs and $3,000 per unit for locomotive repairs, citing the comparability of these limits to the limits established by the directed service order for repairs performed during the directed service period.

The Trustee argues that we lack authority to provide for offsets to amounts that are due to the Trustee.

The issue is not one of offsets, but a question of the extent to which the directed service operator should be liable for repairs to equipment after directed service ended. This provision would be triggered only if KCT left more cars in a bad order status at the end of directed service than were in bad order status at the beginning of directed service.

We will adopt KCT's proposed language because it comports with our earlier decisions (as expressed in the authorization orders for equipment repairs) and because repairs to equipment result from extended usage. A 6-month directed service operation should not be charged with the full amount of repairs necessitated by several years of operation.

KCT's proposed language will be added to the end of numbered paragraph 7 of the agreement, rather than as a substitute for any of the existing language.

KCT also requests clarification of the March 17 language regarding the repair of equipment which was in a bad order condition at the beginning of directed service. KCT requests that any repair costs in excess of the $1,200 and $3,000 limits be treated as an offset. The Trustee opposes any additional offset.

Since repairs in excess of the authorized limits required prior Commission approval, all equipment for which repairs exceeded the limits should have been covered in authorization orders. Our earlier decisions will stand and KCT's proposal on this issue will not be adopted.

Numbered paragraph 7 (page 19666) of the Compensation Agreement is modified by the addition of the following sentence:

"Any amount owed by DRC to the Trustee under this paragraph, however, shall be limited to an average repair cost per locomotive of $3,000, and an average repair cost per car or other equipment unit of $1,200."

The petition of KCT will be granted to the extent specified above, and will be in all other respects denied.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The compensation agreement between KCT and RI, attached as an appendix to our decision of March 17, 1980, in this proceeding, is modified as set forth in this decision.

2. The petition is in all other respects denied.

3. This decision will be effective on October 20, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-33054 Filed 10-22-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). An interim proposed final Rule 240 reflecting changes to comport with the Motor Carrier Act of 1980 was published in the July 3, 1980, **Federal Register** at 45 FR 45529 under Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349.* These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(C) of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.240(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.240(A)(h).

Amendments to the request for authority will not be accepted after October 23, 1980. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: October 14, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor and Williams. (Member Taylor not participating).

MC–F–14477F, filed October 1, 1980. COLES EXPRESS (COLES) (444 Perry Road, Bangor, ME 04401)—Purchase (portion)—Law Trucking Company (Law) (Crow Point Road, Lincoln, RI 02865). Representative: John F. O'Donnell, 60 Adams Street, P.O. Box 238, Milton, MA 02187. Coles seeks authority to purchase a portion of the interstate operating rights of Law. Cole Enterprises, a non-carrier and sole stockholder of Coles, and in turn, Galen Cole, the majority stockholder of Cole Enterprises, seek authority to acquire control of said rights through the transaction. Coles is purchasing the authority contained in Law's Certificate MC 99764 (Sub-2), which authorizes the transportation, as a motor common carrier, over irregular routes, of *general commodities* (except commodities which, because of size or weight require the use of special equipment, articles of unusual value, Classes A and B explosives, livestock, carnival equipment, household goods as defined by the Commission, commodities in bulk, and commodities requiring refrigerator equipment), between points within 5 miles of Boston, MA, including Boston, on the one hand, and, on the other, points in CT. Coles is authorized to operate as a common carrier in the States of MA, NH, ME, and RI, pursuant to authority issued in MC 93682 and sub-numbers thereunder. Condition: Cole Enterprises shall continue to be deemed a carrier within the meaning of 49 U.S.C. 11348, as previously subjected by decision in MC–F–14323F.

Notes.—(1) Application for temporary authority has been filed. (2) A directly related gateway elimination application has been filed in MC 93682 (Sub-21F), and published in this same **Federal Register** issue.

Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). 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). Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. 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. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed on or before December 8, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each appllicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the nottice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

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.

Dated: October 14, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams. (Member Taylor not participating).

MC 93682 (Sub-21F), filed October 1, 1980. Applicant: COLES EXPRESS—Gateway elimination, 444 Perry Road, Bangor, ME 04401. Representative: John F. O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, *general commodities* (except commodities which because of size or weight require the use of special equipment, articles of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in ME and MA and those in Rockingham and Hillsborough Counties, NH, on the one hand, and, on the other, points in CT.

Notes.—(1) This proceeding is a matter directly related to a proceeding pursuant to 49 U.S.C. 11343 in MC–F–14477F, published in this same **Federal Register** issue.

(2) The purpose of this application is to eliminate a gateway at Boston, MA, and an internal gateway at Portland, ME, to provide a through service between points in MA, ME, and Rockingham and Hillsborough Counties, NH, on the one hand, and, on the other, points in CT.

(3) Coles also requested authority to eliminate the gateways at MA points in order to provide through service between points in RI within 10 miles of Providence, including Providence, on the one hand, and, on the other, points in CT. Coles seeks to tack the authority being purchased with a piece of authority which has not yet been certificated to provide this through service. We cannot approve the joinder since a certificate has not been issued.

(4) Coles also seeks to remove the restriction against transporting commodities requiring refrigerator equipment in the certificate it seeks to purchase in MC–F–14477F. The certificate being purchased by Coles in MC–F–14477F will not be broadened to include commodities requiring refrigerator equipment. However, the gateway elimination application in MC 93682 (Sub-No. 21F) has sufficient shipper support to warrant the slight broadening of the scope of authority to include commodities requiring refrigerator equipment.

MC 87951 (Sub-5F), filed October 10, 1980. Applicant: THORNE TRUCK LINES, INC., Highway 45, South, P.O. Box 439, Milan, TN 38358. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. To operate as a *common carrier,* in interstate or foreign commerce, over irregular routes, transporting, *General commodities* (1) between Memphis, TN and Savannah, TN over Tennessee Hwy. 15, with closed doors between Memphis and Selmer and intermediate points, (except for newspapers), and serving Ramer, TN, as an off-route point; and (2) between Selmer, TN and Bethel Springs, TN over U.S. Hwy. 45, serving no intermediate points.

Notes.—(1) This application is directly related to a finance matter docketed MC–F–

14211F, Lexington-Paris Motor Freight Lines, Inc.—Control—Thorne Truck Lines, Inc., published in the March 28, 1980, issue of the **Federal Register.**

(2) The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-33058 Filed 10-22-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers Finance Applications; Decision-Notice

The following applications filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). An interim proposed final Rule 240 reflecting changes to comport with the Motor Carrier Act of 1980 was published in the July 3, 1980, **Federal Register** at 45 FR 45529 under Ex Parte 55 (Sub-44), *Rules Governing Applications Filed By motor Carriers Under 49 U.S.C. 11344 and 11349.* These rules provides among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c) of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.240(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.240(A)(h).

Amendments to the request for authority will not be accepted after the date of this application. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: October 10, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor and Williams. Board member Taylor not participating)

MC-F-14400F, filed May 27, 1980. (supplemental) (previously published in the **Federal Register** on August 25, 1980, at page 56466). JIM EDDLEMAN, an individual, d.b.a. J & J CATTLE CO. (J & J) (3395 Wright Street, Wheat Ridge, CO 80003)—Purchase (portion)—Tomahawk Trucking, Inc. (Tomahawk) (Box O, Vernal, UT 84078).

Note.—The purpose of this republication is to correctly identify the application's docket number and applicants' addresses. Also, J & J seeks authority to purchase Tomahawk's pending authority in MC 115092 (Sub-104F). Although Tomahawk's application in that proceding has been approved, a certificate has not been issued. Authority that has not been certificated is not subject to transfer. Therefore, J & J should file a petition for substitution into that proceeding.

MC-F-14481F, filed September 25, 1980. VALLEY TRANSPORTATION SERVICE, INC. (Valley) (P.O. Box 1527, Mission, TX 78572)—Purchase (portion)—Highway Pipeline Trucking Co. (Highway) (P.O. Box 1517, Edinburg, TX 78539). Representative: Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768. Valley seeks authority to purchase a portion of the interstate operating rights and property of Highway. L. W. Waller, who controls Valley through stock ownership, seeks authority to acquire control of said rights and property through the transaction. Valley is purchasing that portion of Highway's authority which authorizes the transportation, as a common carrier, over irregular routes, as follows:

MC 96992 (Sub-4): (1) *frozen vegetables, frozen fruits, frozen berries, frozen juices and citrus concentrate,* (except in bulk), and (2) *commodities* which are otherwise exempt from regulation under 49 U.S.C. 10526(a)(6) when moving in the same vehicle at the same time with the commodities in (1) above, from points in Cameron, Hidalgo, Webb, and El Paso Counties, TX, to points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, MD, MA, MI, MN, MS, NC, NJ, NY, OH, PA, RI, NH, SC, TN, VA, WV, WI, and DC, restricted in (1) and (2) above to the use of vehicles equipped with mechanical refrigeration.

MC 96992 (Sub-7F): *agricultural pesticides* (except in bulk), from the facilities of Shell Chemical Company, a division of Shell Oil Company, at or near El Paso, IL, to points in the United States (except AK and HI). MC 96992 (Sub-8F): *petroleum, petroleum products, vehicle body sealer and sound deadener compounds* (except in bulk), from Congo (hancock County) and St. Mary's (Pleasants County), WV, to points in AL, AR, GA, KY, LA, MS, TN, and TX, restricted to the transportation of traffic originating at the named origins.

MC 96992 (Sub-10F): *foodstuffs* (except frozen foods and commodities in bulk), from the facilities of Vlasic Foods, Inc., at Greenville, MS, to points in AL (except Birmingham and points in its commercial zone), AR, GA (except Atlanta and points in its commercial zone), IL, IN, KS, KY, LA, MO, OK, TN, and TX, restricted to the transportation of traffic originating at the facilities of Vlasic Foods, Inc., at Greenville, MS.

MC 96992 (Sub-12F): *foodstuffs* (except in bulk), (1) from the facilities used by Texsun Corporation at or near Weslaco and Harlingen TX, to points in the United States in and west of MI, OH, KY, TN, AL, and FL, and (2) from the facilities used by Texsun Corporation at or near Plymouth, IN, to points in MN, IA, MO, WI, IL, MI, IN, KY, OH, PA, and WV, restricted in (1) and (2) above to the

transportation of traffic originating at the named origins and destined to the indicated destinations.

MC 96992 (Sub-15F): *such merchandise as is dealt in by chain grocery and food business houses* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AL, AR, GA, IA, IL, IN, KY, KS, MA, MI, MN, MO, MS, NC, NE, NY, OH, PA, TN, TX, VA, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc.

MC 96992 (Sub-19F) (portion): *petroleum and petroleum products, vehicle sealer and/or sound deadener compounds* (except in bulk, in tank vehicles), *and filters*, from points in Warren County, MS, to points in AL, AR, FL, GA, LA, and TX, restricted to the transportation of traffic originating at the facilities of Quaker State Oil Refining Corporation, located in Warren County, MS.

Valley presently holds no operating authority from the Commission. However, Valley is presently operating under temporary authority under MC-F-14415F, redocketed FC-78778. Valley is also affiliated with L.C.W. Trucking, Inc., a motor common carrier pursuant to MC 138686 and sub-numbers thereunder, and a motor contract carrier pursuant to MC 138578 and sub-numbers thereunder. Impediment: L.C.W. Trucking, Inc., has an application pending, seeking authority to transport, as a motor common carrier, over irregular routes, frozen fruits, frozen vegetables, frozen berries and frozen citrus concentrate, from points in Webb, Hidalgo, and Cameron Counties, TX, to points in AL, GA, LA, MS, TN, and TX. Since this pending application partially duplicates the authority sought to be purchased by Valley in this proceeding, authorization and approval of this transaction is conditioned upon the elimination of said duplications.

Notes.—(1) Application for temporary has been filed. (2) Applicants are also seeking authority for the purchase by Valley of certain of Highway's authority which is still pending before the Commission. Certificates have not yet been issued. Such unissued authority is not subject to transfer. Therefore, Valley must request substitution into those proceedings in lieu of Highway.

MC F-14485F, filed October 1, 1980. J. R. BUTLER, INC. (Butler) (5950 Fisher Road, East Syracuse, NY 13057)—Purchase—Container Transfer Corporation (Container) (26 East Oneida Street, Oswego, NY 13216). Representation: Martin Werner, 888 Seventh Avenue, New York, NY 10106. Butler seeks authority to purchase the interstate operating rights and property of Container. Transportation Consultants, Inc., a holding and management company who controls Butler through stock, and in turn Frederic J. Durkin and John C. Durkin, Jr. who control Transportation Consultants, Inc. through equal stock ownership, seek authority to acquire control of said rights through the transaction. Butler is purchasing the operating authority contained in Container's certificate in MC 127057 which authorizes the transportation of *general commodities* (except those requiring special equipment, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Buffalo, Rochester, Syracuse, Utica, Elmira and Binghamton, NY, on the one hand, and, on the other, points in NY (except New York and those in Nassau, Suffolk, Rockland, Westchester, Orange, Putnam, Sullivan, Ulster, Dutchess, St. Lawrence, Franklin, Clinton and Essex Counties, NY), restricted to the transportation of shipments having an immediately prior or immediately subsequent movement by rail. Butler is a motor contract carrier pursuant to authority issued in MC 145298 and sub-numbers thereunder. Transportation Consultants, Inc. controls several regulated motor contract carriers: (1) Food Haul, Inc., (MC 124939) and its wholly-owned subsidiary, J.C.D. Transportation Corp. (MC 129026), (2) Fleetwood Transportation Corp. (MC 135284), (3) Fairfield Transportation Corp. (MC 141487), (4) Barr Transportation Corp. (MC 141335), (5) Cumberland Transportation Corp. (MC 144029) and (6) De Witt Transportation Corp. (MC 145029), and a common carrier Scotholm Transportation Corp. (MC 145298).

Note.—An application for temporary authority has been filed. (Hearing site: Syracuse, NY.)

MC-F-14487F, filed October 1, 1980. SCARI'S DELIVERY SERVICE, INC. (Scari) (Arnold Avenue and Skeet Road, New Castle, DE 19720)—Merger—Metro Express, Inc. (Metro) (901 Arnold Avenue, New Castle, DE 19720) Representative: Albert F. Beitel, 1625 Eye Street, NW, Washington, DC 20006. Scari seeks authority for the merger of the interstate operating rights and property of Metro into Scari for ownership, management, and operation. Harry J. Scari, who controls Scari through 75% stock ownership. Metro holds motor common carrier authority pursuant to certificates issued in MC-138476 and sub-numbers thereunder, which authorize the transportation, over irregular routes, of (1) *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New York, NY, and points in Essex, Union, Hudson, Bergen, Passiac, Morris, and Middlesex Counties, NJ, on the one hand, and, on the other, Wilmington, DE, (2) *alcoholic beverages* (except in bulk, in tank vehicles), (a) from points in NJ, NY, PA, and MD, to Wilmington, DE, and (b) between New York, NY, on the one hand, and, on the other, Baltimore, MD, and DC, and (c) between Wilmington, DE, and Hartford, CT, (3) *malt beverages* (except in bulk, in tank vehicles), (a) from New York, NY, Baltimore, MD, Philadelphia, PA, Newark, NJ, and Reading, PA, to Milford, DE, and (b) from Winston-Salem, NC, to Wilmington and Milford, DE, and (4) *rotex dust*, from Dover, DE, to Camden, NJ. Scari is authorized to operate as a common carrier in the States of DE, PA, NJ, DC, VA, and NY, pursuant to authority issued in MC-115955 and sub-numbers thereunder. Impediment: Authorization and approval of this transaction is conditioned upon the prior receipt by the Commission of an affidavit signed by Harry J. Scari, stating that he is in control of Scari through 75% stock ownership, and that as person in control of Transferee through stock, he joins in the application. (Hearing site: Washington, DC.)

Note.—Application for temporary authority has been filed.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-33059 Filed 10-22-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 28098 (Sub-No. 1), Finance Docket Nos. 29421, 29422]

New York, Susquehanna & Western Railroad Co., Debtor (Walter G. Scott, Trustee)—Plan of Liquidation and New York, Susquehanna & Western Railway Corp.—Purchase—New York, Susquehanna & Western Railroad Co., Debtor (Walter G. Scott, Trustee); Securities Issuance

AGENCY: Interstate Commerce Commission.

ACTION: Notice of plan of liquidation.

SUMMARY: The Trustee of The New York, Susquehanna and Western Railroad Company, Debtor (Walter G. Scott, Trustee) (NYSW) has filed its First Amended and Second Amended Plan of Liquidation with the Commission pursuant to an order of the United

States District Court for the District of New Jersey. In connection with these plans, The New York, Susquehanna and Western Railway Corporation filed an application pursuant to 49 U.S.C. 10901 for a certificate of public convenience and necessity authorizing the acquisition and operation of the NYSW, and an application pursuant to 49 U.S.C. 11301 for authority to issue securities. Comments on these proposals are sought.

DATES: (1) Verified statements supporting or opposing the liquidation plans, the acquisition proposal, and the securities issuance are due on or before November 12, 1980. (2) Verified reply statements in support or opposition are due 10 days thereafter.

ADDRESSES: The original and 5 copies of all statements should be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423, attention: NYSW Liquidation Plan. Persons submitting statements to the Commission shall, at the same time, serve copies of such statements upon applicant; the Clerk, United States District Court for New Jersey; and all persons indicated on the attached service list. Filings with the Commission shall include a certificate of service on all designated persons, and all statements shall be sworn and otherwise in conformity with the General Rules of Practice, 49 CFR Part 1100.

FOR FURTHER INFORMATION CONTACT: Ellen Hanson (202) 275–7245.

SUPPLEMENTARY INFORMATION: The United States District Court for the District of New Jersey, by Order No. 101, dated June 10, 1980,[1] directed that the Trustee of the New York, Susquehanna and Western Railroad Company, Debtor (Walter G. Scott, Trustee) (NYSW) submit its Amended Plan of Liquidation to this Commission, pursuant to Section 77(d) of the Bankruptcy Act, 11 U.S.C. 205(d). In compliance with the Court's order, the Trustee ifled, on September 8, 1980, the First Amended Plan of Liquidation and the Second Amended Plan of Liquidation (called the First Plan and the Second Plan, respectively). The Court's order directs us to submit comments on the Trustee's proposal within 60 days after all interested parties are served with the plans. Both plans are available for public inspection at our offices during normal business hours.

The First Plan supersedes the preliminary Plan of Liquidation previously filed by the Trustee with the Bankruptcy Court (but not with us). It envisions the cessation of operations by the NYSW and liquidation of the debtor railroad, but a continuance of service by a successor carrier unrelated to the debtor. The Second Plan incorporates all the terms and provisions of the First Plan, but amends Article VI of the First Plan to show that the Trustee has entered into an agreement with the Delaware Otsego Corporation and its wholly-owned subsidiary, the New York, Susquehanna and Western Railway Corporation (Susquehanna) whereby the latter will acquire the physical assets of NYSW and will operate rail freight service over the NYSW's line subject to regulatory approval.

In Finance Docket No. 29421,[2] Susquehanna filed an application on July 14, 1980, pursuant to 49 U.S.C. 10901 seeking a certificate of public convenience and necessity authorizing the acquisition and operation of the rail lines of the NYSW. The line extends from Croxton Yard to Sparta, NJ, a distance of 59.9 miles in Hudson, Bergen, Passaic, Morris, and Sussex Counties, NJ. Applicant also proposes to acquire the line of railroad now operated by NYSW's subsidiary, the Susquehanna Connecting Railway Company as its Suscon Branch, extending from Suscon to Hillside Junction, Luzerne and Lackawanna Counties, PA. The Suscon Branch is presently operated by Consolidated Rail Corporation.

In Finance Docket No. 29422, an application was filed by Susquehanna on July 14, 1980, pursuant to 49 U.S.C. 11301, seeking authority to issue 500 shares of common stock at a value of $2000 per share for a total of $1,000,000.

All common stock will be sold to the Delaware Otsego Corporation for $2,000 per share. The security for the stock will be a First Mortgage Bond, in the amount of $4,500,000, to be issued to the New Jersey Economic Development Authority or sold to a bank with a guarantee by the Federal Economic Development Agency. Susquehanna also seeks authority to issue this First Mortgage Bond without competitive bidding.

Because of the interrelationship of NYSW's liquidation plan and Susquehanna's acquisition and operation proposal, we have consolidated the proceedings for hearings on a written record.

As noted before, the Court's order of June 10, 1980, directs us to forward comments on the Trustee's Plans within 60 days of service on interested parties. Section 77(d) of the Bankruptcy Act, 11 U.S.C. 205(d) provides that, after a plan of reorganization has been filed, we shall give notice to stockholders and creditors, hold public hearings, and render a report and order approving a plan which will, in our opinion, meet the requirements of Section 77(b) and (e) and be compatible with the public interest, or disapproving all plans.

Although we desire to cooperate fully with the Court's efforts to conclude the NYSW's reorganization, we cannot afford the required notice and hearings, complete our consideration of these matters, and render a report and order within the 60-day time frame set forth in the Court's order. The hearing schedule established in this decision and notice shall permit us to render our report and order fairly but expeditiously.

This proceeding will not significantly affect either the quality of the human environment or conservation or energy resources.

Dated: October 14, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam. Commissioners Trantum and Alexis absent and not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-33058 Filed 10-22-80; 8:45 am]

BILLING CODE 7035-01-M

[1] Docket No. B-76-182, *In the Matter of New York, Susquehanna and Western Railroad Company, Debtor.*

[2] Published in 45 FR 48952, July 22, 1980.

Permanent Authority Decisions

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 1100.247). 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 application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. 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 its 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.g., 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 within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a 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 within 30 days after publication, or the application shall stand denied.

NOTE.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. 357

Decided: October 16, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 142364 (Sub-32F), filed May 6, 1980, previously published in the **Federal Register** issue of July 31, 1980. Applicant: KENNETH SAGELY, d.b.a. SAGELY PRODUCE, P.O. Box 368, Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *ground clay cat box filler*, from the facilities of Absorbent Clay Products,, Inc., at or near Mounds, IL, to points in the U.S. (except AK, AZ, CA, CO, HI, ID, MT, ND, NV, NM, OR, SD, UT, WA, and WY).

Note.—This republication indicates the correct origin.

Volume No. 358

Decided: October 16, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 139805 (Sub–5F), filed April 28, 1980, previously published in the **Federal Register** issue of July 10, 1980. Applicant: B MOTOR FREIGHT INC., 451 Old Airport Rd., New Castle, DE 19720. Representative: Dennis N. Barnes, 1800 M St., NW, Washington, DC 20036. *Contract carrier*, transporting *general commodities* (except bulk commodities and household goods) and hazardous materials (except classes A and B explosives), between points in the U.S., under continuing contract(s) with E. I. du Pont de Nemours & Co., Inc., of Newark, DE. To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance.

Note.— This republication indicates the correct territorial description.

MC 141255 (Sub-17F), filed June 2, 1979. Applicant: TANDY TRANSPORTATION, INC., 2560 East Long Ave., P.O. Box 7135, Fort Worth, TX 76111. Representative: Ralph W. Pulley, Jr., 4555 First National Bank Bldg., Dallas, TX 75202. *Contract carrier*, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the U.S., under continuing contracts(s) with Tandy Corporation, Stafford-Lowdon, Inc., Trinity Forms, Tandy Crafts, Inc., Color Tile, Inc., Tandy Brands, Inc., Hickok Manufacturing Co.,

Inc., and Ryons Saddle & Ranch Supplies, Inc., and their divisions.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-33062 Filed 10-22-80; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions

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 within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a 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. OP3-047

Decided: October 15, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 72465 (Sub-10F), filed October 2, 1980. Applicant: DANIELS TRANSPORTATION CO., INC., 91 Mechanic St., Lebanon, NH 03766. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Paebody, MA 01960. 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 131054F, filed October 2, 1980. Applicant: ROCHESTER DISTRIBUTION UNLIMITED, INC., 1000 Jefferson Rd., Rochester, NY 14618. Representative: Robert L. Boxer, 900 Midtown Tower, Rochester, NY 14604. As a broker, to arrange for the transportation of *general commodities* (except household goods), between points in the U.S.

MC 134484 (Sub-31F), filed October 7, 1980. Applicant: EDWARDS BROS., INC., P.O. Box 1684, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the United States Government, between points in the U.S.

Volume No. OP4-093

Decided: October 15, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 5227 (Sub-74F), filed October 10, 1980. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Representative: A. J. Swanson, 226 N. Phillips Ave., P.O. Box 1103, Sioux Falls, SD 57101. 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 152146F, filed October 8, 1980. Applicant: FAR WEST TRANSPORTERS, INC., 14901 Chandler Rd., Omaha, NE 68138. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. 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.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-33063 Filed 10-22-80; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of

publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

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. OP3–046

Decided: October 15, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 2934 (Sub-79F), filed October 3, 1980. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. LOWRY (same address as applicant). Transporting *carpet padding and expanded cellular plastic*, from Moonachie and Edison, NJ, to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MO, NC, OH, OK, PA, SC, TN, TX, VA, WV, and WI.

MC 2934 (Sub-80F), filed October 3, 1980. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant). Transporting *new furniture*, from Michigan City, IN 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.

MC 52704 (Sub-287F), filed October 3, 1980. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting *malt beverages*, and *materials, equipment, and supplies* used in the manufacture and distribution of malt beverages, between points in Tarrant County, TX, on the one hand, and on the other points in AR, LA, MS, and OK.

MC 59265 (Sub-73F), filed September 26, 1980.Applicant: SMITH & SOLOMON TRUCKING COMPANY, a corporation, P.O. Box 2015, New Brunswick, NJ 08903. Representative: Lawrence S. Burstein, Suite 2373, One World Trade Center, New York, NY 10048. Transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring speicial equipment), between points in Atlantic, Cape May, Cumberland, Gloucester, Hunterdon, Ocean, Salem, Sussex and Warren Counties, NJ, Dutchess, Orange, Putnam, Suffolk, Sullivan, Ulster Counties, NY, Fairfield, New Haven, Litchfield Counties, CT, Adams, Berks, Carbon, Chester, Columbia, Cumberland, Dauphin, Franklin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Perry, Pike, Schuykill, Susquehanna, Wayne, Wyoming, and York Counties, PA, and Arundel, Baltimore, Calvert, Caroline, Carroll, Cecil, Charles, Dorchester, Frederick, Harford, Howard, Kent, Montgomery, Prince George, Queen Anne, St. Marys, Somerset, Talbot, Washington, Wicomico, and Worcester Counties, MD, and points in VA.

Note.—Issuance of a certificate is subject to prior or coincidental cancellation of applicant's existing Certificates No. MC 59265 and subs thereunder, at applicant's written request.

MC 69834 (Sub-22F), filed October 6, 1980. Applicant: PRICE TRUCK LINE, INC., 2945 North Market Street, Wichita, KS 67219. Representative: Paul V. Dugan, 2707 West Douglas, Wichita, KS 67213. Transporting *alcoholic beverages* (except in bulk), from points in CA to points in KS.

MC 105045 (Sub-155F), filed October 3, 1980. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Transporting (1) *commodities* the transportation of which, because of size or weight, require the use of special equipment or special handling, (2) *machinery and parts* for machinery, and (3) *iron and steel articles*, between points in the U.S., restricted to traffic originating at or destined to the facilities of, or used by, The Babcock & Wilcox Company.

MC 111504 (Sub-10F), filed October 3, 1980. Applicant: STARR TRANSIT CO., INC., 2531 E. State St., Trenton, NJ 08619. Representative: Alan R. Squires, 818 Widener Bldg., 1339 Chestnut St., Philadelphia, PA 19107. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at Philadelphia, PA, and points in Bucks, Montgomery, Chester, and Delaware Counties, PA, Mercer, Middlesex, Hunterdon, Burlington, Camden, Monmouth, Ocean, Gloucester, and Salem Counties, NJ, and New Castle County, DE, and extending to points in the U.S. (including AK but excluding HI).

MC 114045 (Sub-571F), filed October 3, 1980. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, TX 75261. Representative: Arnold L. Burke, 180 North LaSalle St., Chicago, IL 60601. Transporting *general commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), between the points in the U.S., restricted to traffic originating at or destined to the facilities of International Paper Company.

MC 114045 (Sub-572F), filed October 3, 1980. Applicant: TRANS–COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, TX 75261. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), from points in Litchfield County, CT, to points in the U.S. (except AK, FL, GA, HI, NC, and SC).

MC 114045 (Sub-573F), filed October 3, 1980. Applicant: TRANS–COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, TX 75261. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), which are at the time moving on bills of lading of freight forwarders, (1) between points in MA, RI, CT, NY, NJ, DE, MD, PA, OH, MI, IN, WI, IL, MN, ND, IA, MO, and Wyandotte County, KS, and (2) from the points listed in (1) to points in WY, LA, TN, KY, ND, SD, NE, CO, KS, OK, AR, and TX.

MC 114334 (Sub-89F), filed October 6, 1980. Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane Rd., Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, TN 38103. Transporting *precast and pre-stressed concrete articles*, between points in TN, west of the Tennessee River, and Memphis, TN, on the one hand, and, on the other, points in TX, OK, and KY.

MC 114725 (Sub-115F), filed October 6, 1980. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 N. 11th St., Omaha, NE 68110. Representative: Donald L. Stern, 7171 Mercy Rd., Suite 610, Omaha, NE 68106. Transporting *fertilizer, and fertilizer and feed ingredients*, in bulk,

between points in the U.S. (except AK and HI), under continuing contract(s) with the Agricultural Division of Allied Chemical Corporation.

MC 116004 (Sub-62F), filed October 3, 1980. Applicant: TEXAS OKLAHOMA EXPRESS, INC., P.O. Box 47112, Dallas, TX 75247. Representative: Doris Hughes (same address as applicant). Transporting *general commodities,* (except household goods as defined by the Commission and classes A and B explosives), (1) between Oklahoma City, OK and Memphis, TN: from Oklahoma City, OK over Interstate Hwy. 40 to Memphis, TN and return over the same route, (2) between Kansas City, KS/MO and Texarkana, AR/TX: from Kansas City, KS/MO over U.S. Hwy. 71 to Texarkana, AR/TX and return over the same route, (3) between Houston, TX and Texarkana, AR/TX: from Houston, TX over U.S. Hwy. 59 to Texarkana, AR/TX and return over the same route, (4) between Ft. Worth, TX and Little Rock, AR: from Ft. Worth, TX over Interstate Hwy. 30 to Little Rock, AR and return over the same route, (5) between Little Rock, AR and St. Louis, MO: from Little Rock, AR over U.S. Hwy. 67 to St. Louis, MO and return over the same route, (6) between Memphis, TN and Chicago, IL: from Memphis, TN over Interstate Hwy. 55 to Chicago, IL and return over the same route, (7) between junction Interstate Hwys. 55/57 and Chicago, IL: from junction Interstate Hwys. 55/57 over Hwy. 57 to Chicago, IL and return over the same route, (8) between junction U.S. Hwy. 71/Interstate Hwy. 70, on the one hand, and, junction Interstate Hwys. 57/70, on the other: from junction U.S. Hwy. 71/Interstate Hwy. 70 over Interstate Hwy. 70 to junction Interstate Hwys. 57/70 and return over the same route, (9) between junction Interstate Hwys. 55/57, on the one hand, and, junction U.S. Hwys. 60/66 on the other: from junction Interstate Hwys. 55/57 over U.S. Hwy. 60 to junction U.S. Hwys. 60/66 and return over the same route, (10) between junction U.S. Hwys. 81/54, on the one hand, and, junction U.S. Hwy. 54/MO Hwy. 13, on the other: from junction U.S. Hwys. 81/54 over U.S. Hwy. 54 to junction U.S. Hwy. 54/MO Hwy. 13 and return over the same route, (11) between junction U.S. Hwys. 55/72, on the one hand, and, junction Interstate Hwys. 57/72, on the other: from junction Interstate Hwys. 55/72 over Interstate Hwy. 72 to junction 57/72 and return over the same route, (12) between junction U.S. Hwy. 71/MO Hwy. 7, on the one hand, and, junction U.S. Hwy. 66/MO Hwy. 13, on the other: from junction U.S. Hwy. 71/MO Hwy. 7 over MO Hwy. 7 to junction MO Hwys. 7/13, then over MO Hwy. 13 to junction U.S. Hwy. 66/MO Hwy. 13 and return over the same route, (13) between junction U.S. Hwys. 60/63 and Memphis, TN: from junction U.S. Hwys. 60/63 over U.S. Hwy. 63 to Memphis, TN and return over the same route, (14) between Muskogee, OK and Interstate Hwy. 40 over the Muskogee Turnpike and return over the same route, as an alternate route for operating convenience only.

Note.—Applicant proposes to serve all intermediate points in routes (1) through (13) and points in Macon, McLean, Peoria, Vermilion, Champaign, Pulaski, Jefferson, Sangamon and Kankakee Counties, IL; Quachita, Yell, Craighead, Union and Jefferson Counties, AR; Butler, Cole, Stoddard, Pettis, Randolph and Audrain Counties, MO; Okmulgee, Muskogee and Seminole Counties, OK; and Orange County, TX, as off-route points. (2) Applicant intends to tack this authority with its existing authority.

MC 116254 (Sub-317F), filed October 2, 1980. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, P.O. Box 339, Florence, AL 35631. Representative: Hampton M. Mills (same address as applicant). Transporting (1) *metallic ores,* (2) *non-metallic minerals* (except fuels), (3) *stone, clay, glass and concrete products,* (4) *metal products* (except ordnance), (5) *machinery and transportation equipment,* and (6) *waste and scrap materials,* between points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 125254 (Sub-76F), filed October 2, 1980. Applicant: MORGAN TRUCKING CO., a Corporation, P.O. Box 714, Muscatine, IA 52761. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *such commodities* as are dealt in by food business houses (except commodities in bulk), from the facilities of International Multifoods Corporation, at North Kansas City, MO, to points in NE and MN.

MC 125285 (Sub-11F), filed October 6, 1980. Applicant: SKYLINE EXPRESS INC., 1703 Highway Two, Duluth, MN 55810. Representative: E. L. Newville (same address as applicant). Transporting *minerals, coal,* and *petroleum coke,* between points in St. Louis and Dakota Counties, MN, on the one hand, and, on the other, points in MI MN, and WI.

MC 133614 (Sub-10F), filed October 6, 1980. Applicant: PAPPAS TRUCKING, INC., P.O. Box 8, Gering, NE 69341. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *such commodities* as are dealt in or used by distributors of lumber, lumber products and building materials, between points in the U.S., under continuing contract(s) with Shepard & Morse Lumber Company, of Weston, MA.

MC 135895 (Sub-113F), filed October 6, 1980. Applicant: B & R BRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. Transporting (1) *paper and paper products,* and *woodpulp,* and (2) *materials, equipment,* and *supplies* used in the manufacture and distribution of the commodities in (1) (except commodities in bulk and those requiring special equipment), between points in Lowndes County, MS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 136635 (Sub-40F), filed October 6, 1980. Applicant: UNIVERSAL CARTAGE, INC., 640 W. Ireland Rd., South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *petroleum products,* between points in Marion County, IN, on the one hand, and, on the other, points in IL, OH, KY, MI, MO, PA, NY, MS, CT, WV, TN, AL, and WI.

MC 138395 (Sub-15F), filed October 2, 1980. Applicant: DOUGLAS H. WEST, P.O. Box 1274, Salisbury, MD 21801. Representative: Dixie C. Newhouse, P.O. Box 1417, Hagerstown, MD 21740. Transporting (1) *printed matter,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of printed matter, between points in Wicomico County, MD, on the one hand, and, on the other, points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 141914 (Sub-91F), filed October 2, 1980. Applicant: FRANK AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks, Route 1, Box 108A, Big Cabin, OK 74332. Transporting *general commodities,* between points in the U.S. restricted to traffic originating at or destined to the facilities used by Shaklee Corporation.

Note.—To the extent the certificate granted in this proceeding authorizes the transportation of liquefied petroleum gas it will expire 5 years from the date of issuance.

MC 143385 (Sub-2F), filed October 6, 1980. Applicant: TRANSPORT ROBERT (1973) LTEE, a Corporation, 130 First Ave.—C.P. 39, Rougemont, P. Quebec, Canada JOL 1MO. Representative: Robert D. Schuler, 100 W. Long Lake Rd., Suite 102, Bloomfield Hills, MI 48013. Transporting *general commodities,* between points in the U.S. (except HI), under continuing contract(s) with Ivaco Quebec Division of Ivaco

Ltee and Infasco Division of Ivaco Ltee, of Quebec, Canada.

MC 144345 (Sub-19F), filed October 6, 1980. Applicant: DON'S FROZEN EXPRESS, INC., 3820 Airport Ave., Caldwell, ID 83605. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Transporting *frozen fruit juices* from the facilities of Ventura Coastal Corporation, at or near Ventura, CA, to points in ID, OR, UT, and WA.

MC 145904 (Sub-33F), filed October 3, 1980. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Stanley C. Olsen, Jr., 7400 Metro Blvd., Suite 411, Edina, MN 55435. Transporting *such commodities*, as are dealt in or used by retial and grocery stores and food business houses, between points in IL, IA, KS, MN, MO, NE, and WI.

MC 145914 (Sub-12F), filed October 3, 1980. Applicant: COASTAL TRUCK LINE, INC., How Lane, P.O. Box 600, New Brunswick, NJ 08903. Representative: Herbert Burstein, Suite 2373, One World Trade Center, New York, NY 10048. Transporting *such commodities* as are dealt in by chain grocery and food business houses (except commodities in bulk), between points in the U.S., under continuing contract(s) with Wakefern Food Corporation, of Elizabeth, NJ.

MC 151395 (Sub-3F), filed October 6, 1980. Applicant: SNEAKER FREIGHT LINE, INC., 4215 Thurman Rd., P.O. Box 768, Conley, GA 30027. Representative: Archie B. Culbreth, 2200 Century Parkway, Suite 202, Atlanta, GA 30345. Transporting (1) *containers and container components*, from points in DeKalb County, GA, and Will County, IL, to points in the U.S., and (2) *materials, equipment, and supplies* used in the manufacture and distribution of commodities in (1), in the reverse direction.

Volume No. OP3–048

Decided: October 10, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill. Member Hill not participating.

MC 56945 (Sub-4F), filed October 2, 1980. Applicant: S & H TRUCKLINES, INC., 13990 Valley Blvd., Fontana, CA 92335. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900 Beverly Hills, CA 90211. Transporting *general commodities*, (except those of unusual value, household goods as defined by the Commission, and classes A and B explosives), between points in Los Angeles, Orange, Riverside and San Bernardino Counties, CA. Condition: Issuance of a certificate is subject to prior or coincidental cancellation of certificate of Registration in MC 56945 Sub 1 at applicant's request.

Note.—Applicant states the purpose of this application is to convert applicant's existing certificate of registration in MC 56945 (Sub-1) to a certificate of public convenience and necessity.

MC 114045 (Sub-574F), filed October 3, 1980. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, TX 75261. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), from points in NJ to points in IL.

MC 116254 (Sub-316F), filed October 2, 1980. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, P.O. Box 339, Florence, AL 35631. Representative: Hampton M. Mills (same address as applicant). Transporting (A) *chemicals or allied products*, in bulk, and (B) *petroleum and coal products*, in bulk, between points in AL, AR, FL, GA, LA, MS, TN, and TX, and (2) between points in AL, AR, FL, GA, LA, MS, TN, and TX, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

MC 116544 (Sub-224F), filed October 2, 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 used in the manufacture, processing, and distribution of pet foods*, between points in Potter County, TX, on the one hand, and, on the other, points in AR, CA, CO, IL, IN, KS, KY, LA, MI, MN, MO, NE, ND, OH, OK, SD, TN, and WI.

MC 117344 (Sub-284F), filed October 2, 1980. Applicant: THE MAXWELL CO., A Corporation, 10300 Evendale Dr., Cincinnati, OH 45241. Representative: James R. Stiverson, 1396 W. 5th Ave., Columbus, OH 43212. Transporting *chemicals*, in bulk, between points in Scioto County, OH, on the one hand, and, on the other, points in the U.S.

MC 117765 (Sub-299F), filed September 30, 1980. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). Transporting *malt beverages*, in containers, from Omaha, NE to points in AR and OK.

MC 119315 (Sub-32F), filed October 3, 1980. Applicant: FREIGHTWAY CORPORATION, 131 Matzinger Road, Toledo, OH 43612. Representative: Andrew Jay Burkholder, 275 East State Street, Columbus, OH 43215. Transporting *Textile mill products*, between points in Essex County, MA, on the one hand, and, on the other, points in Lucas County, OH.

MC 119654 (Sub-92F), filed October 3, 1980. Applicant: HI-WAY DISPATCH, INC., P.O. Box 509, Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *such commodities* as are dealt in or used by chain drug and food business houses, (except commodities in bulk), between the facilities of Colgate-Palmolive Company, at Jeffersonville, IN, on the one hand, and, on the other, points in IL, KY, MI, MO, OH, PA, and WI.

MC 121664 (Sub-134F), filed October 1, 1980. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: William E. Grant, 1702 1st Ave., South, Birmingham, AL 35233. Transporting (1) *clay products, plastic couplings, firebrick and fireplace covers*, and (2) *materials, equipment and supplies* used in the manufacture, distribution, and installation of commodities in (1) above, between points in Bexar, Wilson and Bowie Counties, TX, Crawford County, KS, Webster County, IA, Lauderdale County, MS, Jefferson County, AL and Manatee County, FL, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, and NM.

MC 133735 (Sub-14F), filed October 3, 1980. Applicant: AUDUBON-BROOKHISER TRANSPORT, INC., P.O. Box 186, Wever, IA 52658. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. Transporting *corn products*, in bulk, from the facilities of the Hubinger Company, at or near Keokuk, IA, to points in AR, KY, MI, OK, TN, and TX.

MC 135524 (Sub-157F), filed October 2, 1980. Applicant: G. F. TRUCKING COMPANY, a Corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salt Springs Rd., Youngstown, OH 44509. Transporting (1) *aluminum articles*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in Berkeley County, SC, on the one hand, and, on the other, points in the U.S.

MC 140025 (Sub-4F) filed, September 30, 1980. Applicant: L & T, INC., 2650 West Beaver Street, Jacksonville, FL 32205. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Transporting (1) *bakery goods*, from Jacksonville, FL, to points in MD,

NJ, NY and PA, and (2) *general commodities* (except household goods as defined by the Commission, commodities in bulk, and classes A and B explosives), between Jacksonville, FL, on the one hand, and, on the other, points in AL, DE, FL, GA, MD, MS, NJ, NC, SC, TN, and VA.

MC 143234 (Sub-2F) filed, September 30, 1980. Applicant: PHILLIPS BROS. WAREHOUSING & DISTRIBUTING CORP., 25 Thomas Avenue, Baltimore, MD 21225. Representative: Robert L. Cope, Suite 501, 1730 M Street, NW, Washington, DC 20036. 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 Stereo Equipment Sales, Inc., of Baltimore, MD.

MC 145855 (Sub-6F) filed, September 29, 1980. Applicant: JOHN RAY TRUCKING, INC., P.O. Box 206, Eastaboga, AL 35260. Representative: John W. Cooper, 634 Woodward Building, 1927 First Avenue North, Birmingham, AL 35203. Transporting (1) *pipe and pipe fittings, water work supplies, and sewage treatment equipment,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), (except commodities in bulk), between points in the U.S., under continuing contract(s) with Davis Water & Waste Industries, Inc., of Thomasville, GA.

MC 146485 (Sub-2F) filed, October 1, 1980. Applicant: MARBURGER REFRIGERATED EXPRESS, INC., P.O. Box 387, Peru, IN 46970. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *ceramic insulation material,* between points in Fulton County, IN, and Kankakee County, IL, on the one hand, and, on the other, points in Salt Lake County, UT.

MC 148025 (Sub-2F) filed, September 30, 1980. Applicant: TRENOAK TRUCKING COMPANY, INC., 735 Commercial Avenue, Carlstadt, NJ 07072. Representative: Michael Kanas, 2633 Trenton Avenue, Philadelphia, PA 19125. Transporting *alcoholic and non-alcoholic beverages,* in containers, between points in the U.S., under continuing contract(s) with Jacquin-New York, Inc., of Mt. Vernon, NY.

MC 146485 (Sub-3F), filed October 1, 1980. Applicant: MARBURGER REFRIGERATED EXPRESS, INC., P.O. Box 387, Peru, IN 46970. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *concrete forms, sealants, and curing compounds,* between points in Cook County, IL, on the one hand, and, on the other, Salt Lake City, UT and Boise, ID.

MC 149374 (Sub-1F), filed September 24, 1980. Applicant: JUNIOR LEE MULLENS, d.b.a. J. L. MULLENS TRUCKING, Commercial Ave., Richwood, WV 26261. Representative: (same as applicant). Transporting *coal,* between points in the U.S., under continuing contract(s) with Sewell Coal Company, of Nettie, WV.

MC 152045 (Sub-1F), filed September 29, 1980. Applicant: CASON COMPANIES, INC. d.b.a. CASON BUILDERS SUPPLY, 1880 Spartanburg Highway, Hendersonville, NC 28739. Representative: Charles Ephraim, 406 World Center Building, 918 16th Street, NW, Washington, DC 20006. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in Henderson, Rutherford, Transylvania and Buncombe Counties, NC, on the one hand, and, on the other, points in AL, GA, SC, TN, and VA.

MC 150684 (Sub-1F), filed September 22, 1980. Applicant: P & E ASSOCIATES, INC., 2820 LaSalle St., St. Louis, MO 63104. Representative: Edward M. Edleson, 3920 Manorwood, St. Louis, MO 63125. Transporting *general commodities,* between St. Louis, MO, on the one hand, and, on the other, points in IL, IN, KY, IA, and MO.

Note.—To the extent that this certificate authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

Volume No. OP3–050

Decided: October 16, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill. Member Hill not participating.

MC 2934 (Sub-81F), filed October 6, 1980. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 N. Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant). Transporting *new hospital and laboratory equipment,* from Two Rivers, WI, to points in AL, AR, CT, DE, FL, GA, IL, IN, 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, and DC.

MC 43685 (Sub-26F), filed October 6, 1980. Applicant: MERCER TRUCKING COMPANY, INC., P.O. Box 11585, Spokane, WA 99211. Representative: Marshall Hanning (same address as applicant). Transporting lumber, veneer, *forest products,* and *building materials,* between points in Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties, WA, and Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties, ID, on the one hand, and, on the other, points in California, and in Clark and Washoe Counties, NV.

MC 67234 (Sub-32F), filed October 6, 1980. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. Transporting *furniture,* between Seattle, WA, on the one hand, and, on the other, points in AL, CA, CT, DE, FL, LA, MD, MA, MS, NJ, NY, NC, PA, RI, SC, and VA.

MC 69224 (Sub-52F), filed October 8, 1980. Applicant: H & W MOTOR EXPRESS COMPANY, a corporation, 3000 Elm St., Dubuque, IA 52001. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between Des Moines, IA, and Omaha, NE, over Interstate Hwy 80, serving all intermediate points.

MC 107295 (Sub-996F), filed October 6, 1980. Applicant: PRE-FAB TRANSIT CO., a Corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). Transporting *insulation materials* (except commodities in bulk), from points in Harris County, TX, to points in the U.S. (except AK and HI).

MC 116544 (Sub-225F), filed October 6, 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 *foodstuffs* (except in bulk), between points in Shelby County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 117574 (Sub-354F), filed October 6, 1980. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: James W. Hagar, P.O. Box 1166, 100 Pine St., Harrisburg, PA 17108. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between the facilities of E. I. DuPont de Nemours & Co., Inc., at or near Towanda, PA, and Horseheads, NY.

MC 124964 (Sub-66F), filed October 8, 1980. Applicant: J. M. BOOTH TRUCKING, INC., P.O. Box 265, Tavares, FL 32778. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Transporting (1) *cleaning and scouring compounds* and (2) *materials, equipment, and supplies* used in the manufacture, sale and distribution of the commodities in (1), (except commodities in bulk), between points in the U.S., under continuing contract(s) with Texize, Division of Morton Norwich, of Greenville, SC.

MC 135944 (Sub-6F), filed October 6, 1980. Applicant: RODGERS EXPRESS, INC., 1310 S. West St., Indianapolis, IN 46225. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between Hayes, KS, and Columbus, OH, over Interstate Hwy 70, serving all intermediate points, and serving Dayton and Marysville, OH, as off-route points.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 140265 (Sub-15F), filed October 6, 1980. Applicant: LARRY E. HICKOX, d.b.a. LARRY E. HICKOX TRUCKING, Box 95, Casey, IL 62420. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. Transporting *plastic fence posts*, between points in the U.S., under continuing contract(s) with Sunbelt Manufacturers, Inc., of Grand Prairie, TX.

MC 145054 (Sub-1F), filed October 7, 1980. Applicant: COORS TRANSPORTATION COMPANY, a corporation, 5101 York Street, Denver, CO 80216. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Transporting (1) *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in CO, on the one hand, and, on the other, points in KS, MN, and MO.

MC 145914 (Sub-11F), filed October 6, 1980. Applicant: COASTAL TRUCK LINE, INC., How Lane, P.O. Box 600, New Brunswick, NJ 08903. Representative: Herbert Burstein, One World Trade Center, Suite 2373, New York, NY 10048. Transporting *bakery goods*, not frozen, between points in the U.S., under continuing contract(s) with Sunshine Biscuits, Inc., of New York, NY.

MC 145955 (Sub-18F), filed October 8, 1980. Applicant: CENTRAL TRUCK SERVICE, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Transporting *such commodities* as are dealt in or used by producers and distributors of paper and plastic products, between Chicago, IL, on the one hand, and, on the other, points in IA, KS, MO, and NE.

MC 149284 (Sub-2F), filed October 8, 1980. Applicant: MARION D. DAY, d.b.a., DAY'S EXPRESS, 1942–7th Street, Columbus, IN 47201. Representative: Stephen M. Gentry, 1502 Main Street, Speedway, IN 46224. Transporting *fabricated metal products*, between points in Lawrence County, IN, on the one hand, and, on the other, points in CA.

MC 149284 (Sub-3F), filed October 8, 1980. Applicant: MARION D. DAY, d.b.a., DAY'S EXPRESS, 1942–7th Street, Columbus, IN 47201. Representative: Stephen M. Gentry, 1502 Main Street, Speedway, IN 46224. Transporting *automobile parts and supplies*, between points in Marion County, IN, on the one hand, and, on the other, points in CA, MA, NJ, and TX.

MC 150445, filed October 6, 1980. Applicant: ALFONSO V. MANGIONE, 510 S. Main St., Pittston, PA 18640. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Transporting *coal*, from points in Luzerne and Schuylkill Counties, PA, to points in NH, VT, NE, DE, and OH.

MC 151395 (Sub-4F), filed October 7, 1980. Applicant: SNEAKER FREIGHT LINE, INC., 4215 Thurman Rd., P.O. Box 768, Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting (1) *polyethylene film and bags*, from points in Clayton County, GA, to points in AL, FL, KY, MD, MS, NC, SC, TN, and VA, and (2) *materials, equipment, and supplies* used in the manufacture and distriution of the commodities in (1) above, in the reverse direction.

MC 151685F, filed October 6, 1980. Applicant: W D P TRANSPORTATION, INC., 453 Versailles Road, Frankfort, KY 40601. Representative: George M. Catlett, Suite 708, McClure Building, Frankfort, KY 40601. Transporting *general commodities* (except commodities in bulk, classes A and B explosives, household goods as defined by the Commission, commodities of unusual value, and those requiring special equipment), between points in the U.S., under continuing contract(s) with Roper Corporation, of Kankakee, IL.

Volume No. OP4–094

Decided: October 16, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman. Member Chandler not participating.

MC 11207 (Sub-571F), filed October 9, 1980. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. Transporting *lumber and wood products*, between points in MS and points in Choctaw County, AL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 11207 (Sub-572F), filed October 10, 1980. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. Transporting *iron and steel articles*, between Dallas, TX, on the one hand, and, on the other, points in MI, and those points in the U.S. in and west of TX, AR, MO, IL, and WI.

MC 27817 (Sub-171F), filed October 10, 1980. Applicant: H. C. GABLER, INC., R.D. No. 3, P.O. Box 220, Chambersburg, PA 17201. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. Transporting (1) *such commodities* as are dealt in, or used by, chain grocery and food business houses (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between points in CT, DE, IL, IN, KY, ME, MD, MA, MI, NJ, NH, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC.

MC 105566 (Sub-233F), filed October 10, 1980. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia RD., Alexandria, VA 22312. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities used by Corning Glass Works and its subsidiaries.

MC 108207 (Sub-560F), filed October 10, 1980. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas TX, 75265. Representative: M. W. Smith (same address as applicant). Transporting *food or Kindred products*, as defined in Item 20 of the Standard Transportation Commodity Code, between points in TX, on the one hand, and, on the other, points in UT.

MC 119366 (Sub-4F), filed October 10, 1980. Applicant: MOTOR CITY CARTAGE COMPANY, a corporation, 175—12th St., Detroit, MI 48216. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. Transporting *meats, meat products, meat byproducts, dairy products, and articles distributed by meat-packing houses,* as described in Sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between Detroit, MI, on the one hand, and, on the other, points in MI.

MC 144606 (Sub-16F), filed October 14, 1980. Applicant: DUNCAN & SON LINES, INC., 714 East Baseline Rd., Buckeye, AZ 85326. Representative: Donald W. Powell, 4150 No. 12th St., Phoenix, AZ 85014. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in AZ, CA, CO, and NM, restricted to traffic originating at or destined to the facilities used by Ralston Purina Company. Condition: Person or persons who appears to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A), or submit an affidavit indicating why such approval is unnecessary.

MC 151746 (Sub-1F), filed October 10, 1980. Applicant: ORANGE DISTRIBUTION SERVICES, INC., P.O. Box 2277, Short Beach, CT 06405. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting (1) *cement, tile adhesives, and building supplies,* and (2) *materials and equipment* used in the manufacture and distribution of the commodities in (1) above, between points in New Haven County, CT, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151746 (Sub-2F), filed October 10, 1980. Applicant: ORANGE DISTRIBUTION SERVICES, INC., P.O. Box 2277, Short Beach, CT 06405. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting (1) *polyethylene bags, plastic film, and plastic materials,* and (2) *equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in Middlesex County, CT and Wilson County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-33064 Filed 10-22-80; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Delegation of Authority No. 137 (Revised)]

Assistant Administrator for Program and Management Services and Director, Office of Personnel Management; Delegation of Authority

By virtue of the authority delegated to me by the Trade and Development Program Delegation of Authority No. 1, entitled "Contracting and Personnel Management Functions for the Trade and Development Program," effective July 1, 1980, it is hereby directed as follows:

Section 1. There is hereby delegated to the Assistant Administrator for Program and Management Services the authority to sign or approve, on behalf of the Trade and Development Program, the following:

A. U.S. Government contracts, grants and cooperative agreements financed under authority vested in the Trade and Development Program by Section 1–203 of the International Development Cooperation Agency ("IDCA") Delegation of Authority No. 4. This includes authority to perform or issue the following: (1) Negotiation, conclusion and termination of agreements;

(2) Amendments, modifications, ratifications or other extraordinary contractual actions pursuant to Sections 3 or 4 of Executive Order 11223: *Provided,* That redelegation of such authority shall not extend to actions which (i) increase the amount payable to the contractor by more than $250,000 or (ii) relieve the contractor of the liability to make refund or restitution of more than $250,000;

(3) Determinations pursuant to Section 604(a) of the Foreign Assistance Act of 1961, as amended, in regard to programs authorized under Sections 607(a) and 661 of the Act;

(4) Determinations and Findings with respect to advance payments, including those financed by Federal Reserved Letters of Credit, and to approve contract, grant, and cooperative agreement provisions relating to such advance payments. This authority may not be redelegated for contracts, grants, or cooperative agreements with profit making organizations; it may be redelegated for contracts, grants, or cooperative agreements with other than profit making organizations;

(5) Project implementation orders-technical services (PIO/T) for activities for which said Assistant Administrator has program responsibility.

B. Reviews, evaluations, recommendations and other documents pertaining and preliminary to non-U.S. Government contracts, the final approval of which is exercised by the Trade and Development Program. This includes authority to provide all services necessary for the formulation and review of non-U.S. Government contracts for which the Trade and Development Program has responsibility but does not include authority to approve such agreements.

Section 2. There is hereby delegated to the Director, Office of Personnel Management, the authority necessary to implement sections 1–203 and 1–401 of IDCA Delegation of Authority No. 4 insofar as they relate to personnel of the Trade and Development Program. This includes the authority of the Foreign Service Act of 1946, as amended, to employ and designate personnel, which the Director is authorized to exercise pursuant to Section 625(d) of the Act and the provisions of the Foreign Service Act which apply to personnel so appointed or assigned, and shall consist of: (a) the authority available to the Secretary of State under the Foreign Service Act of 1946 (including Section 571 of that Act), relating to Foreign Service Reserve Officers, Foreign Service Staff officers and employees, and alien clerks and employees;

(b) the authority available to the Secretary of State under Sections 1021 through 1071 of the Foreign Service Act of 1946;

(c) the authority available to the Board of Foreign Service and under the Foreign Service Act of 1946;

(d) the authority to prescribe or issue in pursuance of the Foreign Service Act of 1946 and the Act such regulations, orders and instructions as may be incidental to, or necessary for, or desirable in connection with, the carrying out of the provisions of Section 625(d)(2) of the Act or the provisions of this Delegation of Authority; and

(e) the prohibitions contained in Sections 1001 through 1005 of the Foreign Service Act of 1946.

Section 3. The authority delegated herein may be redelegated successively and may be exercised by persons who are performing the functions of the designated officers on an acting basis.

Section 4. This delegation of authority shall be deemed effective immediately and actions within the scope of this

delegation and any redelegation hereunder undertaken prior hereto which are consistent with the terms and scope of this delegation are hereby ratified and confirmed.

Dated: October 9, 1980.

Joseph C. Wheeler,

Acting Administrator.

[FR Doc. 80-33036 Filed 10-22-80; 8:45 am]

BILLING CODE 4710-02-M

[Redelegation of Authority No. 137.1]

Director, Office of Contract Management; Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 137 from the Administrator of the Agency for International Development, effective July 1, 1980, I hereby redelegate to the Director, Office of Contract Management the following authority, with power to redelegate to such officers and employees as he may designate:

Section 1. To sign or approve, on behalf of the Trade and Development Program, the following: A. U.S. Government contracts, grants and cooperative agreements financed under authority vested in the Trade and Development Program by Section 1-203 of the International Development Cooperation Agency ("IDCA") Delegation of Authority No. 4. This includes authority to perform or issue the following: (1) Negotiation, conclusion and termination of agreements;

(2) Amendments, modifications, ratification of other extraordinary contractual actions pursuant to Sections 3 or 4 of Executive Order 11223: *Provided*, that such authority shall not extend to actions which (i) increase the amount payable to the contractor by more than $50,000 or (ii) relieve the contractor of the liability to make refund or restitution of more than $50,000.

(3) Determinations pursuant to Section 605(a) of the Foreign Assistance Act of 1961, as amended, in regard to programs authorized under Sections 607(a) and 661 of the Act;

(4) Determinations and Findings with respect to advance payments, including those financed by Federal Reserve Letters of Credit, and to approve contract, grant, and cooperative agreement provisions relating to such advance payments. This authority may be exercised for contracts, grants, or cooperative agreements with other than profit making organizations only;

(5) Project implementation orders-technical services (PIO/T) for activities for which said Assistant Administrator has program responsibility.

B. Reviews, evaluations, recommendations and other documents pertaining and preliminary to non-U.S. Government contracts, the final approval of which is exercised by the Trade and Development Program. This includes authority to provide all services necessary for the formulation and review of non-U.S. Government contracts for which the Trade and Development Program has responsibility but does not include authority to approve such agreements.

Section 2. The authority delegated herein may be redelegated and may be exercised by persons who are performing the functions of the designated officers on an acting basis.

Section 3. This redelegation of authority shall be deemed effective immediately, and actions within the scope of this redelegation heretofore taken by the officials designated herein are hereby ratified and confirmed.

Dated: October 10, 1980.

D. G. MacDonald,

Bureau for Program and Management Services.

[FR Doc. 80-33037 Filed 10-22-80; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF JUSTICE

Proposed Consent Decree in Action To Enjoin Discharge of Air Pollutants

In accordance with Department Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States* v. *Transit Oil Company*, Civil Action No. 79-110-C, has been lodged with the United States District Court for the Southern District of Indiana. The proposed consent decree requires Transit to reduce its gasoline loading activities at its New Albany, Indiana facility, to levels below 40,000 gallons per day throughput, to bring this facility into compliance with the Clean Air Act, 42 U.S.C. 7401 *et seq.*, and provides for payment of a civil penalty.

The Department of Justice will receive until November 24, 1980, written comments relating to the proposed consent decree. Comments should be addressed to the Deputy Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and refer to *United States* v. *Transit Oil Company*, D.J. Reference No. 90-5-2-3-1183.

The proposed consent decree may be examined at the office of the United States Attorney, Room 274, Federal Building and Courthouse, 46 East Ohio Street, Indianapolis, Indiana 46204; at the Region V office of the United States Environmental Protection Agency, Enforcement Division, 230 South Dearborn Street, Chicago, Illinois 60604; and at the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Room 2644, Ninth and Pennsylvania Ave., NW., Washington, D.C. 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division, Department of Justice.

Angus MacBeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 80-33017 Filed 10-22-80; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree in Action Involving Emission of Air Pollutants by Northern States Power Co.

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States of America* v. *Northern States Power Company*, Civil Action No. 3-80-539, has been lodged with the United States District Court for the District of Minnesota. The proposed consent decree requires Northern States Power Company to adopt measures to bring its steam-generating facility into compliance with Minnesota Air Pollution Regulations on particulate matter by February, 1982.

The proposed consent decree may be examined at the office of the United States Attorney, District of Minnesota, 234 United States Courthouse, 110 South 4th Street, Minneapolis, Minnesota 55401; at the Region V office of the Environmental Protection Agency, Enforcement Division, 230 South Dearborn Street, Chicago, Illinois, 60604; and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2644 Ninth and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to Deputy Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America* v. *Northern States Power Company*, Civil Action No. 3-80-539, D.J. Reference No. 90-5-2-1-335.

In requesting a copy of the proposed consent decree, please enclose a check in the amount of $1.10 (ten cents per page for reproduction charge) payable to the Treasurer of the United States.

Angus Macbeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 80-33018 Filed 10-22-80; 8:45 am]

BILLING CODE 4410-01-M

Criminal Division Order; Advisory Opinion Service

Effective immediately there is established within the Criminal Division an advisory opinion service for the purpose of providing a public forum for resolving ambiguities concerning this Division's interpretation and enforcement policy with respect to Federal criminal laws dealing with political activities within the Federal civil service, patronage and politicalization of Federal programs. The purpose of this new service is to foster compliance with what are essentially non-feasant criminal laws, and thereby to achieve the essentially regulatory purposes the Congress sought to protect in enacting them.

1. This advisory opinion service shall apply only to the following provisions contained in Chapter 29 of Title 18, United States Code: 18 U.S.C. 592, 593, 595, 596, 598, 599, 600, 601, 602, 603, 604, 605, 606 and 607.

2. Requests for interpretative opinions shall be in writing, and they should in each instance reflect the principal on whose behalf they are submitted. Replies will similarly be in writing, and all replies will be made available for public inspection by the Criminal Division through an appropriate medium. Under extentuating circumstances, requests for the deletion of personal identifying data from materials made available to the public will be entertained.

3. All requests should be addressed to the Director, Election Crimes Branch, Public Integrity Section, P.O. Box 50168, Washington, D.C. 20004.

4. Replies will be signed by the Deputy Assistant Attorney General, and will reflect the views of the Criminal Division.

5. The Division reserves the right not to respond to request for advisory opinions when a substantive response under the circumstances would not be consistent with the criminal law enforcement responsibilities of the Department of Justice.

6. Any advisory opinion rendered by the Criminal Division pursuant to this procedure may be relied upon by the person or entity that requested it. Any other person who is engaged in a specific activity which is *indistinguishable* in all material aspects from the activity with respect to which an advisory opinion is rendered may similarly rely on its substance. With respect to any person who is engaged in an activity that is *distinguishable* from the activity with respect to which an advisory opinion is rendered, the Criminal Division shall take into consideration a claim that such person acted in good faith reliance on the substance of an advisory opinion as a mitigating factor in the exercise of prosecutive discretion.

Philip B. Heymann,

Assistant Attorney General Criminal Division.

[FR Doc. 80-33019 Filed 10-22-80; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

[Docket No. 80-3]

Gilbert Miller, M.D.; Denial of Registration

On January 18, 1980, the Administrator of the Drug Enforcement Administration (DEA) directed to Gilbert Miller, M.D. (Respondent) an Order to Show Cause as to why the Drug Enforcement Administration should not deny his application for a DEA Certificate of Registration executed on January 22, 1979, for reason that on May 3, 1978, Respondent was convicted in the United States District Court for the Southern District of New York of one (1) count of unlawfully, intentionally and knowingly and causing to be distributed to another, Schedule II controlled substances, in violation of 21 U.S.C. 841(a)(1). This is a controlled substance-related felony. After preliminary procedures, during which Respondent initially requested a hearing *pro se* but then obtained counsel, and including a Prehearing Conference in which the Administrative Law Judge and Counsel for the Government and Respondent participated, the Honorable Francis L. Young, Administrative Law Judge, conducted a hearing in Washington, D.C. on June 3, 1980.

On September 24, 1980, Judge Young certified to the Administrator, pursuant to 21 CFR 1316.65, the record of the proceedings in this matter, together with his recommended findings of fact, conclusions of law, and a recommended decision. Pursuant to 21 CFR 1316.67, the Administrator hereby publishes his Final Order in this proceedings, based upon the findings of fact and conclusions of law set forth below.

The Administrative Law Judge found that respondent pled guilty to one (1) count of unlawfully distributing 540 tablets of Schedule II controlled substances to another individual. This is the second count of a three (3) count indictment; the remaining counts were dismissed on motion of respondent's counsel with the Government's consent. Respondent's sentence was suspended, and he was placed on three (3) years probation and fined $5,000.

A DEA special agent testified for the Government. He testified that on January 25, 1977, he served an arrest warrant on an individual from whom his partner was making street buys of Quaalude. In this individual's apartment the agents saw medicine bottles with Respondent's name on them. The individual indicated that Respondent was his source of supply, and that he would cooperate with the Government. The arrest took place in the Upper East Side of Manhattan, a higher income area.

Judge Young found that this cooperating individual went to Dr. Miller's office on March 17, 1977, wearing a concealed tape recorder. He entered Respondent's office and purchased four prescriptions in four fictitious names from Respondent. Three of the prescriptions were for thirty (30) methaqualone each, and one was for sixty (60) Tuinal. Judge Young found that Respondent knew these names to be fictitious and he believed the individual intended to use the prescriptions to obtain drugs for illegal sale to others.

Judge Young found that the individual purchased five (5) prescriptions in a similar manner on April 12, 1977. Three (3) of the prescriptions were for thirty (30) methaqualone and two (2) were for sixty (60) biphetamine. Again, Judge Young found that respondent knew these names to be fictitious and he believed the individual intended to use the prescription to obtain drugs for illegal sale to others.

Judge Young further found that the individual repeated this method of obtaining prescriptions on May 17, 1977, when he obtained two (2) prescriptions for sixty (60) biphetamine and two (2) for thirty (30) methaqualone. The Administrative Law Judge made the same finding concerning this purchase.

The Administrative Law Judge found that the DEA agent visited Respondent's Manhattan office on April 14, 1977. The agent met Dr. Miller in his office, and the agent told Respondent he wanted some Quaaludes. The agent filled out a patient's card. Respondent performed a perfunctory physical examination on the agent, listening briefly to his chest and back with a stethoscope, and taking his

blood pressure. The whole procedure took less than five minutes. At no time did the agent complain of medical symptoms requiring methaqualone. The agent paid $20.00, obtained the prescription, and left.

Judge Young found further that the agent purchased a prescription for 30 tablets of methaqualone on April 26, 1977. On this latter occasion he obtained a prescription for 50 biphetamine for his non-existent girlfriend. Respondent counselled against filling the prescriptions at the same pharmacy, so as not to get Respondent in trouble.

Respondent's case in mitigation consisted of submitting letters from his probation officers that he is abiding by the terms of his probation; an affidavit submitted at the hearing and another submitted during the exception period that he would find it useful to prescribe certain Schedule IV and V controlled substances; and the testimony of a DEA Compliance Investigator that he has not recently heard of any complaints concerning Respondent's prescribing habits. The Administrative Law Judge found that Respondent is employed by a large corporation in New York as a clinic staff physician, and has a private practice in Roslyn, Long Island, New York. Respondent was not present at the hearing.

Judge Young concluded that there is a lawful basis for denial of Respondent's application for DEA registration, and that the preponderance of the evidence indicates that Respondent's application for DEA registration should be denied. The Administrator hereby adopts the findings, conclusion and recommended decision of the Administrative Law Judge, as set forth above.

Counsel for Respondent filed exceptions under 21 CFR 1316.66 to the Administrative Law Judge's opinion and recommended ruling, findings of fact, conclusions of law and decision. The Administrator has considered the exceptions. Nothing in them would change the Administrative Law Judge's findings, conclusion and recommended decision, or alter the fact that there is a lawful basis for the denial of Respondent's application.

Having reviewed the record of this proceeding in its entirety, including exceptions filed on behalf of Respondent, and having concluded that Respondent's application should be denied for reason that Respondent Gilbert Miller has been convicted of a felony relating to controlled substances, it is the decision of the Administrator that said application be denied. Accordingly, pursuant to the authority vested in the Attorney General by Section 824 of Title 21, United States Code, and redelegated to the Administrator of the Drug Enforcement Administration, the Administrator hereby orders that the application for registration, executed by Gilbert Miller, M.D., on January 22, 1979, be, and is, hereby, denied, effective November 24, 1980.

Peter B. Bensinger,

Administrator.

October 20, 1980.

[FR Doc. 80-33116 Filed 10-22-80; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 80-9]

Harry Werbin, D.O.; Orders To Show Cause

On February 7, 1980, the Administrator of the Drug Enforcement Administration (DEA) issued to Harry Werbin, D.O., two Orders to Show Cause, the first of which concerned why an application which he submitted to DEA for registration of his medical office in Missouri, dated June 17, 1977, should not be denied, and the second order concerned why two applications which he submitted to DEA for registration of his two California medical offices, dated February 3, 1977 and July 6, 1978, should not be denied, and why one of his California medical office DEA registrations should not be revoked.

The reasons which the Government cited in the Order to Show Cause concerning Dr. Werbin's application for registration in Missouri were that he pled guilty to drug-related felonies (five counts), that Missouri revoked his medical license, and the Missouri Board of Narcotics and Dangerous Drugs denied his Missouri Controlled Substance Registration application and removed his Missouri registration from their files.

The Government's reasons for issuing the Order to Show Cause to deny the registrations for Dr. Werbin's California medical office locations were, again, his guilty pleas to the aforementioned drug-related felonies.

In response to the February 7, 1980 Order to Show Cause concerning his Missouri medical office registration application, Dr. Werbin filed on March 11, 1980 an affidavit and a request for a stay of the DEA proceedings. His reasons for the stay request were that he had appealed his drug-related felony convictions, contesting the validity of his plea of guilty thereto, that the matter of his appeal was *pendente lite* in the Missouri Court of Appeals, and the DEA proceedings should be stayed pending the outcome of that appeal.

The Government objected to Dr. Werbin's request for a stay, citing authority for its position that conviction of a Respondent for a drug-related felony is, and can continue to serve as, the basis for an administrative proceeding based thereon, notwithstanding that the conviction is *pendente lite* on appeal.

Following this, the Government filed on May 5, 1980 a Motion in the Nature of Summary Judgement or to Terminate Proceedings, asserting that the Respondent was clearly not a "practitioner" under Missouri law, was without authority to dispense or administer controlled substances in Missouri having had his license to conduct such activities in that State revoked by the Missouri Court which convicted him, and thus Respondent could not, under the Controlled Substances Act, obtain a DEA registration as a practitioner. Therefore, the Motion concluded, the final question of whether Respondent's pending application for registration at his Missouri location should be denied is answered as a matter of law.

The Administrative Law Judge considered the aforementioned stay request by Respondent, and the Motion submitted in response thereto by the Government, and issued on May 7, 1980, a Memorandum and Order which invited Respondent to respond in opposition to the Government's Motion.

Despite the Administrative Law Judge having presented him with the opportunity to do so, the Respondent, Dr. Harry Werbin, has neglected as of this date to submit to the Administrative Law Judge any statement or proof refuting the Government's Motion, nor has he advised the Administrative Law Judge of any matter or issue concerning this proceeding since he filed his March 11, 1980 request for a stay.

On June 4, 1980, the Administrative Law Judge presiding issued an Order terminating the proceeding pending in the instant matter, and recommended that the Administrator issue his final order without a hearing as to the matters regarding and raised by the February 7, 1980 Order to Show Cause concerning Dr. Werbin's Missouri registration application.

As to the February 7, 1980 Order to Show Cause regarding Dr. Werbin's two remaining DEA applications for registration of his two California medical office locations, and regarding revoking his ongoing DEA registration for one of those California office locations, Dr. Werbin filed no response.

Therefore, upon review and consideration of the Memorandum and Order issued May 7, 1980, by the

Administrative Law Judge presiding, and of the record in this case, and recognizing: 1. that in the instant administrative proceeding, the Government has served on the Respondent a copy of its Motion in the Nature of Summary Judgement or to Terminate Proceedings, based on the Missouri Court revoking Respondent's license to practice medicine and consequent authorization to dispense controlled substances; 2. that the Respondent has been given ample opportunity to oppose or make other response to the Government's motion, but that the Respondent has failed to do so; 3. that the record in this matter indicates that there is no genuine issue as to any material fact with respect to Respondent's entitlement to a DEA registration as a practitioner pursuant to 21 U.S.C. 823(f), because the record reveals that he is not authorized to dispense controlled substances under the laws of the State of Missouri, in which, heretofore, he practiced medicine; 4. that there is a lawful basis for denying Respondent's pending DEA application regarding Missouri; and 5. that since the Respondent is no longer licensed to practice medicine in Missouri, his pending DEA application regarding Missouri must be denied.

For the reason that the Respondent is no longer licensed to practice medicine, nor is he authorized to dispense controlled substances, in the State of Missouri in which he heretofore practiced and was registered with the Drug Enforcement Administration, it is the decision of the Administrator that the Respondent's pending application for registration of his Missouri location be denied.

Further, for the reason that Respondent has never responded to the Order to Show Cause (1) to deny his two applications for registration at his two medical office locations in California; and (2) to revoke the ongoing DEA registration at one such location in California, it is the decision of the Administrator that Respondent's DEA registration and applications for his California locations be revoked, and denied, respectively.

Therefore, pursuant to the authority vested in the Attorney General by sections 823 and 824 of Title 21, U.S.C., and redelegated to the Administrator of the Drug Enforcement Administration, the Administrator orders that all pending applications for registration of Harry Werbin, D.O. which are the subject of this order be, and they are hereby, denied, and that his DEA registration AW7368031 for his medical office location in California be, and it hereby is, revoked, all of which is effective immediately.

Dated: October 20, 1980.

Peter B. Bensinger,

Administrator.

[FR Doc. 80-33117 Filed 10-22-80; 8:45 am]

BILLING CODE 4410-09-M

National Institute of Corrections

Resolicitation—Grant Notification: Training and Consulting Project

October 20, 1980.

This is a resolicitation of the notice published in the **Federal Register** Vol. 45, No. 141/Monday, July 21, 1980 (45 FR 48751).

Pursuant to Federal Procurement Regulations published in the Code of Federal Regulations Subpart 1–2.4, Section 1–2.404–1(b)(1), this notification is republished for resolicitation. This reference section permits the agency to cancel invitations for bid after opening but prior to award where such cancellations is in the best interest of the Government. This resolicitation clarifies inadequate and otherwise deficient specifications.

Attached is a grant notification entitled, "National Institute of Corrections Training and Consulting Project," at least in the amount of $698,000.00 plus any additional supplemental awards which may be added on to the original grant award during the original award period.

If you are interested in submitting an application, please read the notification carefully and have your formal submittal into the National Institute of Corrections by close of business on November 21, 1980.

In the event there are any questions, please contact Charles E. Wolfe of the National Institute of Corrections (NIC), Financial Management Division at 202–724–3110.

Applications and instructions to aid you in preparing your response to this notification may be obtained from NIC. The Institute plans to make the grant award no later than December 1, 1980.

Frank A Maes,

Chief, Financial Management, Department of Justice, National Institute of Corrections, 320 First Street, N.W. Washington, D.C. 20534.

National Institute of Corrections Grant Notification

Introduction/General Statement

The National Institute of Corrections (NIC) will be sponsoring a cooperative agreement grant entitled, "NIC Training and Consulting Project," of which the main purpose would be to have the grantee review, audit, and make payments to NIC identified consultants and trainees. This notification outlines the purpose, background and requirements for submitting a proposal (in the form of a grant application—Standard Form 424) to the Institute for consideration. Pertaining to Fiscal Year 1981, NIC has set aside initially $698,000.00 for disbursement purposes only to NIC identified grantees and consultants plus anticipated additions to the grant during the fiscal year. These amounts do not include the cost of managing the cooperative agreement award. A one-year cooperative agreement award will be given to the group or agency being awarded the grant.

Purpose

The purpose of this grant notification/solicitation is:

1. To locate an organization with a primary background in management and or accounting to make payments to NIC identified consultants and trainees
2. To make timely accurate financial reports to NIC indicating the financial status of the grant award by NIC program activity
3. To providing listings to NIC indicating the payees, amounts paid, and date paid by NIC program activity
4. At the end of each calendar year in which the grant is in effect, prepare IRS 1099 for those consultants which were paid a professional fee during the year.

Background

Congress, in passing the National Institute of Correction's (NIC) legislation in 1974 (Pub. L. 93–415), recognized a continuing need to coordinate Federal efforts to assist corrections at the state and local levels. In its report supporting this legislation, the Senate Judiciary Committee noted that through the Institute there would be:

> * * * a center in the nation to which the multitude of correctional agencies and programs of the states and localities can look for the many different kinds of assistance that they require. The Institute would serve as a center for correctional knowledge * * * (and) develop national policies for the guidance and coordination of correctional agencies.

The Institute was created to strengthen and improve local correctional agencies and programs. Designed to develop a more effective, humane, and just correctional service locally, NIC has become an advocate for safe, positive and effective correctional programming. Specific as to mission and small in size, the Institute has directed its energies and resources to improving correctional components of the larger criminal justice system. This has

permitted a precise and immediate response to local problems with little of the dissipation of resources often found in larger, more remote, and formally structured organizations. Assistance is generally through direct services by Institute Staff, technical assistance provided by part consultants and training programs covering all areas of corrections.

Requirements

Using the objectives identified in this notification and the appended report, interested parties may submit a proposal to the National Institute of Corrections, U.S. Department of Justice, 320 First Street, N.W., Washington, D.C. 20534, in the form of a *grant applications—Standard Form 424.* All applications must be submitted in three copies November 21, 1980. All applications must be submitted in compliance with instructions as outlined in the NIC *Grant Guidelines Manual.* The format outlined in the application and in the guideline manual must be followed.

In completing the application, the following (requirements/guidelines) must be adhered to:

A. The grantee cooperative agreement recipient shall furnish all personnel, materials, incidental services, reports, and travel necessary to perform the project described in the grant award, at such locations and for such individuals as designated by the National Institute of Corrections.

1. This Project is designed to provide management accounting and recordkeeping functions for NIC Training and Consulting Projects. The grant encompasses the four branches of NIC: Jail Center, Director's Office, Staff Development and Correctional Programs.

B. *Accounting system standards and components.*—1. The financial responsibility of the recipient must be parallel to that of NIC. The recipient must govern its affairs so that it may properly discharge the public trust which accompanies the authority to expend public funds. The recipient must establish and maintain fiscal control and accounting procedures which assure that NIC funds available for the conduct of the grant programs and projects are properly disbursed. In accordance with the NIC Guideline Manual, Financial Management Guidelines for Grantees, the basic accounting system should meet the following criteria:

(a) Accounting records should provide information needed to adequately identify the receipt of funds under each grant award (plus supplementals) and the expenditure of funds by each award.

(b) Entries in accounting records should refer to subsidiary records and/or documentation which support the entry and which can be readily identified.

(c) The accounting system should provide accurate and current financial reporting information.

(d) The accounting system should be integrated with an adequate system of internal controls to properly safeguard the funds and assets covered, check the accuracy and reliability of accounting data, promote operational efficiency, and encourage adherence to prescribed management practices.

2. The accounting system components would consist of a minimum of a cash receipts journal, cash disbursements journal, and a component capable of recording obligations upon receipt of an obligation authorization by individual NIC Program section.

(a) The recipient must prepare and maintain a cash receipts journal and substantiating documentation to support requests by the recipient to NIC for funds necessary to cover outstanding obligations as required to meet the grant's goals on a timely basis.

(b) The recipient will be responsible for the preparation and maintenance of a cash disbursements journal which will properly reflect payments to NIC funds to duly authorized consultants and trainees in compliance with the objectives of the Training and Consulting Project. It will be the responsibility of NIC to specifically identify each consultant and trainee to be paid and it will be the responsibility of the recipient to ensure that only properly authorized documented requests for payments are in fact processed for payment. The following are the minimum performance elements.

(1) The initial review, verification, and audit of documentation submitted for payment including matching each expense voucher with appropriate obligation report. Submitted documentation will include a detailed billing by the consultant for the type of work performed, total number of days involved (including preparation and report writing time), plus a detailed travel voucher and applicable receipts. Consultant fee payments will be made in compliance with applicable NIC Standard Operating Procedures. Travel vouchers will be processed in agreement with applicable Federal Government Travel Regulations.

(2) Issuance of a check to the consultant and trainee identifying payment type and details of the calculation. All payments must be processed within five days of payment request receipt.

(3) Distribution of expenditures into specific NIC Program budget categories as required by the terms of the grant. Timely reports will be submitted to NIC indicating the status of each program budget category.

(4) Reduce obligated funds by the expenditure amount in order to maintain a constant record of unobligated, obligated, and expended funds for the project by budget category and in total by each separate grant supplemental.

(5) Accumulate fees paid to consultants and associates for professional services for purposes of monthly and annual reports. The recipient will also be responsible for the issuance of individual IRS Form 1099 at the end of each calendar year in which the grant is operational.

(6) The recipient must be able to maintain a system element capable of recording obligations upon receipt of an obligation authorization form by consultant/trainee and budget category and detailing balances unobligated, obligated, and expended by specific NIC Program budget. The recipient is responsible for all cost overruns to the extent of keeping NIC formally informed whenever obligations exceed the amount of the grant award(s) in total or by individual subdivided budget category.

(7) The recipient must properly maintain a general ledger which contains a sufficiently detailed chart of accounts to reflect all costs by individual grant budget categories. Posting from the journals of original entry may be in total by month providing sufficient detail to each transaction is reported to NIC. Accounting for NIC funds must be in compliance with generally accepted accounting principles and applicable U.S. Government guidelines.

3. The recipient will be required to submit to NIC the following reports:

(a) Standard Form 270 "Request for Advance or Reimbursement" on a monthly basis.

(b) Form H–1 "Financial Status Report" which reflects obligations and expenditures by individual grant award. This report is due on a quarterly basis after the grant start-up date.

(c) A monthly bank reconciliation of all grant funds.

(d) A monthly listing of all individual consultants/trainees paid during the period by total amount paid, type and purpose of expenditure, and the specific NIC Program budget being expended against.

(e) A monthly obligation report detailing the funds by individual Program budget indicating the budgeted,

obligated, expended, unexpended, and unobligated balance.

C. *Prior experience.*—Offerors should have been engaged as an established business providing accounting and management assistance services to the general public on a regular basis for a period of at least two years prior to the date of issuance of this proposal. No joint ventures will be allowed under this solicitation.

The offeror awarded the grant cooperative agreement under this solicitation shall perform with the existing organization the total amount of work to be performed under the award.

D. *Cost and pricing elements.*—The total amount which is to be disbursed to NIC identified trainees and consultants will be $698,000.00 plus supplementals and will be included in the following elements on Page 9, Part III Budget Information of the Standard Form 424 Federal Assistance Grant Application:

1. Personnel: The offeror will include all in-house personnel cost including secretary, supervisory, and other staff costs dealing with operating the grant award. By NIC legislation, the maximum per day per full-time employee service payment is $190 excluding the cost of fringe benefits.

2. Fringe Benefits: All fringe benefits applicable to personnel costs.

3. Travel: All related travel cost in connection with managing the grant would be included under this item.

4. Equipment: Any office equipment directly related to the grant's operations would be included under this item.

5. Supplies: Any office supplies directly related to the grant's operations would be included under this item.

6. Contractual: The $698,000.00 would be included under this item for the purposes of paying consulting costs of NIC identified consultants and trainees.

7. Construction: Not applicable.

8. Other: Other costs which would not be considered under one of the other object class categories. Profit fees or any other type of profit costs are not allowable under a grant award.

9. Indirect Cost: Refer to NIC Guideline Manual: *Financial Management Guidelines for Grantees* page 29, paragraph 46 under Indirect Costs for further guidance.

A separate budget narrative must also be submitted to justify all costs claimed under Section B—Budget Categories.

E. *Evaluation critera for review of application.*—1. Accounting system description, standards and components, report preparation and accounting system safeguards, 20 points.

2. Previous experience of the organization in performing similar type services. Offeror should narrate business history, with emphasis on dealing with similar grants or contracts. Quality, experience and capability of staff offeror intends to assign to this project. The personnel will present in some detail the staffing available to the project. This will include biographical data on all professional staff, 30 points.

3. Total costs for management services (excludes travel, per diem, and consultant fees which is represented by $698,000.00 to be disbursed to NIC selected consultants and trainees). An indication of approximately the cost per individual voucher/payment document processed is required. Estimated vouchers annually is 1,500. Supplemental awards will consider the cost per voucher as the basis for additional management services, 50 points.

Total 100 Points.

[FR Doc. 80-33045 Filed 10-22-80; 8:45 am]

BILLING CODE 4410-36-M

NATIONAL SCIENCE FOUNDATION

Executive Committee of the Advisory Committee for Ocean Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Executive Committee of the Advisory Committee for Ocean Sciences.
Date and time: November 13 and 14, 1980—0900 to 1700 each day.
Type of meeting: Open.
Contact person: Dr. M. Grant Gross, Director, Division of Ocean Sciences, Room 609, National Science Foundation, Washington, D.C. 20550, Telephone (202) 357-9639.
Summary minutes: May be obtained from the Contact Person, Dr. Grant Gross at the above address.
Purpose of committee: To provide advice and recommendations concerning oceanographic research and its support by the NSF's Division of Ocean Sciences.

Agenda

November 13, 0900

(1) Status report, Directorate for Atmospheric, Astronomical, Earth and Ocean Sciences, Dr. Johnson.

(2) Status report, Division of Ocean Sciences, Dr. Gross; new personnel, new organizational structure, budget projections, revised schedule for scientific reviews.

(3) Report on oversight study of Office for Oceanographic Facilities & Support, Dr. Heath.

(4) Discussion on "Evaluation Study of NSF's Oceanography Program", prepared by the Office of Audit and Oversight, Dr. Fregeau.

(5) Report on a meeting with Acting Director Langenberg to discuss long-range planning, NSF reorganization, and other matters, Dr. Gagosian.

November 13, 1300

(6) Long-term implications for ocean research of the U.N. Conference on Law of the Sea, Mr. Brown.

(7) Update on OSB Facilities study, Dr. Gross.

(8) Ship maintenance and upgrading—new approaches, Ms. Johrde.

November 14, 0900

(9) OCE Long-range planning . . . making a required exercise more meaningful and productive, Dr. Gross: identification of key issues, greater Exec. Comm. input, the Astronomy Division plan as a model.

(10) Future role(s) of the Exec. Committee, Dr. Gross.

M. Rebecca Winkler,

Committee Management Coordinator.

October 20, 1980.

[FR Doc. 80-33052 Filed 10-22-80; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 80-43]

Reports, Recommendations and Responses; Availability

Highway Accident Report

Multiple Vehicle Collision and Fire, U.S. Route 101, Los Angeles, California, March 3, 1980 (NTS B-HAR-80-5).—As indicated in the formal investigation report, made public by the National Transportation Safety Board on October 14, a sedan entered the Ventura Freeway (U.S. Route 101) westbound from the Laurel Canyon on ramp. The sedan was traveling in the far right lane of the four-lane roadway, changed lanes to the left, and hit the right front of a gasoline cargo tank truck pulling a gasoline cargo tank trailer westbound in the No. 3 traffic lane. Both vehicles moved left and the tank truck sideswiped a westbound pickup truck in the No. 2 lane. The tank truck forced the pickup left into the median barrier. The tank trailer rolled over the median barrier, was ruptured, and its contents spilled and ignited. The accident occured at 9:05 p.m., Pacific standard time. The pickup truck and the tank truck, with tank trailer, were destroyed in the fire. Of the seven occupants in the pickup, five died of thermal injuries and the other two were burned severly. The drivers of the sedan and tank truck received minor injuries.

The Safety Board determined that the probable cause of this accident was the improper lane change by the driver of the sedan which hit the tank truck and caused it to move to the left and strike

the pickup truck forcing it into the median barrier. The fatalities and injuries were caused by the fire which ensued immediately when gasoline was released from the ruptured tank trailer.

In analyzing this accident, the Safety Board expressed concern that there was no reliable procedure, or system, to link the emergency response units arriving on the scene first with those that came later. Without such a procedure, the Board noted, the fire and police units are not able to pass and coordinate information so that each can effectively assess the situation and minimize exposure to unnecessary danger. The Safety Board in its report on the subject accident refers to a special investigation of the emergency response following a March 31, 1977, railroad accident near Rockingham, N.C. There, the Safety Board concluded that "the implementation of an effective hazardous materials emergency response network in combination with adequate on scene communications should provide emergency response personnel with the information needed to adequately assess the dangers involved." As a followup of that special investigation, the Safety Board on September 13, 1979, recommended that the Department of Transportation:

* * * develop and disseminate guidelines for planning emergency responses to transportation accidents involving hazardous materials. These guidelines should clearly delineate the on scene command structure, establishment of a command post and communications, and structure of the coordination of efforts, and require control of access to the accident site. Furthermore, the relationships and responsibilities of the responding Federal, State, local and private agencies should be clearly identified. (I-79-5)

This recommendation, designated "Class II, Priority Action," was endorsed by the Department of Transportation, but the Board notes that the recommendation has not been implemented. The Safety Board therefore reiterates recommendation I-79-5 and urges prompt DOT implementation.

Pipeline Accident Report and Safety Recommendation Letters

Municipal Gas Department of Cordele, Georgia, Explosion and Fire, Cordele, Georgia, February 21, 1980 (NTSB-PAR-80-5).—The Safety Board's formal report, released October 16, indicates that the explosion and fire destroyed four stores in a shopping complex, severly damaged an adjoining restaurant, and damaged eight cars. The Board found that gas leaking from a 1-inch service line at 22 psig pressure migrated under a concrete block wall, into a service line trench, under a concrete slab floor, and into a jewelry store where it was ignited by an unknown source. Of the eight persons who were injured in the 11 a.m. accident, three died later as a result of injuries received. Buildings and nearby automobiles were damaged extensively; no estimate of the dollar loss was made.

The Safety Board determined that the probable cause of the accident was the snagging, 3 days before, of a 1-inch steel, gas service line by a backhoe which broke the service line in a threaded connection and also pulled it out of an underground compression coupling 14 feet away. Contributing to the accident were: (1) The failure of the Cordele municipal gas department personnel to check for additional damage to the service line or to conduct a gas leak survey after snagging the line, and (2) the failure of the gas department to inject adequate amounts of gas odorant daily in the gas distribution system to facilitate detection of escaping gas.

Investigation showed that 3 days before the accident, the Cordele gas department crew, working behind the stores with a backhoe, snagged a one-inch steel gas service line while attempting to disconnect gas service to a service station which was being torn down. The backhoe broke the line at a threaded coupling and pulled it 12 inches out of line. The crew plugged the line and back-filled it without checking it for further damage or surveying the area for gas leakage. Unknown to the crew, the line also had been pulled almost a foot out of a nearby underground compression coupling, and natural gas escaped into the ground under 22 pounds-per-square-inch pressure for 3 days. Yet there were no reports of gas odor during that time, and the Cordele gas operations superintendent detected none when he arrived at the accident scene.

Further, the Board's investigation showed that the gas crew had no map showing the location and depth of the service line. A metal detector located it for them, but they did not know how deep they had to dig to expose it. A map of the distribution system in the area also would have shown them the nearby compression coupling, the Board noted.

Incomplete gas department records prevented the Board from determining the exact amount of odorant which had been injected into the Cordele system. But the Board believes either the amount was inadequate, or it was injected inconsistently. The volume of gas which escaped before the explosion should have been detected if it had been properly odorized.

During the accident investigation, the Safety Board on June 4 issued four safety recommendations, Nos. P-80-39 through 42, to the city of Cordele, Georgia; three recommendations to the American Gas Association and the American Public Gas Association, jointly, Nos. P-80-43 through 45; and two recommendations, Nos. P-80-46 and -47, to the Research and Special Programs Administration of the U.S. Department of Transportation. (See 45 FR 41553, June 10, 1980, for the complete text of these recommendations.) As of the time the Safety Board's report was adopted, September 9, 1980, no responses to these recommendations had been received.

As a further result of its investigation of this accident, the Safety Board on October 2 issued letters making the following recommendations:

P-80-71 and -72 to the Research and Special Programs Administration:

Emphasize to its regional field office personnel the importance of requiring all municipal gas operators within their region to comply with 49 CFR 192.615(d). (Class II, Priority Action) (P-80-71)

Survey a representative sample of similar small-sized, municipally owned, gas distribution systems serving less than 100,000 customers, which are not required to submit written reports of pipeline accidents, to determine their compliance with pipeline safety regulations and safe operating practices. (Class II, Priority Action) (P-80-72)

P-80-73 to the city of Cordele Gas Department:

Immediately initiate a program, as required by 49 CFR 192.615(d), to enable its customers and the general public to recognize the odor of natural gas and to know the proper action to take when it is detected. (Class I, Urgent Action) (P-80-73)

Aviation Safety Recommendation Letter

A-80-108 and 109 to the Federal Aviation Administration, October 9, 1980.—Last January 10 a Piper Arrow, N3839M, crashed into a mountain after departing the Kalispell City Airport, Kalispell, Montana. All three persons aboard were killed.

Board investigation disclosed that the pilot, who was employed at the Kalispell City Airport as an instrument flight instructor, had been issued, before takeoff, an IFR clearance to the Calgary Airport via direct to the Kalispell VOR, direct to the Calgary VOR. The clearance, issued by the Salt Lake City Air Route Traffic Control Center, included a climb to 14,000 feet and a transponder code. After acknowledging the clearance, the pilot asked, "Are we going to get vectors northbound?" The controller replied, "I could vector you to the Canadian border; after that I'm not

sure if Canada can." The pilot answered, "We'll be receiving Lethbridge by that point."

As the aircraft reached the Kalispell VOR, the controller said "radar contact" and requested the aircraft's altitude. After the pilot reported leaving "five point five," the controller made the following transmission: "Three niner mike roger Lethbridge (unintelligible) bearing (unintelligible) five report reaching one four thousand." About 1 minute later, the pilot asked the center "* * * to let us know coming up on some high terrain if you would." The controller replied, "* * * are you in the clouds now?" The pilot said that they were. There were no more transmissions from N3839M.

The Safety Board notes that the Kalispell Airport has no published instrument approach procedures and, thus, no published IFR departure procedures. An approach by visual reference to the terrain is the only means of access to this airport. However, there are no procedures which prohibit a pilot from filing an IFR flight plan and receiving an IFR clearance for departure from this airport or other airports not having published instrument departure procedures. Normally, a pilot files a route that may include a published Minimum En Route Altitude (MEA), a Standard Instrument Departure (SID), a Standard Arrival Route (STAR), a published IFR Departure Procedure for small airports, or a published Instrument Approach Procedure, all of which provide sufficient altitude obstruction clearance. However, a departure clearance from an airport, such as the Kalispell Municipal, does not provide obstruction clearance. In fact, the Board notes, paragraph (5)(c), Instrument Departures, Obstruction Clearance During Departure, of the Airman's Information Manual, states, "* * * At airports where instrument approach procedures have not been published, hence no published departure procedure, determine what action will be necessary and take such action that will assure a safe departure."

Thus, the Board states, in IFR conditions, such departures involve a hazard because the pilot does not have available any published procedures for instrument flight. Furthermore, he cannot get radar vectors until the aircraft climbs to the minimum vectoring altitude (MVA). The ATC issuance of an IFR clearance for the portion of a flight before it reaches "protected airspace," or airspace that insures terrain avoidance, gives the pilot implied permission to fly under actual IFR conditions via the IFR flight plan in an area where the flight can only be accomplished safely under VFR. The Safety Board believes that in order to assure terrain clearance, a departure of this nature must be conducted visually and that the controller-issued IFR clearance should begin only at a point that provides separation from the terrain.

During its investigation of this accident, the Safety Board interviewed pilots who said that they expect the controller to be able to issue radar vectors after saying "radar contact." The ATC handbook prohibits vectoring aircraft below the MVA. Pilots have no access to MVA information because it is contained in documents in individual ATC facilities. These are not given general distribution. During the investigation, the controller stated that the MVA for the flight was 12,500 feet, that radar contact was established as the aircraft left 5,500 feet, that the target was non-mode C, and that the bearing to Lethbridge was an "information only" item.

The Safety Board believes that in this accident, based on the controller's transmission, the pilot expected radar vectors and was not aware that the controller had no terrain information and therefore was unable to issue vectors until the aircraft was above the MVA. Because this misconception apparently is shared by many pilots, the Board believes that a change in procedure is warranted. Accordingly, the Board recommends that FAA:

Amend Air Traffic Control Handbook 7110.65B so that the term "radar contact," *when used in communications with pilots,* means that the target is identified and that the controller is able to vector the aircraft, and to require that, if there is an operational advantage to either the controller or pilot for the controller to state "radar contact" when vectors cannot be provided, the pilot should be expressly informed that vectors cannot be provided. (A–80–108)

Amend Air Traffic Control Handbook 7110.65B, paragraph 350, to require that when a pilot requests an IFR clearance from an airport with no published instrument procedures, the controller-issued IFR clearance shall originate only from some point in space that insure terrain separation and that the pilot shall be instructed to remain VFR until reaching that point. (A–80–109)

Both of the above aviation safety recommendations are designated "Class II Priority Action."

Responses to Safety Recommendations

Aviation

A–77–46 and –47, from the Federal Aviation Administration, October 2, 1980.—Letter is in response to the Safety Board's request of July 28 for updated status information regarding recommendations issued as a result of a Piper PA–28 accident which occurred 33 miles northeast of Farmington, N. Mex., on November 26, 1976. The crashed aircraft was located after 6 days. The recommendations pertained to search and rescue missions.

FAA's October 2 response encloses a copy of FAA Order 7840.1 which was initiated in June 1978 to supplement the Air Traffic Controller's Handbook, Chapter 8. The Order establishes the procedures for FAA's Computer Display Channel equipped Air Route Traffic Control Centers (ARTCC's) utilizing computer generated data to aid search and rescue authorities in locating missing or suspected downed aircraft. FAA notes that the National Rescue Coordination Center participated in the review of the Order and established their internal procedures for coordination with the ARTCC's and field units. This coordination includes passing updated information on the last known position of missing aircraft received from the ARTCC's computer generated data to the field units. Currently, 15 ARTCC's have the proper equipment for extracting the computer generated data. A task is underway to develop a new computer technique to allow all 20 centers to have the capability of using computer generated data to aid search and rescue authorities. This task is estimated to be completed within 18 months.

The Safety Board's July 28 letter informed FAA that, predicated on FAA's response of September 9, 1977 (42 FR 51680, September 29, 1977), recommendation A–77–45 had been evaluated and its status classified as "Closed—Acceptable Action."

A–79–75, from the Federal Aviation Administration, October 2, 1980.—Letter is in response to the Safety Board's inquiry of last December 17 which commented on FAA's initial response of December 6 (44 FR 75539, December 20, 1979). Recommendation A–79–75, calling on FAA to disseminate information regarding hazards associated with flight in white-out conditions and to undertake an educational program to correct apparent misconceptions regarding VFR operations in such conditions, issued as a result of a Cessna 207 accident in Chevak, Alaska, on December 21, 1978.

FAA's October 2 letter reports that FAA's educational and informational efforts with respect to the white-out hazard to flight operations have been analyzed. Also, in addition to the slide presentation and the "Cold Weather Safety" publication issued by FAA's Alaskan Region, referred to in FAA's

December 6 letter, FAA has instructionally addressed this hazard in Advisory Circular (AC) 60–4, Pilot's Spatial Disorientation, and in AC 91–13C, Cold Weather Operations of Aircraft. FAA has also periodically published articles in its General Aviation News dealing extensively with this subject. Copies of these publications were provided.

Marine

M–76–9, M–77–6, and M–78–8, from the U.S. Coast Guard, September 4, 1980.—Letter is in response to the Safety Board's comments of May 1 addressing Coast Guard's response of January 11 (45 FR 10097, February 14, 1980) and providing a review of the Board's concern for a coordinated response to marine disasters. The Board first moved on this issue as a result of its 1972 special study, "Analysis of the Safety of Transportation of Hazardous Materials on the Navigable Waters of the United States." Two recommendations were issued, Nos. M–72–14 and M–72–15. Coast Guard responded favorably on November 7, 1972, and the Board was informed that U.S. Coast Guard Captains of the Port had participated in the development of emergency contingency plans in ports such as Boston, New York, and Los Angeles. Based on these statements from Coast Guard, the Board on October 15, 1975, classified recommendations M–72–14 and –15 as "Closed—Acceptable Action."

The Board's May 1 letter further notes that on March 2, 1976, as a result of investigation and analysis of the collision of the SS C.V. SEA WITCH and tankship SS ESSO BRUSSELS in New York harbor on June 2, 1973, the Board issued recommendation M–76–9, related to port contingency plans for major marine fires. In response, Coast Guard published Commandant Instruction 11320.7, "Firefighting Assistance Policy." This policy contains the action description:

Contingency Planning. Annex F to the Coast Guard Natural Disaster Preparedness Plan, CG–360–2, points out the need for coordinated plans of action prior to actual emergencies. Annex F also places several requirements on District Commands and COTP's relative to firefighting, support response agreements and hazard assessments in and along the navigable waters of the United States. District Commanders, COTO's and other units as directed by the District Commanders, are required to assure that ports within their jurisdiction have current and effective contingency plans, supported by the port community, to provide adequate response of the available federal, state, municipal and commercial resources to fire and other accident.

The above requirement was placed in Coast Guard's Marine Safety Manual, CG–495, section 86–6–5, page 86–6:2, using the exact same wording.

The three recommendations discussed were concerned only with the issue of Coast Guard involvement in developing contingency plans for fighting marine fires in U.S. ports. There was no discussion by the Safety Board of the role to be filled by Coast Guard in actual firefighting operations.

On June 15, 1977, the Board issued recommendation M–77–6, calling on Coast Guard to study the adequacy of its capability to fight major marine fires on remote waterways where the local firefighting capability is inadequate and to establish an adequate firefighting capability for such areas. This recommendation addressed the same issue as the recommendations noted above—the fighting of marine fires—but extended to the problems encountered outside of ports on remote waterways. Coast Guard's initial response to M–77–66, dated October 11, 1977, was: "Marine firefighting is a local responsibility. The Coast Guard has neither the assets nor the mandate to assume a major role in this regard." The Safety Board requested a reconsideration of that position, based on the total lack of firefighting capability on remote waterways and the absence of any incentive for local governments to develop such a capability because they are not extensively involved in marine commerce.

The Board's May 1 letter further notes with reference to recommendation M–77–6 that on August 15, 1978, Coast Guard restated its position in these words: "Whether or not the alleged gap in firefighting capability should be filled by the federal government is a question for the Congress, not the Coast Guard." The Board then, with a growing concern for the need to provide for response to and control of major marine disasters, suggested that the remote waterway problem be considerd along with the port contingency plan development; and that the Coast Guard lead in initiating a Federal/State/local coordinated effort in marine disaster mitigation. In making this suggestion, the Board did not define any role to be filled by the Coast Guard in the actual firefighting activities; this was to be worked out by the contingency planning group.

Coast Guard responded to this suggestion on May 30, 1979, by stating that it had assisted in response to marine fires upon request and "* * * will continue to respond within the constraints of limited resources. However, primary responsibility for maintaining adequate fire response capability resides with local port operators, municipalities, and public agencies * * *." On July 23, 1979, the Safety Board replied by stating its belief that Coast Guard does have a leadership responsibility in developing multijurisdictional fire contingency plans for remote waterways.

While this discussion was being pursued, the Safety Board issued on March 4, 1978, marine safety recommendation M–78–8, calling on Coast Guard to initiate contingency plans for responding to major marine casualties in the Greenville, Miss., area, such plans to require that emergency communications are established, that appropriate training be provided, and that firefighting resources be coordinated. Coast Guard responded on August 11, 1978, stating that COTP's in a number of localities have developed contingency plans but noted that it does not have the statutory authority to impose any requirments for communications, training, or firefighting resources on local governments. The Board replied on October 4, 1978, that statutory authority does not preclude a cooperative effort.

The Safety Board's May 1 letter notes that Coast Guard's letter of last January 11 addresses primarily the issue of port firefighting (M–76–9 and M–78–8) but contains the arguments put forth in rejecting M–77–6, firefighting on remote waterways. The previous Coast Guard position—i.e., Coast Guard does not have the resources and is not mandated to provide primary firefighting on remote waterways—is restated and the responsibility for these operations is placed on the local authorities.

The Board sees the problem being solved by the creation of well planned, local disaster mitigation programs, be they for ports or remote waterways, with a definition of the relative involvement of local-State-Federal resources in the actual operations to be thrashed out during the planning stages. Coast Guard has repeatedly argued the issue of its lack of authority and resources to accept a primary firefighting role. In order to bring the two issues together, the Board accepts and understands Coast Guard's position with respect to actual involvement in firefighting operations because of its limited resources. However, the Board reiterates its position that Coast Guard does have the authority and responsibility under the Ports and Waterways Safety Act to require local officials to develop contingency plans,

and that it should use its expertise to aid in and coordinate such plan development.

The Board's May 1 letter informed Coast Guard that recommendations M–76–9, M–77–6, and M–78–8 would remain in open status. The Board urged Coast Guard to vigorously pursue the development of contingency plans and asked for a report on the status of port contingency plans currently under development or in operation, as well as a report on the level of compliance by Coast Guard district commanders and COTP's with Marine Safety Manual (CG–495), Section 86–6–5, "Contingency Planning."

In its September 4 response, Coast Guard states that its role in contingency planning as described in the Board's May 1 letter seems consistent with Coast Guard's directions to each COPT which are contained in Section 86–6–5, Coast Guard Marine Safety Manual (CG–495). Coast Guard reports that its district commanders and COTP's have developed a variety of internal response plans addressing actions to be taken by Coast Guard forces in the event of major waterway disasters. Expansion of these local operational plans into comprehensive multijurisdictional port and waterway contingency plans, however, will be a major undertaking. Coast Guard said it concurs in principle with the stated need for increased coordination between Federal, State, and local interests, but stated, ". . . the coordination process will demand very precious man-hours of effort on the part of each COTP." Coast Guard supports this effort to the extent that this coordination does not interfere with higher priority missions. A research and development project which Coast Guard began several years ago on selected port firefighting capabilities should be completed by February 1981. As an adjunct to this study, Coast Guard hopes to develop a standard format for a comprehensive contingency plan. Coast Guard will keep the Safety Board informed of the status of this program as it relates to safety recommendations M–76–9, M–77–6, and M–78–8.

M–79–103 through –106; M–74–15 and M–77–33, from the U.S. Coast Guard, September 4, 1980.—Response is addressed first to recommendations issued October 29, 1979, following investigation into the ramming of two moored vessels by the M/T RIBAFORADA (Spain) on December 4, 1977. (See 45 FR 64931, November 8, 1979.)

Recommendation M–80–103 asked Coast Guard to expedite the installation of vessel surveillance systems and institute mandatory participation in the Vessel Traffic Service for the Mississippi River near Algiers Point. Recommendation M–79–104 sought to have Coast Guard operate the Algiers Point traffic lights continuously as an interim measure pending installation of vessel surveillance systems for the Vessel Traffic Service. Coast Guard states in response that these two recommendations will be examined during the "Lower Mississippi River Safety Study" mandated by Congress and funded by the Coast Guard through the National Oceanographic and Atmospheric Administration. Louisiana State University, through the Sea Grant Program, will conduct the study. The study, scheduled to be completed by March 1981, will develop recommendations concerning the manner in which communications, electronics surveillance, aids to navigation and traffic management, can best enhance marine transportation safety, protection of the environment, and effectiveness of the New Orleans Vessel Traffic Service.

In response to recommendation M–79–105, which asked Coast Guard to include in its foreign vessel boarding program checklist a requirement to determine that maneuvering information is displayed as required by 33 CFR 164.35(g), Coast Guard reports that it is now updating the vessel boarding checklist, which will include the maneuvering information required by 33 CFR 164.35(g). The new form is anticipated to be in field use by July 1, 1981. A checkoff item for maneuvering information is already included in the "Tankship Hull Inspection Book," Part II (U.S. and Foreign Vessel Section), CG 840S, page 40, item 9. This checklist is a part of each foreign tank vessel boarding conducted by the Coast Guard.

Recommendation M–79–106 asked Coast Guard to establish, with the assistance of the Federal Communications Commission, a monitoring and enforcement program and a public information program to reduce improper use of the bridge-to-bridge radiotelephone channels on the lower Mississippi River. Coast Guard, partially concurring with this recommendation, reports that VTS New Orleans has established a monitoring and public education program to reduce improper use of the bridge-to-bridge radiotelephone channel on the lower Mississippi River. This monitoring and public education program will be continued by Commander, Eighth Coast Guard District. Enforcement actions are taken as required. Coast Guard conducts the program without the participation of the FCC.

Also addressed by Coast Guard in its September 4 response letter are recommendations M–74–15, resulting from investigation of the collision of the SS AFRICAN NEPTUNE with the Sidney Lanier Bridge, Brunswick, Ga., November 7, 1972, and M–77–33, which resulted from investigation of the SS EDGAR M QUEENY—S/T CORINTHOS collision at Marcus Hook, Pa., January 31, 1975.

Recommendation M–77–15 asked Coast Guard to require that every master of an oceangoing vessel inform himself of the pilot's plan to maneuver his ship in or out of a harbor and that the master determine, with the pilot's assistance, the critical aspects of the maneuver, including the pilot's plan for emergencies. The master should then be required to instruct his crew to insure that high-risk tasks receive priority. In its September 4 response, Coast Guard considers its response to M–77–33 to apply to M–74–15.

With respect to M–77–33, which recommended amending 33 CFR 164.11(k) to require that masters and pilots discuss beforehand and agree to the essential features and relevant checkpoints of maneuvers expected to be undertaken, Coast Guard refers to its previous response, dated April 13, 1978, which stated that requirements for a master/pilot conference were being drafted for publication as a notice of proposed rulemaking. As a preliminary step in this project, similar casualties were reviewed to determine the need for the regulation. As a result of the review, and in keeping with the Administration's goal of reducing Federal regulations, Coast Guard says it finds that it cannot justify, at present, further regulation of the master/pilot working relationship.

Coast Guard notes that the ship's master is currently required to inform the pilot of various characteristics of the vessel. A pilot will ordinarily report to the master anything pertinent that is not obvious from charts and publications. However, Coast Guard states, the pilot cannot be expected to establish a "game plan" with the master when so many aspects of a passage cannot be predetermined. Coast Guard believes there are sufficient Federal regulations and customary practices which apply in master/pilot relationships. "Furthermore, a lack of a conference has not been proven to be a contributory factor in this casualty," Coast Guard stated.

Pipeline

P–80–10 and –11 and P–80–56 through –58, from Columbia Gas of Virginia, Inc., September 9, 1980.—Response is to

recommendations developed in connection with the investigation of the natural gas explosion and fire at Stanardsville, Va., October 24, 1979. (See 45 FR 18210, March 20, 1980; and 45 FR 48001, July 17, 1980.)

In addressing, first, recommendation P–80–56 which called for updating Columbia's card records and maps for the gas distribution system in the Stanardsville, Va., area to coincide with the actual locations of the area's gas facilities, Columbia emphasizes that the difference in records was not a factor in the accident. Columbia states it will not, however, be satisfied with incorrect records. In 1976 Columbia began a program of remapping the entire distribution system onto a Universal Transverse Mericater (UTM) map grid system. Remapping of the community of Stanardsville recently has been completed. The related card records are being reviewed and updated as appropriate. Columbia's current procedures require that maps and related card records be updated to reflect any change in the physical plant.

With respect to recommendation P–80–57, which asked Columbia to review its card records and maps to determine whether the inaccuracies found in its Stanardsville, Va., records exist in other areas, and if appropriate, expedite action to update the records, Columbia in response states that the mapping and card updating discussed with regard to recommendation P–80–56 covers the entire Columbia System and should be completed in 1981. The procedure to update maps and cards to reflect any changes in the physical plant applies to the entire system.

In response to recommendation P–80–58, which asked Columbia to require in its emergency procedures the training and equipping of local emergency response agencies for the control of gas distribution pipeline failures in areas where qualified gas company employees cannot respond rapidly, Columbia states that it has continuous programs to train local emergency response agencies to handle gas emergencies. These programs are under constant evaluation and refinement to meet changing conditions. At the current time, Columbia, through its general office staff working with another State's gas association, has developed a comprehensive slide/cassette presentation which will be utilized in this education program. This presentation will be utilized in Virginia as well as the other six States in which the Columbia Gas Distribution Companies operate.

Recommendations P–80–56 through –58 were issued by the Safety Board last June 23, at the time of adoption of the investigation report. Recommendations P–80–10 and –11 were issued on March 10, 1980, during the investigation. Columbia responded initially to the earlier recommendations of April 8 (45 FR 30576, May 8, 1980) and refers to that correspondence in its September 9 letter.

With respect to recommendation P–80–10 which asked Columbia to change its operating maintenance plan to include specific procedures to cover the part of the service lines identified under company policy as "customer's service lines" in the same manner as company-owned service lines, Columbia notes that historically it has been Columbia practice to only install gas facilities up to the property line and the customer/owner is responsible for installing gas facilities beyond that point. This practice is not only followed by Columbia but also by other gas companies throughout the United States. However, Columbia states that even though it does not own this line between the property line and meter, Columbia does assume the responsibility for seeing that the design, construction, testing, operating, and maintenance of that line meets all the requirements of 49 CFR Part 192. Columbia reports that its personnel provided copies of its operating procedures regarding customer service lines at a meeting with Safety Board investigators in Columbia's Staunton, Va., office subsequent to its April 8 response letter.

Recommendation P–80–11 called on Columbia, in conjunction with other operators of underground facilities in its service area, to extend the established "one-call" notification system to Greene County and other areas of Central Virginia not now covered in the system. In further response, Columbia notes that as indicated in its letter of April 8, the Columbia Gas Distribution Companies have been very active in promoting "one-call" notification systems. Columbia's progress in expanding its participation in a one-call system in Virginia has been described in a letter to a Mr. Garcia dated May 14, 1980.

Correction

In FR Doc. 80–31510, published Thursday, October 9, 1980, page 67173, 3rd column, first complete paragraph, ninth line, "inoperative" should read "operative."

Note.—Single copies of Safety Board reports are available without charge, as long as limited supplies last. Copies of Board recommendation letters, responses and related correspondence are also provided free of charge. All requests for copies must be in writing, identified by recommendation or report number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Safety Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

October 20, 1980.

[FR Doc. 80-33105 Filed 10-22-80; 8:45 am]

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OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

October 20, 1980.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them out rather than any change to the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register** but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a from but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals–377–3627

Revisions

• Maritime Administration
Supplementary training course application
MA–823
On occasion
Marine Operating Personnel 7,000 responses, 550 hours
William T. Adams 395–4814

Reinstatements

• National Bureau of Standards
Industry Assessment of NBS Productivity Impacts Survey
NBS–1161
Single time
Electronics Industry 400 responses, 400 hours
William T. Adams 395–4814

DEPARTMENT OF ENERGY

Agency Clearance Office—Dr. Irene Montie–633–9464

Revisions

• Annual Report of Forecasted Loads and Projected Changes
In Generating Capacity and Transmission—Monthly
Report of Electric Energy, Capability and Peak Load
ERA–119A and ERA–119M
Annually
Sample of Electric Utilities with Generating Capacity 3,575 responses, 9,378 hours
Jefferson B. Hill 395–7340

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph J. Strnad–245–7488

New Forms

• Center for Disease Control
Study of Perceived and Real Barriers to Sex Education—Adult Telephone Survey
Single time
Representative Sample of U.S. Adults over age 18 1,000 responses, 330 hours
Eisinger, Richard 395–6880

• Center for Disease Control
Study of Perceived and Real Barriers to Sex Education—Survey of Professionals
Single time
Professional Sex Educators 150 responses, 75 hours
Eisinger, Richard 395–6880

• National Institutes of Health
Case-Control Study of Cutaneous T-Cell Lymphoma
Single time
Controls for cancer patients, 610 responses, 305 hours
Eisinger, Richard, 395–6880

• National Institutes of Health
Intervention Program at Naval Shipyard, Charleston
Single time
Patients in shipyard clinics, 874 responses, 288 hours
Eisinger, Richard, 395–6880

Revisions

• Alcohol, Drug Abuse and Mental Health Administrtion
Epidemiologic Catchment Area Program Community Interview
ADM–T–45–3
Single time
Households, 16,080 responses, 13,178 hours
Office of Federal Statistical Policy and Standard 673–7974

• Center for Disease Control
National Surveillance of Dialysis-Associated Hepatitis
CDC 4.534
Annually
Directors of Dialysis Units, 1,000 responses, 417 hours
Eisinger, Richard, 395–6880

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Donald E. Larue—633–3526.

New Forms

• Offices, Boards, Division
Aggregate Conditional Release Data Form
BJS (Series 6200) UPR 1
Annually
State Paroling Authority or State Department of Correction, 58 responses, 87 hours
Office of Federal Statistical Policy and Standard, 673–7974

• Offices, Boards, Division
Uniform Parole Reports Entry Form and Follow Up Form
BJS (Series 6200): UPR2(E) and UPR 2(FU)
Annually
State Parole Authority or State Departments of Correction, 145,750 responses, 2,025 hours
Office of Federal Statistical Policy and Standard, 673–7974

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—523–6341

New Forms

• Bureau of Labor Statistics
Survey of Job Tenure and Occupational Mobility [1]
CPS–1
Single time
Interviewed households in January 1981 CPS, 68,000 responses, 6,230 hours
Office of Federal Statistical Policy and Standard, 673–7974

[1] This activity has been conducted in 1966, 1968, 1973 and 1978. The data are needed to answer policy questions about occupational mobility and job tenure. The data collection will be conducted as part of the January 1981 Current Population Survey conducted by the Bureau of the Census for the Bureau of Labor Statistics. OMB has cleared this data collection activity in advance of the normal ten day period for comments because of the inflexibility of the Current Population Survey collection schedule.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Winsor, Acting—426–1887

New Forms

• National Highway Traffic Safety Administration
On-The-Road Fuel Economy Survey
HS–435
Annually
Owners of 1977, 1978, 1979, passenger cars; 1978, 1979 light trucks, 46,000 responses, 2,300 hours.
Hayward, Corinne D., 395–7340

COUNCIL ON WAGE AND PRICE STABILITY

Agency Clearance Officer—Jane Campana—456–6210

Reinstatements

• Report on Company Organization—(Pay) CO–1 (Pay)
Single time
Large companies private sector, 1,100 responses, 550 hours
Warren Topelius, 395–7340
• Report on Company Organization—(Price)
CO–1 (Price)
Single time
Large companies—private sector, 3,000 responses, 6,000 hours
Warren Topelius, 395–7340

OFFICE OF PERSONNEL MANAGEMENT

Agency Clearance Officer—John P. Weld–632–7737

Revisions

• Inquiry for United States Government Use Only (Employment Data for NACI),
OF–49
On occasion
Former employers/supervisors, 1,050,000 responses, 175,035 hours
Veeder, Robert N., 395–4814

Extensions

• Inquiry for United States Government Use Only (Law Enforcement Data for NACI)
OF–51
On occasion
Law enforcement agencies, 432,000 responses, 43,200 hours
Veeder, Robert N., 395–4814

C. Louis Kincannon,

Acting Deputy Assistant Director for Reports Management.

[FR Doc. 80-33122 Filed 10-22-80 8:45 am]

BILLING CODE 3110-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Presidential Import Relief Determination on Section 201 Case on Mushrooms

The following memorandum is the President's determination under Section 202(b)(1) of the Trade Act of 1974 to provide three years of import relief for the domestic mushroom industry in the form of increased duties. The determination is in response to the affirmative finding of the U.S. International Trade Commission on Investigation No. 201–TA–43.

For further information contact: Mr. Tim Regan at 202–395–6127.

C. Michael Hathaway,

Senior Assistant General Counsel.

THE WHITE HOUSE

Washington, D.C., October 17, 1980.

Memorandum for the U.S. Trade Representative

Pursuant to Section 202(b)(1) of the Trade Act of 1974 (19 U.S.C. 2252), I have determined to provide import relief for the domestic mushroom industry in the form of increased duties. This action is in response to the affirmative finding of the U.S. International Trade Commission (USITC) on Investigation Number 201–TA–43. The investigation was initiated as a result of a petition by the American Mushroom Institute. The USITC's report was received on August 18, 1980. The USITC found that increased imports had been a substantial cause of serious injury, or threat thereof, to the domestic industry. It recommended the imposition of import quotas over the next three years as an appropriate remedy.

After considering all relevant aspects of the case, including those considerations set forth in section 202(c) of the Trade Act, I have determined to provide three years of import relief for the domestic industry in the form of increased duties. I will issue a Presidential Proclamation, to be effective within fifteen days, increasing the current duty of 3.2 cents per pound plus 10 percent *ad valorem* on imported mushrooms, otherwise prepared or preserved, provided for in item number 144.20 of the Tariff Schedules of the United States, to:

3.2 cents per pound plus 30 percent *ad valorem* for the first year of relief;
3.2 cents per pound plus 25 percent *ad valorem* for the second year of relief; and
3.2 cents per pound plus 20 percent *ad valorem* for the third year of relief.

In addition to this import relief, I am creating a White House Task Force under the direction of Stuart Eizenstat, Assistant to the President for Domestic Affairs and Policy, that will coordinate the Administration's efforts to assist the mushroom industry in adjusting to import competition.

This Task Force will include representatives from the Office of the United States Trade Representative, the Council of Economic Advisers, the Small Business Administration, the Economic Development Administration, the Farm Home Administration, and the Agricultural Marketing Service. The Task Force will provide appropriate technical and financial assistance to facilitate the industry's adjustment to increased imports.

I am taking these actions to mitigate the human and social problems associated with economic adjustment. Since these actions are temporary, it is vitally important that firms within the industry take the necessary management decisions within the relief period to become more competitive or to diversify. To monitor the industry's progress, I am directing you as the United States Trade Representative to request under Section 203(i)(1) of the Trade Act of 1974 that the USITC report, within eighteen months of this decision, on the industry's efforts to adjust.

I have chosen to provide tariff relief rather than the quota relief recommended by the USITC because I believe it is the most appropriate form of relief in this case. Increased tariffs will enable the canning industry to become more profitable. This improvement in their financial position, which is not expected to have a significant inflationary impact, will enable the industry to implement adjustment programs which they have pledged to undertake. Tariffs are also preferable in this case because, unlike quotas, they allow the natural market forces to continue to work, thus providing relatively more incentive to the industry to adjust to foreign competition. Finally, tariffs are preferred because of the difficulty of equitably allocating quotas among countries when there are highly competitive new suppliers entering a market dominated by traditional suppliers.

[FR Doc. 80-33087 Filed 10-22-80 8:45 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11401; (811–1410)]

The Decade Fund—1965, Inc.; Proposal To Terminate Registration Pursuant to Section 8(f) of the Act

October 16, 1980.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare, by order on its own motion, that The Decade Fund—1965, Inc. ("Fund"), c/o Walter S. Weiss, Esq., Greenberg & Glusker, Suite 200, 1900 Avenue of the Stars, Los Angeles, California 90067, registered under the Act as an open-end, diversified, management investment company, has ceased to be an investment company as defined by the Act.

The Fund registered under the Act on July 21, 1966. Information contained in the files in the Commission indicates that the Fund's registration statement

under the Securities Act of 1933 (File No. 2-25334) did not become effective, and was ordered abandoned by the Commission on August 9, 1973. Thus, the Fund has never engaged in a public distribution of its securities. In addition, the Fund has not filed the annual and periodic reports required by Section 30 of the Act since its fiscal year ending December 31, 1967. Moreover, efforts by the staff of the Division to contact the Fund have been unsuccessful. Thus, it appears that the Fund is not currently engaged in the business of an investment company.

Notice is further given that any interested person may, not later than November 10, 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 the Fund at the address 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 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.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-33088 Filed 10-22-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11402; (811-1445)]

The Decade Fund—1967, Inc.; Filing of Application Pursuant to Section 8(f) of the Act for an Order Declaring That Applicant Has Ceased To Be an Investment Company

October 16, 1980.

Notice is hereby given that The Decade Fund—1967, Inc. ("Applicant"), c/o John Michael McCormick, Receiver, 707 Wilshire Boulevard, 39th Floor, Los Angeles, California 90017, a Delaware corporation which registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on September 29, 1980, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. 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.

A qualified receiver was duly appointed for the Applicant by an order of the United States District Court for the Central District of California dated April 25, 1972. The application states that, pursuant to an order of the court filed on June 29, 1979, the receiver distributed to the holders of Plan/Certificate Shares of Applicant the approximate sum of $102,556.92 representing the first and final liquidating dividend of the receivership estate. The application further states that as of the date of the application, the receiver holds worthless, unsaleable securities and the sum of approximately seven thousand dollars (subject to expenses in the amount of $5,000) representing the only asset of value of the receivership estate. According to the application, the receiver anticipates that this cash on hand will not exceed that required to administer the closing phases of the liquidation of the receivership estate. Finally, it is represented that the Applicant does not intend to engage in any further business activities other than those necessary to wind up its affairs.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 10, 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 Applicant at the address 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 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.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-33089 Filed 10-22-80; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-6697]

Golden Nugget, Inc., Common Stock, $0.833 Par Value; Application To Withdraw From Listing and Registration

October 17, 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 common stock of Golden Nugget, Inc. (the "Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8-A which became effective on August 28, 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 common 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 November 7, 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. 80-33090 Filed 10-22-80; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

October 17, 1980.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Basic Resources Corporation, Common Stock, $.05 Par Value (File No. 7-5762)
John H. Harland Company, Common Stock, $1 Par Value (File No. 7-5763)
Thermo Electron Corporation, Common Stock, $1 Par Value (File No. 7-5764)

These securities are listed and registered on one or more other national securities exchanges and are reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before November 7, 1980 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-33091 Filed 10-22-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 11398; (812-4748)]

Monte J. Wallace, Neil W. Wallace; Filing of Application Pursuant to Section 9(c) of the Investment Company Act of 1940 and Order of Temporary Exemption Pending Determination of the Application

October 16, 1980.

Notice is hereby given that Monte J. Wallace and Neil W. Wallace (the "Wallaces") have filed an application pursuant to Section 9(c) of the Investment Company Act of 1940, 15 U.S.C. 80a-1, *et seq.* as amended (the "Act"), for an order granting them a partial exemption from the provisions of Section 9(a) of the Act, and a temporary, partial exemption from Section 9(a) pending the Commission's determination of the application for a permanent exemption.

All interested persons are referred to the application on file with the Commission for a statement of the representations therein, pertinent parts of which are summarized below.

In January of 1978, the Wallaces and Continental Advisers ("CA") were named, with others, as defendants in Civil Action No. 78-0066, brought by the Commission in the United States District Court for the District of Columbia (the "action"). The Commission's Complaint alleged, *inter alia*, that between 1972 and 1975 the Wallaces, in the course of their association with Continental Mortgage Investors ("CMI"), a publicly held real estate investment trust, and CA, a partnership that served as CMI's investment adviser prior to October 29, 1975, violated Section 10(b) of the Securities Exchange Act of 1934, 15 U.S.C. § 78j(b), as amended, and Rule 10b-5, 17 CFR 240.10b-5, thereunder, and other provisions of the securities laws.

On October 16, 1980, without admitting or denying the allegations of the Complaint, CA and the Wallaces consented to the entry of an order enjoining them from engaging in acts and practices that constitute violations of Section 10(b) of the Securities Exchange Act of 1934, as amended and Rule 10b-5 thereunder. The Wallaces further agreed to contribute part of a $2 million escrow fund that may be used to satisfy claims by certain present and past owners of CMI securities and the Trustee in Bankruptcy of CMI. Finally, the Wallaces undertook to support the establishment of an independent Audit Committee of the Board of any publicly held company of which they may become officers, directors, or substantial shareholders within five years from the Court's entry of the order. The agreed-upon order provides that the action shall be terminated against the Wallaces with prejudice and without costs.

Section 9(a) of the Act, insofar as is pertinent here, disqualifies any person, or any company with which such person is affiliated, from acting in the capacity of employee, officer, director, member of any advisory board, investment adviser, or depositor for any registered investment company, or principal underwriter for any registered open-end company, registered unit investment trust, or registered face-amount certificate company, if such person is by reason of any misconduct enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase of sale of any security.

Section 9(c) of the Act provides that upon application the Commission shall grant an exemption from the provisions of Section 9(a), either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of Section 9(a), as applied to the applicant, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant the application.

The Wallaces have submitted an application pursuant to Section 9(c) stating, *inter alia*, that:

(1) Prior to March of 1976, Monte J. Wallace was the Chairman of the Board of Trustees, and Neil W. Wallace the Vice-President of the Board of Trustees, of CMI, and the Wallaces were the beneficial owners of a substantial interest in CA. The Wallaces also founded and served as directors of Continental Investment Corporation ("CIC"), which is publicly held.

(2) Unqualified application of Section 9(a) of the Act would work an undue hardship upon the Wallaces. The Wallaces, various members of their families, and family trusts collectively own approximately 65.7% of the outstanding shares of CIC, which is currently in reorganization under Chapter X of the Bankruptcy Act. The Wallaces and their families have and may continue to have a significant stock interest in CIC, and therefore wish to be able to serve on its Board of Directors. Because one of CIC's subsidiaries, Waddell & Reed, advises registered investment companies—specifically United Funds, Inc. (United

Income Fund, United Accumulative Fund, United Bond Fund, United Science & Energy Fund), United Continental Fund, Inc., United Continental Income Fund, Inc., United Vanguard Fund, Inc., United Fiduciary Shares, Inc., United Municipal Bond Fund, Inc., United High Income Fund, Inc., United Cash Management, Inc., United Cach Management II, Inc.—the Wallaces may be precluded from serving as directors of CIC if they are not granted partial relief from the disqualifications mandated by Section 9(a) of the Act.

(3) Unqualified application of Section 9(a) of the Act would work an undue hardship upon the investing public. CIC may be deemed to be an affiliated of the Wallaces and/or CA. Its successful reorganization and ultimate financial health depend in part upon income generated by Waddell & Reed. If the Wallaces and CA are not granted partial relief from Section 9(a) of the Act, Waddell & Reed may become ineligible to advise investment companies. The investment companies advised by Waddell & Reed and their shareholders have, throughout the companies' existence, relied upon Waddell & Reed for both investment advice and distribution. The prohibitions of Section 9(a) could thus operate severely to the detriment of the financial interests of CIC and its stockholders, and of the investment companies advised by Waddell & Reed and their stockholders, who were not involved in the events and transactions that gave rise to the action.

(4) The Wallaces have never before applied for an exemption from the provisions of Section 9(a) of the Act.

(5) The Wallaces have relied upon the Commission Staff's agreement to recommend a conditional exemption from the prohibitions of Section 9(a) in entering into settlement of the action.

(6) The Wallaces are applying for a limited exemption from the prohibitions of Section 9(a) pursuant to which they would be entitled to serve on the Board of Directors of CIC but, (a) not to serve on the Board of Directors of Waddell & Reed or any of its affiliated investment companies, (b) not to participate, directly or indirectly in the management of Waddell & Reed or any of its affiliated investment companies, and (c) during the three-year period commencing with the entry of the injunction in the action, not to participate in any CIC Board decisions affecting membership on, or the composition of, the Board of Directors of Waddell & Reed or any of its affiliated investment companies.

The Commission has considered the matter and finds that:

(1) The absolute and complete prohibitions of Section 9(a), to the extent they may be applicable, may be unduly or disproportionately severe as applied to the Wallaces and companies with which the Wallaces may be affiliated; and

(2) In order to maintain the uninterrupted services provided by CIC and its affiliates to regulated investment companies and others, it is necessary and 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, that a temporary order be issued forthwith.

Accordingly, it is ordered that, pursuant to Section 9(c) of the Act, Monte J. and Neil W. Wallace CA, CIC and CIC's subsidiaries as of the date of this Order, be and hereby are granted a temporary, limited exemption from the prohibitions of Section 9(a) of the Act, pending final determination by the Commission of the Wallaces' application for an order granting them a partial exemption from such prohibitions, to allow Waddell & Reed to serve as investment adviser to the funds described on p. 2, *supra*, and to enable the Wallaces to serve on the Board of Directors of CIC so long as the Wallaces (a) do not serve on the Board of Directors of Waddell & Reed or any of its affiliated investment companies, (b) do not participate, directly or indirectly, in the management of Waddell & Reed or any of its affiliated investment companies, and (c) during a three-year period commencing with the entry of the injunction in this action, do not participate in any CIC Board decisions affecting membership on, or composition of, the Board of Directors of Waddell & Reed or any of its affiliated investment companies; provided, however, that the Wallaces shall not be precluded from exercising their full rights as members of CIC's Board of Directors, or otherwise, with respect to the non-investment company activities, subsidiaries or affiliates of Waddell & Reed.

Notice is further given that any interested party may, not later than November 14, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should 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 (air mail if the person being served is located more than 500 miles from the point of mailing) upon Arthur F. Mathews, Wilmer & Pickering, 1666 K Street NW., Washington, D.C. 20006. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided in Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued 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 notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–33092 Filed 10–22–80; 8:45 am]

BILLING CODE 8010–01–M

Philadelphia Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

October 17, 1980.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

General American Oil Co. of Texas
Common Stock, $1 Par Value (File No. 7–5765)

Knogo Corporation
Common Stock, $.01 Par Value (File No. 7–5766)

Helmerich & Payne, Inc.
Common Stock, $.10 Par Value (File No. 7–5767)

These securities are listed and registered on one or more other national securities exchanges and are reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before November 7, 1980 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–33093 Filed 10–22–80; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[License No. 06106-5140]

Southern Orient Capital Corp.; Application for a License as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration pursuant to § 107.102 of the SBA Regulations (13 CFR 107.102 (1980)), by Southern Orient Capital Corporation, 1103 Chartres, Houston, Texas 77003, for a license to operate as a small business investment company (SBIC) under the provisions of Section 301(d) of the Small Busienss Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 *et seq.*).

The proposed officers, directors and stockholders are:

Name and address	Title and relationship	Percent of ownership
Dr. Cheng M. Lee, 47 Fortuna East, Irvine, CA 92714.	Chairman of the Board and Director.	18.2
Min Hsiung Liang, 8507 Ferres Drive, Houston, TX 77096.	President and Director	9.1
Johnny Liang, 12322 Braewick, Houston, TX 77035.	Secretary	
David R. C. Chang, 21 Roberts Road, Warren, NJ 07060.	Director	18.2
George C. Ko, 1439 Wembly Road, San Marine, CA 91108.	Director	9.1
Eric T. S. Lin, 1456 Tarrytown Street, San Mateo, CA 94402.	Director	9.1
Chi Chang Chen, 10-3, 315 Lane, Shih Pai Road, Sec. 2, Pei Tow, Taipei, Taiwan R.O.C.	Shareholder	9.1
Betty Mei-Chih Lee, 47 Fortuna East, Irvine, CA 94402.	Shareholder	9.1
Chen-Yi Cagge Lee, 233 Treherne Road, Timonium, MD 21093.	Shareholder	9.1
Chin-Yaw Yang, 214-10 46th Road, Bayside, Queen, NY 11361.	Shareholder	9.1

The Applicant proposes to begin operations with a capitalization of $500,000 and will be a source of equity capital and long-term loan funds for qualified small business concerns. The Applicant intends to render management consulting services to small business concerns.

As a Section 301(d) Licensee, the investment policy of the Applicant will be limited to making investments solely in small concerns which will contribute to a well balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operation of the new company in accordance with the Act and Regulations.

Notice is further given that any person may, on or before November 7, 1980, submit written comments on the proposed licensing of this company. Any such communications should be addressed to: Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in Houston, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: October 20, 1980.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 80-33118 Filed: 10-22-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

High Altitude Pollution Program Scientific Advisory Committee; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. I), notice is hereby given of a meeting of the Federal Aviation Administration High Altitude Pollution Program Scientific Advisory Committee to be held December 3-5, 1980, in Conference Rooms 8A, 8B, and 8C at the Federal Aviation Administration building located at 800 Independence Avenue, SW., Washington, D.C. 20591, at the following times: December 3, 1980—9 a.m. to 5 p.m., December 4, 1980—9 a.m. to 5 p.m., December 5, 1980—9 a.m. to 12 noon.

The objective of the meeting will be to address selected technical issues in atmospheric chemistry which have potential impact on Federal policy options with regard to high altitude aircraft emissions. The agenda will include technical progress reports from some contractors followed by a discussion of the overall status of the chemical data base used for atmospheric modeling.

Attendance is open to the interested public but limited to the space available. Any member of the public wishing to attend, make a presentation, or obtain additional information should contact Dr. Narasimhan Sundararaman, AEE-300, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, 202-755-8933 or 202-755-1851 by close of business November 26, 1980.

Any member of the public may present a written statement for the consideration of the committee at any time.

Issued in Washington, D.C., on October 17, 1980.

N. Sundararaman,

Manager, High Altitude Pollution Program.

[FR Doc. 80-33026 Filed 10-22-80; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Ware County, Ga.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Ware County, Georgia.

FOR FURTHER INFORMATION CONTACT: David H. Densmore, Development Engineer, Federal Highway Administration, Suite 700, 1422 West Peachtree Street, N.E., Atlanta, Georgia 30309, telephone (404) 881-4758, or Peter Malphurs, State Environmental Analysis Engineer, Georgia Department of Transportation, Office of Environmental Analysis, 65 Aviation Circle, Atlanta, Georgia 30336, telephone (404) 696-4634.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Georgia Department of Transportation (Georgia DOT) will prepare an environmental impact statement (EIS) on a proposal to relocate S.R. 50 through certain existing streets and on new location in Waycross.

The proposed project, the relocation and widening of S.R. 50 through Waycross and Ware County will begin on the south side of existing S.R. 50/U.S. 82 in west Waycross approximately 500 feet west of County Road 145 and extend south and east 8.11 miles to the intersection of City Boulevard and existing S.R. 50/U.S. 84 in east Waycross.

The proposed project will be on new location for 3.5 miles from the western terminus (near County Road 145) to the intersection of Augusta Avenue and Francis Street. The typical design cross section will consist of four twelve-foot travel lanes with a 40-foot grassed median. There will be partially controlled access on this section.

At the intersection of Augusta Avenue and Francis Street the typical design cross section becomes two lanes in each direction separated by a 14-foot paved median. Existing Francis, Jane and Reynolds Streets will be widened and connected. A railroad underpass on Jane Street will be widened to accommodate the widening.

Portions of the project described above are being constructed as State-Aid projects and are described in this report for sake of project continuity and to avoid piecemealing. Those sections are three of the five lanes on the Francis Street-Jane Street Connector and the railroad overpass and approaches from Nicholls Street to Lee Street.

Alternatives under consideration include: (1) taking no action; and (2) the build alternative as described previously.

Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. Formal scoping meetings will not be held. Two public meetings were held in Waycross on April 2 and April 30, 1980. In addition, a public hearing will be held. Public notice will be given of the time and place of the hearing.

To ensure that the full range of issues related to this proposed project are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action on the EIS should be directed to the FHWA at the address provided above.

The Catalog of Federal Domestic Assistance Program Number is 20.205, *Highway Research, Planning and Construction.* The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program.

Issued on: October 15, 1980.

David H. Densmore,

Development Engineer, Atlanta, Ga.

[FR Doc. 80-33085 Filed 10-22-80; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

[FRA General Docket No. H-80-7]

Locomotive Test Program; Public Conference

The Federal Railroad Administration (FRA) is considering a proposal to grant a temporary limited waiver of compliance with certain provisions of the Locomotive Safety Standards (49 CFR Part 229). The temporary waiver would be used to conduct a study and evaluation of the safe service life and reliability of specific components of locomotive power brake euipment.

The FRA has recently revised the Locomotive Safety Standards. In the final rule, which was published on March 31, 1980, in the **Federal Register** (45 FR 21092), FRA noted that it was not altering the proposed time interval provisions of either § 229.27 or § 229.29. The FRA indicated that the decision to retain the same basic time interval used in the prior regulation stemmed from the absence of an adequate data base to justify either extending or shortening this interval. The FRA stated that a service test would be needed to more precisely define the inspection interval required for safety.

Several railroads individually and the Association of American Railroads (AAR) have contacted FRA about the initiation of such a service test. Three railroads, Atchison, Topeka and Santa Fe, Norfolk and Western and Union Pacific, have specifically indicated their willingness to allow their locomotives to be utilized in an appropriate test program.

The Railroad Safety Board (Board) of the FRA has been delegated the responsibility for determining whether to grant the appropriate waivers of compliance in order to permit the initiation of such a test effort. Pursuant to its delegated authority, the Board has reviewed the limited available information to determine the appropriate course of action be taken in this proceeding.

The Board desires to obtain the comments and views of all interested parties on this contemplated test program. In an effort to obtain these comments and views the Board will hold a public conference. Accordingly, a public conference has been set for 10 a.m. on December 3, 1980, in Room 8334, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590.

The public conference will be an informal one conducted by a representative designated by the Board. The Board's representative will make an opening statement outlining the scope of the conference and any necessary procedures for the conduct of the conference.

This notice is issued under the authority of section 202 of the Federal Railroad Safety Act of 1970, 84 Stat. 971, 45 U.S.C. 431; and § 1.49(n) of the regulations of the Office of the Secretary of Transprtation 49 CFR 1.49(n).

Issued in Washington, DC on October 8, 1980.

J. W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 80-33034 Filed 10-22-80; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

[Docket No. 75-29; Notice 5]

Safety Aspects of Motorized Bicycles

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Issuance of Agency Recommendations.

SUMMARY: This notice advises the public of motorized bicycle safety guidelines for comprehensive state programs.

FOR FURTHER INFORMATION CONTACT: Mr. Lewis Buchanan, Driver and Pedestrian Safety Division, Traffic Safety Programs, National Highway Traffic Safety Administration, Washington, D.C. 20590, (202) 426-2180.

SUPPLEMENTARY INFORMATION: Gasoline shortages and price increases have created a great deal of interest in mopeds as an economical means of transportation. In 1974, there were fewer than 25,000 mopeds in use in the United States. There are now one million mopeds in use, and the number is expected to grow to 2½ million by 1984.

While mopeds offer an attractive and economical means of transportation, they provide their riders with little protection from serious injury in accidents. By 1984, an estimated 1,200 fatalities annually could result from moped accidents.

The key to preventing moped accidents and the resulting deaths and injuries is for the States to develop comprehensive moped safety programs which effectively regulate the use of these vehicles.

On October 12, 1978, the National Highway Traffic Safety Administration issued for public comment a series of proposed recommendations relating to the safety of motorized bicycles (43 FR 47040). These recommendations resulted from an analyses of the comments previously received by the agency in response to an earlier request for

comments (40 FR 55375), as well as research that the agency had carried out.

Over the past two years, the agency has carefully reviewed the comments received, accident data relating to motorized bicycles, and research sponsored by the agency and others in this rapidly changing area to ensure that the recommendations reflect the highest state-of-the-art. Further, to allow for a more comprehensive analysis of the recommendations and the rationale for their implementations, each recommendation is followed by a discussion of that particular recommendation. In addition, the series of recommendations is followed by listing of selected references which will be of use to States implementing the recommendations.

A number of recommendations are essentially unchanged from the 1978 proposal, although the language has been clarified. These recommendations are in the areas of vehicle registration, financial responsibility, passengers, traffic law enforcement, rider education, moped operator handbook, conspicuity, and use of on-road bicycle facilities.

Several other recommendations have been revised to refer to Uniform Vehicle Code recommendations. In terms of vehicle equipment, Chapter 12 of the Uniform Vehicle Code, equipment of vehicles has been substituted for the reference to the Vehicle Equipment Safety Commission standard. Further, the reference to the Federal Motor Vehicle Safety Standards has been omitted, as this is a manufacturer responsibility and it is presumed all vehicles will comply prior to their first sale. The accident records recommendation has also been amended to include a reference to the Uniform Vehicle Code.

Some recommendations have been comprehensively revised. The recommended definition of "moped" has been revised to require that the vehicle have pedals which permit propulsion by human power. The current recommended definition also provides that if an internal combustion engine is used, the displacement shall not exceed 50 cc and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

The recommendations concerning operator's licensing, minimum age, and test requirements have been revised to indicate a preference for saparate moped testings, although a modified motorcycle test is also cited as a less-preferred alternative. The agency believes that considering the speed and other differences between mopeds and motorcylcles, the skills which should be demonstrated are likewise different.

The recommendation concerning safety helmets has been broadened to require only protective head gear rather than bicycle or motorcycle headgear. A new section has been added, however, recommending that moped operators utilize an eye protective device.

The recommendation relating to moped use on high speed roads has also been somewhat modified. As before, the agency is not recommending that mopeds be allowed to operate on roadways where the speed limit exceeds 35 miles per hour. However, where lower speed routes are not available, the agency recommendation calls for an engineering analysis of the higher speed roadway to determine how the moped can be separated from the high-speed traffic flow.

Further, the agency is no longer recommending the designation of moped/bicycle lanes. In this regard, the provision relating to the use of on-road bicycle facilities has been revised somewhat to recommend joint use of on-street bicycle lanes as long as they are appropriately engineered.

In conformance with Uniform Vehicle Code § 11–1103, the agency is now recommending that mopeds not be allowed on bicycle paths or sidewalks. Previously, the agency had suggested that such mixed usage might be appropriate under certain circumstances.

Several new recommendations have also been added. The first recommends that States prohibit modifications which increase the speed capability of mopeds. The second recommends that mopeds be included in State vehicle inspection programs. The third recommends that moped operation should be in conformance with the Uniform Vehicle Code Rules of the Road.

The principal author of this notice is Frederic W. Schwartz, Jr. of the Office of Chief Counsel.

(Pub. L. 89–564, 80 Stat. 731; 23 U.S.C. 401 et seq.; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued: October 20, 1980.

Frank Berndt,

Acting Administrator.

Moped Safety—Guidelines for Comprehensive State Programs

Moped Definition.—A moped is a motor-driven cycle both with pedals to permit propulsion by human power and with a motor which produces not to exceed two brake horsepower and which is not capable of propelling the vehicle at a speed in excess of 30 mph (48.28 km/h) on level ground. If an internal combustion engine is used, the displacement shall not exceed 50 cc and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

Discussion.—A variety of terms are used to define lightweight, two-wheeled motor vehicles. These include motor-driven cycle, motor bike, minibike, minicycle, and motor assisted cycle. Some are "mopeds" and some are not. The recommended moped definition adopted here was written by the National Committee on Uniform Traffic Laws and Ordinances after careful consideration of the moped definitions used here and abroad. It provides an adequate means of describing the physical characteristics of those vehicles which should be classified as mopeds.

Vehicle Requirements

Vehicle Equipment

Recommendation.—Moped equipment requirements by the separate States should be in reasonable conformity with Uniform Vehicle Code (UVC), Chapter 12, *Equipment of Vehicles.*

Discussion.—Chapter 12 of the Univorm Vehicle Code (UVC) describes the minimum safety equipment which mopeds must have in order to be operated safely on public roads.

Altering Mopeds

Recommendation.—States should prohibit modifications which would give mopeds the capability of exceeding 30 mph (48.28 km/h). *See Inspection.*

Discussion.—The braking, lighting and suspension systems on mopeds are designed for maximum effectiveness at speeds of 30 mph or below. Speeds greater than 30 mph could create situations in which the safety performance of these systems would be exceeded. Therefore, it is important to prohibit engine modifications which would increase the top speed of mopeds. For persons who wish to use a faster form of two-wheeled transportation, there are a variety of light weight and larger motorcycles. Use of these vehicles entails a greater risk of accident and injury. Consequently, the safety requirements for motorcycles and their operation are more stringent.

Inspection

Recommendation.—If the State has a vehicle inspection program, mopeds should be inspected as part of that program. The inspection should include

a verification that the moped has not been modified.

Discussion.—While vehicle or equipment failure does not play a large role in moped accident causation the consequences of defective equipment can be severe in terms of accidents, injuries and deaths. An inspection program will help insure that mopeds are maintained in safe mechanical condition.

Administration and Enforcement

Vehicle Registration

Recommendation.—Mopeds should be registered as motor vehicles in a special class or as a specific subset of the motorcycle class.

Discussion.—Registration of mopeds is needed in order to reinforce the identity of mopeds as motor vehicles, to improve the accident reporting system for mopeds by listing it as a discrete class of vehicle, and to identify mopeds as vehicles for which an operator's license should be required.

Accident Records

Recommendation.—States should conform with the appropriate American National Standards Institute (ANSI) and/or UVC standard so that data can be compiled in such a way that moped accident data can be clearly and easily identified as a category separate from bicycle and motorcycle accident data.

Discussion.—Unless mopeds are registered and moped accidents are compiled as a separate category it will be impossible to accurately determine the size and nature of the moped accident problem or to measure the effectiveness of safety programs designed to prevent moped accidents. It is therefore extremely important for each State to require registration of mopeds and to identify and compile moped accident data in a discrete category.

Operator's Licensing, Minimum Age, and Test Requirements

Recommendation.—A moped or motorcycle operator's license or moped endorsement to an existing valid license should be required. The minimum age for licensing a moped operator should be the same as that for automobile licensing. Separate moped testing is preferred. However, an adaquate motorcycle test which includes specific questions on moped characteristics and safe operations would be acceptable.

Discussion.—A moped is a motor vehicle and is operated in traffic where very real risks of serious injury or death exist. This recommendation is designed to insure that moped operators have demonstrated that they possess the necessary maturity, knowledge and skill to operate safely in traffic.

Financial Responsibility

Recommendation.—States should apply financial responsibility requirements to moped owners and operators.

Discussion.—It is clear that a moped is a motor vehicle capable of achieving speeds which could endanger pedestrians and other vehicle operators. It is important that these parties be provided financial compensation for any damage or injury caused by a moped operator. Therefore, the States should apply financial responsibility requirements to moped owners and operators.

Passengers

Recommendation.—Passengers should be prohibited from riding on mopeds unless the vehicles are specifically designed to carry passengers. Where the vehicles are so designed, other recommendations such as protective headgear and eye protection would also apply to the passengers.

Discussion.—Because of the low power and light weight of mopeds, the weight of a passenger can seriously impair the safe handling characteristics of the vehicle. This is especially true if the vehicle is not equipped with an adequate seat and footrests for a passenger. Therefore, passengers should be prohibited unless the moped is designed to carry a passenger.

Traffic Law Enforcement

Recommendation.—Moped operators should be required to obey all applicable traffic laws and regulations. Police agencies should establish policies which will ensure that enforcement personnel are well informed about moped regulations, and the traffic laws pertaining to moped are equitably enforced.

Discussion.—Accident data indicate that moped operators are most often at fault when a collision with another vehicle occurs. Very often the accidents happen because the moped operator violated a safe driving practice or law. Mopeds are motor vehicles and their operators must obey all applicable laws. Therefore, special attention to traffic law enforcement is an important aspect of a State's moped program.

Rider and Public Education.

Rider Education

Recommendation.—Moped operators should receive specific moped safety educaton either as a separate curriculum or as a portion of an approved motorcycle safety education course.

Discussion.—Moped operators have little protection from injury and possible death when an accident occurs. Also, the performance characteristics of mopeds differ substantially from those of automobiles and motorcycles. Therefore, it is extremely important that moped operators have the knowledge and skill necessary to anticipate and avoid potential accident situations.

Moped Operator Handook

Recommendation.—States should prepare a moped operator handbook. This publication should contain information on all legal requirements for moped operaton in the State as well as information on recommended safe driving practices.

Discussion.—The knowledge and skills needed by moped operators are significantly different from those required for automobile operators. Certain legal requirements apply to mopeds which do not apply to other classes of vehicles. It is therefore important that moped operators and potential operators be provided with the information on skills, knowledge and laws which they need to drive safely.

NHTSA has completed a moped driving task analysis and will be developing moped education materials for use by the States.

Public Information and Education

Recommendation.—Public information programs should be pursued in the context of each State's laws and safety programs. Moped public information activities should be included in existing highway safety programs, public information programs, and in-school safety and driver education programs.

Discussion.—Public information programs should provide moped riders and potential riders with information about safe moped riding practices as well as legal requirements. The programs should also be aimed at creating an awareness by other motorists that they must look for and be prepared to handle traffic situations involving mopeds. It should also inform each group about sources for additional moped safety information. NHTSA will be developing model moped education and public information materials for use by the States.

Rider Protection

Safety Helmets

Recommendation.—Moped operators should wear protective headgear.

Discussion.—Head injury is the leading cause of death in moped and motorcycle accidents. Unhelmeted riders are two times more likely to receive a head injury of any type and from three to nine times more likely to receive a fatal head injury than are helmeted riders.

Because of the potential collisions with automobiles and other large vehicles, moped operators need the maximum level of head protection available. Therefore, use of motorcycle safety helmets is recommended. Other types of helmets are available for various recreational and industrial purposes. While these helmets will provide levels of head protection substantially lower than provided by motorcycle helmets, they are better than no helmet at all. Helmet use by moped operators should be promoted.

Eye Protection

Recommendation.—Moped operators should wear some form of eye protection device (similar to those used by motorcycle operators) unless the moped is equipped with a windscreen.

Discussion.—Flying dust and debris from the roadway as well as the wind blast created by speeds of 30 mph seriously impair a rider's ability to see and avoid potential accident situations. It is therefore important that moped operators use adequate eye protection devices.

Conspicuity

Recommendation.—Moped operators should, through all means possible, be encouraged to make themselves as conspicuous as possible to other drivers.

Discussion.—Because moped use is relatively new, many motorists are not conditioned to look for mopeds in traffic. The small size of a moped also contributes to its lack of noticeability. Therefore, moped operators should be encouraged to make themselves as visible as possible to other motorists. This can be accomplished by the use of brightly colored clothing and helmets, the use of the moped's headlight during the day, the use of a bicycle flag, and at night, by the use of retro-reflective materials on the vehicle, flag, clothing and helmet.

Limitation on Moped Use

Use on High Speed Roads

Recommendation.—Mopeds should not be allowed to operate on roadways where the speed limit is in excess of 35 mph. Therefore, priority should be given to finding and designating low-speed routes for moped use. Where low-speed alternative routes are not available, engineering analyses of higher speed roadways should be conducted to determine whether mopeds can be safely operated on such roads. The governing criterion in such route selection should be the physical separation by markings or barriers of the moped from higher speed vehicles. The basic approach to integrating the moped into the transportation system is one of achieving maximum mobility while retaining adequate safety.

Discussion.—Differences in speed of more than 5 mph between vehicles substantially increase the risks of an accident. Mopeds have a top speed capability of 30 mph. On a high speed roadway (55 mph) the difference in speed between mopeds and other vehicles would be 25 mph or more, greatly increasing the potential for an accident. Therefore, mopeds should be limited to roads with speed limits of 35 mph or lower and an effort should be made to identify and designate low speed routes as alternatives to high speed roads.

Use of On-Road Bicycle Facilities

Recommendation.—Where joint use appears compatible, appropriately engineered on-street bicycle lanes should be designated for both moped and bicycle use.

Discussion.—On heavily congested roads it may be desirable to separate mopeds from other motor vehicle traffic. The use of on-road bicycle lanes by mopeds offers a practical means of achieving the needed separation. All on-road bicycle lanes should be examined to determine those on which moped use could be permitted with little increase in risk to other bicycle lane users.

Those facilities where joint use appears compatible should then be designated for use by mopeds as well as bicycles.

Operating on Roadways Laned for Traffic, Position on Roadway

Recommendation.—Moped operation should conform with Rules of the Road, Chapter 11, Section 11–1205 and Section 11–1303; UVC 1968, and Supplement 1979. (Section 11–1205 includes mopeds and 11–1303 (a) and (b) do not apply to mopeds.)

Discussion.—UVC Section 11–1205 requires that bicycles be ridden as near to the right side of the roadway as practicable, that bicycles not be ridden more than two abreast on bike paths or lanes and a bike lane or path be used if it is provided adjacent to the roadway.

UVC Section 11–1303 provides that mopeds should not operate between lanes of trafic or between adjacent lines or rows of vehicles, and that mopeds not be operated more than two abreast in a single traffic lane.

Use of Mopeds on Sidewalks and Bicycle Paths

Recommendation.—States should support the UVC 11–1103 which prohibits operating motor vehicles on sidewalks. Similarly, mopeds should be prohibited from operating on bicycle paths.

Discussion.—The use of mopeds on sidewalks creates unnecessary hazards for pedestrians. Therefore, mopeds should be prohibited from operating on sidewalks. Since most bicycle paths are not designed for speeds of which mopeds are capable, and because bicycle paths are also frequently used by pedestrians and young cyclists, mopeds should be prohibited from bicycle paths.

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3. Hunter, W.H., Stewart, J.R. and Stutts, J.C. *An Analysis of Mopeds as a Potential Safety Problem in the United States:* Highway Safety Research Center; University of North Carolina, May 1979.
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[FR Doc. 80–33139 Filed 10–22–80; 8:45 am]

BILLING CODE 4910–59–M

Office of the Secretary

[Notice 80-8a]

Senior Executive Service Performance Review Boards; Addition of Members

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Addition of members to performance review boards (PRB).

SUMMARY: DOT adds names to the list of persons selected to serve on Senior Executive Service PRB's.

FOR FURTHER INFORMATION CONTACT: Robert S. Smith, Director, Office of Personnel and Training, and Executive Secretary, DOT Executive Resources Board, 202-426-4088.

SUPPLEMENTARY INFORMATION: The following persons are added to the PRB's for their respective organizations:

Federal Aviation Administration

Clarence R. Melugin, Director, Southwest Region
James Bispo, Associate Administrator for Air Traffic and Airway Facilities.

Urban Mass Transportation Administration

Thomas Hunt, Associate Administrator for Administration
Thomas Downs, Executive Director.

Research and Special Programs Administration

James Costantino, Director, Transportation Systems Center.

Issued in Washington, D.C. on October 16, 1980.

Robert L. Fairman,

Acting Assistant Secretary for Administration.

[FR Doc. 80-32927 Filed 10-22-80; 8:45 am]

BILLING CODE 4910-62-M

Urban Mass Transportation Administration

Proposed Washington Heights Redevelopment Project in Miami, Fla.; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act (42 U.S.C. 4321) and the Council on Environmental Quality's implementing regulations (40 CFR Part 1500), the Urban Mass Transportation Administration (UMTA) gives notice that an environmental impact statement (EIS) is being prepared for the proposed Washington Heights Redevelopment Project in Miami, Florida.

Metropolitan Dade County proposes to undertake, with Federal capital grant assistance from UMTA and other Federal agencies, a joint urban development project in conjunction with the Miami Overtown Redevelopment Plan. The purpose is to revitalize, through public acquisition and preparation of the site and private redevelopment, a 12-acre area of downtown Miami adjacent to the Overtown Rapid Transit Station. The project area is bounded by NW 6th Street, NW 8th Street, NW 1st Court, and NW 3rd Avenue. Existing land use in the project area consists of substandard low-income housing, scattered small retail establishments, and vacant land. The private sector redevelopment is proposed to include 670 new housing units, 200,000 square feet of office space, 60,000 square feet of retail space, and a 150-room hotel. After public acquisition and clearance of this four-block area, the land would be resold to a private developer with the proceeds to fund a pedestrian plaza and street and open space/recreation improvements.

The alternatives proposed for consideration and analysis in the EIS include: the no-action alternative resulting in the continuing decline of this neighborhood; a redevelopment project funded solely through private sector investment which may result in a less comprehensive redevelopment effort; and the proposed action which combines both public and private sector funds to implement a major element of the city's Overtown Redevelopment Plan.

A scoping meeting will be held in Miami on November 6, 1980, for the purpose of identifying the significant impacts and alternatives to be addressed in the EIS. The meeting will be held in two sessions. A morning session for interested public agencies and organizations will be held from 10 a.m. to 12 noon at the Downtown Development Authority, One Biscayne Tower, Suite 2099, Miami, Florida. An evening session for the general public will be held from 6:30 to 8:30 p.m. at the City of Miami Administration Building, 275 NW 2nd Street, Miami, Florida. The Urban Mass Transportation Administration invites agencies, organizations, and individuals with an interest in the proposed project to comment on the scope of this environmental impact statement.

Comments and questions regarding this environmental impact statement should be referred to: Mr. Abbe Marner, Environmental Protection Specialist, Office of Transit Assistance, Urban Mass Transportation Administration, Washington, D.C. 20590, telephone: (202/472-7100). In Miami, comments and questions may be referred to: Ms. Robin Sobrino, Metropolitan Dade County Office of Transportation Administration, 44 West Flagler Street, 10th floor, Miami, Florida 33130, telephone: (305/579-5323).

Dated: October 20, 1980.

Peter Benjamin,

Acting Associate Administrator for Transit Assistance.

[FR Doc. 80-33102 Filed 10-22-80; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF TRANSPORTATION
Office of the Secretary

[OST File No. 61; Notice No. 80-10a]

DEPARTMENT OF ENERGY

Office of the Secretary

National Energy Transportation Study; Announcement of Change in Date of Public Hearing

AGENCIES: Department of Transportation (DOT) and Department of Energy (DOE).

ACTION: Announcement of change in date of public hearing.

SUMMARY: Notice is hereby given that the date of the Seattle public hearing for the National Energy Transportation Study has been changed. The hearing will now be held on November 14, 1980. The location and time are unchanged.

FOR FURTHER INFORMATION CONTACT:

Nancy K. MacRae, Office of Industry Policy, Department of Transportation, (202) 426-4203;

or

Thomas E. Marchessault, Office of Economics and Public Investment, Department of Transportation, (202) 426-4168.

Issued in Washington, D.C. on October 17, 1980.

Charles Swinburn,

Deputy Assistant Secretary for Policy and International Affairs, Department of Transportation.

[FR Doc. 80-32947 Filed 10-22-80; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY
Fiscal Service

[Dept. Circ. 570, 1980 Rev., Supp. No. 10]

Surety Companies Acceptable on Federal Bonds

WARNING—COUNTERFEIT SURETY BONDS

Federal agencies engaged in surety bonding operations and federal bond-approving officers are advised that

counterfeit surety bonds may have been accepted by Government agencies. Therefore, the Treasury requests that federal agencies take positive steps to disseminate this notice to all agency bond-approving officers.

Individuals posing as employees or representatives of General Insurance Company of America, Seattle, Washington, are offering bogus bonds and commitments in Eastern Pennsylvania, New Jersey and New York. The U.S. Attorney's office in Philadelphia thinks the scheme could be nationwide.

The counterfeit bonds discovered so far were written using the General Insurance Company of America name with the initials N.A. or S.N. following and showing a business address of 1211 Chestnut Street, Philadelphia, Pennsylvania. However, this is not to say that other variations may not exist.

Neither "General Insurance Company of America, N.A." nor "General Insurance Company of America, S.N." nor their employees or agents, have any connection with nor any authority to issue bonds or make any commitment on behalf of the Seattle-based General Insurance Company of America.

General Insurance Company of America, organized in Washington State in 1923, is a member of the SAFECO group of companies. It is licensed to issue surety bonds in all states and holds a Treasury department certificate of authority as an acceptable surety on federal bonds. The company was last listed at FR 45 No. 128, page 44505 July 1, 1980 (Treasury Circular 570, 1980 Revision). This company is and has been in good standing with the Treasury Department and bona fide bonds issued by it should be accepted.

Federal bond-approving officers are advised to search their files from May 1, 1980 and to look closely at the name of the surety appearing on the bonds. Anyone finding a bond listing the General Insurance Company of America name with the initials N.A. or S.N. following, should refer the matter to Charles MCMannus of the U.S. Postal Inspector's Office , P.O. Box 7500, Philadelphia, Pennsylvania 19100, or phone Mr. McMannus on (215) 596–5208 or FTS 596–5208. Bond-approving officers should also closely examine the corporate seal impressed on the bond and the related power-of-attorney.

In order to verify the authenticity of a doubtful bond, bond-approving officers may call the General Insurance Company of America (or SAFECO Insurance Company) as listed in a local telephone directory or Ronald Goetsch, Manager of their eastern surety office in New Jersey, at (201) 967–5350, or Donald Spickard, Vice-President of the SAFECO Insurance Companies, at (206) 545–5627. (Caution-do not check authenticity by calling a phone number inserted or labeled on a bond or power-of-attorney.) In addition, anyone wishing a current listing of General Insurance Company of America's licensed independent agents may contact Mr. Goetsch.

If a bond-approving officer finds that he or she has accepted a counterfeit bond, strong steps should be taken to protect the interests of the Government and any laborers, materialmen or suppliers involved. At the discretion of the agency, such steps may include halting progress payments until the principal has furnished a satisfactory bond, defaulting a principal, requiring a principal to make positive arrangements to pay his suppliers, etc.

Questions concerning this notice should be directed to the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226 by phoning (202) 634–5010 or FTS 634–5010.

Dated: October 17, 1980.

W.E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 80-33065 Filed 10-22-80; 8:45 am]

BILLING CODE 4810-35-M

Office of the Secretary

Announcement of Public Meeting To Discuss U.S.-Tunisia Tax Treaty

The Treasury Department announces that it will hold a public meeting on November 19, 1980, to solicit the views of interested persons on issues being considered in the negotiation of an income tax treaty between the United States and Tunisia.

The public meeting will be held at the Treasury Department at 2:00 p.m., in Room 4125. Persons interested in attending are requested to give notice in writing by November 14, 1980, of their intention to attend. Notices should be addressed to H. David Rosenbloom, International Tax Counsel, Room 3064, Department of the Treasury, Washington, D.C. 20220.

There is no income tax treaty now in effect between the United States and Tunisia. Today's announcement of the public meeting follows a series of negotiations between representatives of the two countries based on the U.S. and OECD model income tax treaties.

The Treasury seeks the views of interested persons on any of the items covered in those models and on any aspect of Tunisian income tax relevant to such a treaty, including the taxation of dividends, interest, royalties, film rentals, insurance, and independent personal services.

Dated: October 17, 1980.

Donald C. Lubick,

Assistant Secretary (Tax Policy).

[FR Doc. 80-33053 Filed 10-22-80; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 207
Thursday, October 23, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

[M-297; Oct. 21, 1980]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., October 21, 1980.

PLACE: Room 1012, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Recommended Position for United States-Brazil consultations, Scheduled to Begin on October 27, 1980 in Rio de Janeiro, Brazil.

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1946-80 Filed 10-21-80; 3:45 pm]

BILLING CODE 6320-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of changes in subject matter of agency meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, October 20, 1980, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

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. 44,519-NR (amended)—United States National Bank, San Diego, California.

Case No. 44,535-NR—United States National Bank, San Diego, California.

Case No. 44,536-L—The Mission State Bank & Trust Company, Mission, Kansas.

Memorandum and Resolution re: Tri-City Bank, Warren, Michigan.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter 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 by authority of subsections (c)(9)(B) and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(9)(B) and (c)(10)).

Dated: October 20, 1980.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Assistant Executive Secretary.

[S-1944-80 Filed 10-21-80; 2:54 pm]

BILLING CODE 6714-01-M

3

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, October 28, 1980 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Personnel. Litigation. Audits. Expedited Compliance.

* * * * *

DATE AND TIME: Wednesday, October 29, 1980 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Any matters not concluded on October 28, 1980.

* * * * *

DATE AND TIME: Wednesday, October 29, 1980 at 2 p.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Expedited compliance.

* * * * *

DATE AND TIME: Thursday, October 30, 1980 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings.
Correction and approval of minutes.
Advisory Opinions:
AO 1980-113: H. Oliver Welch, Treasurer, Zell Miller for U.S. Senate.
1980 Election and related matters.
Appropriations and budget.
Pending legislation.
Classification actions.
Routine administrative matters.

* * * * *

DATE AND TIME: Thursday, October 30, 1980 (following the regular open meeting).

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Expedited compliance.

* * * * *

DATE AND TIME: Friday, October 31, 1980 at 2 p.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Expedited compliance.

* * * * *

DATE AND TIME: Monday, November 3, 1980 at 2 p.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Expedited compliance.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S-1945-80 Filed 10-21-80; 3:37 pm]

BILLING CODE 6715-01-M

4

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, October 28, 1980.

PLACE: Hearing Room A, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423.

STATUS: Open special conference.

MATTER TO BE DISCUSSED: Standards for Temporary Authority and Emergency Temporary Authority.

CONTACT PERSON FOR MORE INFORMATION: Douglas Baldwin, Director, Office of Communications; telephone: (202) 275–7252.

[S–1941–80 Filed 10–21–80; 8:45 am]

BILLING CODE 7035–01–M

5

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of October 20, 1980.

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED: Thursday, October 23:

10 a.m.

Discussion of Management-Organization and Internal Personnel Matters (approximately 1½ Hours, closed—Exemption 2 and 6) (tentative).

2 p.m.

Affirmation Session (Approximately 10 minutes, public meeting):

a. SECY–80–364A—Fees for Withdrawn Applications.
b. SECY–80–375—10 CFR 50 Revision on Fracture Toughness.
c. Order on Instructions to Board on Indian Point Proceeding.
d. SECY–80–223A—Amendments to Parts 2.786(a) and 2.206(c) (tentative).

(Items b. and c. are postponed from October 16).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498.

Those planning to attend a meeting should reverify the status on the day of the meeting.

October 16, 1980.

Walter Magee,

Office of the Secretary.

[S–1943–80 Filed 10–21–80; 2:29 pm]

BILLING CODE 7590–01–M

6

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (To be published.)

STATUS: Open meeting/closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Thursday, October 16, 1980.

CHANGES IN THE MEETING: Additional items. The following additional item will be considered at an open meeting scheduled for Wednesday, October 22, 1980, at 10 a.m.:

Consideration of what response to make to the Freedom of Information Act ("FOIA") appeal of Lee T. Gesmer. The FOIA Officer denied Mr. Gesmer's request for access to certain documents in the Commission's investigative file relating to J. Ray McDermott & Co. For further information, please contact Robert Mills at (202) 272–3088.

The following additional item will be considered at a closed meeting scheduled for Wednesday, October 22, 1980, following the 10 a.m. open meeting:

Institution of injunctive action.

Chairman Williams and Commissioners Loomis, Evans, and Friedman determined that Commission business required the above changes and that no earlier notice thereof was possible.

At time changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Marcia MacHarg at (202) 272–2468.

October 20, 1980.

[S–1942–80 Filed 10–21–80; 12:10 pm]

BILLING CODE 8010–01–M

7

U.S. SYNTHETIC FUELS CORPORATION.

Meeting of the Board of Directors.

ENTITY: United States Synthetic Fuels Corporation.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting of the Board of Directors of the United States Synthetic Fuels Corporation to be held at the time, date and place specified below. The Chairman of the Board may entertain a motion during the meeting to close a portion thereof insofar as it relates to matters specified in Section 116(f)(1)(A through C) of the United States Synthetic Fuels Corporation Act of 1980, Pub. L. 96–294.

TIME AND DATE: 10:00 a.m. on October 27, 1980.

PLACE: Arlington Room, Madison Hotel, 15th and "M" Streets NW., Washington, D.C.

PERSON TO CONTACT FOR MORE INFORMATION: Carl Gustin, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–4292.

United States Synthetic Fuels Corporation.

John Sawhill,

Chairman of the Board.

October 21, 1980.

[S–1950–80 Filed 10–22–80; 10:50 am]

BILLING CODE 6450–01–M

federal register

Thursday
October 23, 1980

Part II

Department of Transportation

Federal Aviation Administration

Combustion Heater Fire Protection in Small Airplanes: Final Type Certification Standards

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. 20052; Amdt. No. 23-27]

Combustion Heater Fire Protection

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to upgrade the type certification standards for combustion heater installations in small airplanes. The amendment, incorporating recommendations of the National Transportation Safety Board, improves safety standards applicable to combustion heaters used in the operating environment by newer high-performance small airplanes. This amendment adopts a rule substantially the same as currently applicable to transport category airplanes.

EFFECTIVE DATE: November 19, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Eli S. Newberger, Regulatory Projects Branch, AVS-24, Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; Telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:

Background

Airplane combustion heaters require four elements for operation: Fuel, ignition, combustion air, and ventilating air. Combustion air provides the oxygen required to support the flame in the heater burner and ventilating air is used to convey the heat to airplane areas where needed. Fuel, exhaust air, combustion air, and ventilating air present special design problems in connection with hazardous conditions resulting from leaks, breakage, and fire in supply ducts and lines in the vicinity of the heater.

As a result of the favorable strength-weight properties of plastic materials, many normal category airplanes are equipped with various combustion heater components made of plastic, such as inlet hoses, inlet plenums, and foam insulation material. However, the National Transportation Safety Board (NTSB) has determined that certain of these plastic components may emit poisonous or noxious fumes when heated which could enter the cabin through the heating and ventilating system and have adverse safety effects on the airplane occupants. As a result, the NTSB recommends that the type certification standards applicable to Part 23 airplanes be amended by adding a requirement that the ventilating airstream be protected from backfiring and reverse burning and that combustion and ventilating air ducts in close proximity to a combustion heater be constructed of fireproof materials. The NTSB has not recommended that any of the new requirements be made retroactive to currently operating small airplanes.

The FAA agrees with the analysis provided by the NTSB and the corresponding recommendations. The FAA's further review indicates that the entire Part 23 combustion heater fire protection requirement should be upgraded.

Combustion heaters are not required items of airplane equipment. However, when installed, such heaters must meet specified fire protection requirements. Section 23.859 is essentially a recodification of Civil Air Regulation § 3.388(b). The standard, which has been in effect for many years, was developed at a time when combustion heaters were not extensively used in normal category airplanes and the airplanes themselves, generally single-engine, were limited as to the kinds of weather and altitudes at which they could be operated. As Part 23 airplanes become more sophisticated with two engines and capability for operations into virtually all kinds of weather and at high altitudes, the use of combustion heaters becomes more prevalent. In this connection, it is to be noted that combustion heaters are not normally installed in single-engine airplanes which use manifold heaters or in turbine-powered airplanes where high temperature bleed air is available.

The design complexity and operational altitude and weather capability of current Part 23 piston-powered airplanes may necessitate installation of combustion heaters for occupant survival and airplane heating to counteract windshield icing conditions. Part 25 presently contains updated type certification requirements for combustion heater fire protection that are applicable regardless of the size of airplane in which the heater is installed. Among these requirements are those for fireproof air ducts and protection of the ventilating airstream from backfire and reverse burning, as recommended by the NTSB for inclusion in Part 23. In addition, Part 25 designates fire zones, requires fire detection means, contains heater control requirements, sets forth air intake location standards, gives heater exhaust requirements, and provides for fuel system protection and drainage. These requirements constitute the necessary minimum safety standards for combustion heater fire protection for any high-performance airplane.

Because of the increasing sophistication of normal category small airplanes and the expanded operating environment for which they are designed and used, the FAA has determined that more stringent type certification fire protection and detection standards are needed for combustion heaters when such heaters are installed in these airplanes. In view of the technical similarities between these airplanes and airplanes designed to Part 25 standards, the Part 25 standards for combustion heater fire protection are substantially adopted as type certification requirements for Part 23.

With the issuance of this amendment, the FAA has responded affirmatively to all the NTSB recommendations concerning combustion heater fire protection for Part 23 airplanes. One of those recommendations was that the FAA issue a maintenance bulletin emphasizing the importance of inspections of the heater combustion air inlet hose and plastic ventilating air inlet plenum. A bulletin with this information appears in the General Aviation Inspection Aids Summary, AC No. 20-7P, issue dated August 1977.

In addition to the recommendations of the NTSB, the FAA considered the service experience of operators in determining applicability of this amendment. Records of this experience, available to the FAA through its Service Difficulty Reporting Program, show that only four instances of combustion heater malfunction causing smoke or fumes in small airplane cabins were reported by operators in the period June 1, 1974, to January 10, 1980. In these cases, none of which involved accidents, the problems were attributed to material defects or lack of maintenance and not to combustion or overheating of plastic components.

Based on the foregoing considerations, this amendment applies only to future Part 23 airplanes produced under new type certificates that will incorporate the rule as part of the individual type certification bases. In the current picture, in view of the inspection guidance that has been issued and the reported service experience, safety considerations do not indicate a need to apply the new standard to airplanes in production under existing type certificates or retroactively to operating airplanes. It is to be noted, however, that manufacturers may elect to incorporate the new standard into

current production airplanes by obtaining approval of changes to existing type certificates under the procedures set forth in Part 21, Subparts D and E, of the Federal Aviation Regulations.

This amendment is part of the FAA's ongoing regulatory program to upgrade type certification standards as necessary in the interest of safety to make them consistent with the state-of-the-art of aircraft design. The rule is fully compliant with the President's directive (Executive Order 12044) that existing regulations be evaluated after their issuance under criteria that consider the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

This amendment is based on Notice of Proposed Rule Making No. 80–3 as published in the **Federal Register** (45 FR 13106) on February 28, 1980. Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all matter presented. Except for the changes discussed below, this amendment and the reasons for its adoption are the same as those contained in Notice No. 80–3. Non-substantive editorial and clarifying changes have been made based upon relevant comments received and upon further review by FAA.

Discussion of Comments

Five individual sets of public comments were submitted in response to Notice of Proposed Rule Making No. 80–3. Two commenters are in substantial agreement with the proposed rule change while two others question any need for a change. The fifth commenter merely suggests that the rule be made retroactive, without giving any justification.

The NTSB supports the proposed rule change and recommends that Part 25 standards be substantially adopted for Part 23 airplanes. The FAA agrees.

Another commenter that is in substantial agreement with the proposal points out that the current requirements in § 25.859 were developed in response to early service experience with combustion heating equipment and have been found to be necessary and adequate. They are validated by numerous successful applications and represent today's state-of-the-art for combustion heater safety. The FAA agrees that the evaluation of § 25.859 (and the earlier similar CAR 4b.386 from which § 25.859 was recodified) was based on service experience over the years and, as pointed out in Notice 80–3, similar requirements are needed for Part 23 airplanes. This commenter points out, however, that the second sentence of proposed § 23.859(a)(3) is redundant because fire extinguishment is not required in Part 23 airplanes. The FAA agrees and that sentence is deleted.

The arguments raised by the two remaining commenters are essentially the same although phrased differently. They do not address the substance of the proposed amendment but rather contend that industry has coped successfully with the existing rule by complementing the existing rule with interpretive material (CAM 3.388–1 through –4) and reasonable administration. They state that such an approach is sound regulation and should continue to be used. The FAA disagrees for the reason that interpretive material and sound administration are not mandatory and, while one manufacturer may faithfully use this material in its certification process, it is not enforceable and cannot be imposed on a manufacturer without special conditions or its cooperation. The commenters' acknowledgment that the current rule does not stand by itself is recognition that the amendment is necessary. The commenters also point out that there is a fundamental difference in the objectives contemplated by Part 25 combustion heater standards and the present use of Part 23 combustion heaters. They imply that when a heater is used for comfort only, as opposed to continued airworthiness (that is, anti-icing), the proposed standards are not needed. The FAA disagrees since the objective of the rule is to provide for an improved installation with regard to fire protection irrespective of the heater's operational use or reliability.

Economic Considerations

Both of the commenters having dissenting views question the FAA cost estimate of $1,500 to upgrade a combustion heater installed in a production airplane in compliance with current § 23.859 as opposed to one installed in accordance with the proposed rule. One commenter suggests that the FAA further study the cost impact. The commenter suggests that the cost to the purchasing operator is in the range of $5,500 to $6,000.

The FAA conducted a thorough cost impact analysis that is reported in the Cost Impact Statement included in the regulatory docket for this action. That analysis shows that one combustion heater manufacturer, who produces approximately 80 percent of heaters used in commercial aviation, determined that its heaters already meet Part 25 rules and, therefore, no additional cost would be incurred. Another heater manufacturer, who produces the remaining units, estimates an increase of $135.00 per unit to upgrade its equipment. The costs to airplane manufacturers to comply with the rule range from $350 to $1,550, including heater system, ducts, miscellaneous components, and fireproof lines and fittings. The average cost for upgrading, therefore, is $950.00 per airplane. In this connection, the dollar values cited by the commenter are not inaccurate since they specifically refer to the cost to the purchaser. The FAA study reveals that the $6,000 would be the result of a high markup to the customer. Conversely a low markup for a similar installation would cost the customer $1,000. Comparative data—cost to the manufacturer versus cost to the customer—show that a low markup would be a 5 percent markup while the high markup cited by the commenter represents a 530 percent increase. The FAA estimate of $1,500 as the cost to comply with the amended rules is based on an average increase in the cost to the manufacturer to produce the airplane without considering profit margins various manufacturers might impose on their customers.

The Amendment

In consideration of the foregoing, Part 23 of the Federal Aviation Regulations (14 CFR Part 23) is amended effective November 19, 1980, by revising § 23.859 to read as follows:

§ 23.859 Combustion heater fire protection.

(a) *Combustion heater fire regions.* The following combustion heater fire regions must be protected from fire in accordance with the applicable provisions of §§ 23.1182 through 23.1191 and 23.1203:

(1) The region surrounding the heater, if this region contains any flammable fluid system components (excluding the heater fuel system) that could—

(i) Be damaged by heater malfunctioning; or

(ii) Allow flammable fluids or vapors to reach the heater in case of leakage.

(2) The region surrounding the heater, if the heater fuel system has fittings that, if they leaked, would allow fuel vapor to enter this region.

(3) The part of the ventilating air passage that surrounds the combustion chamber.

(b) *Ventilating air ducts.* Each ventilating air duct passing through any fire region must be fireproof. In addition—

(1) Unless isolation is provided by fireproof valves or by equally effective means, the ventilating air duct

downstream of each heater must be fireproof for a distance great enough to ensure that any fire originating in the heater can be contained in the duct; and

(2) Each part of any ventilating duct passing through any region having a flammable fluid system must be constructed or isolated from that system so that the malfunctioning of any component of that system cannot introduce flammable fluids or vapors into the ventilating airstream.

(c) *Combustion air ducts.* Each combustion air duct must be fireproof for distance great enough to prevent damage from backfiring or reverse flame propagation. In addition—

(1) No combustion air duct may have a common opening with the ventilating airstream unless flames from backfires or reverse burning cannot enter the ventilating airstream under any operating condition, including reverse flow or malfunctioning of the heater or its associated components; and

(2) No combustion air duct may restrict the prompt relief of any backfire that, if so restricted, could cause heater failure.

(d) *Heater controls: general.* Provision must be made to prevent the hazardous accumulation of water or ice on or in any heater control component, control system tubing, or safety control.

(e) *Heater safety controls.* (1) Each combustion heater must have the following safety controls:

(i) Means independent of the components for the normal continuous control of air temperature, airflow, and fuel flow must be provided to automatically shut off the ignition and fuel supply to that heater at a point remote from that heater when any of the following occurs:

(A) The heater exchanger temperature exceeds safe limits.

(B) The ventilating air temperature exceeds safe limits.

(C) The combustion airflow becomes inadequate for safe operation.

(D) The ventilating airflow becomes inadequate for safe operation.

(ii) Means to warn the crew when any heater whose heat output is essential for safe operation has been shut off by the automatic means prescribed in paragraph (e)(1)(i) of this section.

(2) The means for complying with subparagraph (1)(i) of this paragraph for any individual heater must—

(i) Be independent of components serving any other heater whose heat output is essential for safe operations; and

(ii) Keep the heater off until restarted by the crew.

(f) *Air intakes.* Each combustion and ventilating air intake must be located so that no flammable fluids or vapors can enter the heater system under any operating condition—

(1) During normal operation; or

(2) As a result of the malfunctioning of any other component.

(g) *Heater exhaust.* Heater exhaust systems must meet the provisions of §§ 23.1121 and 23.1123. In addition, there must be provisions in the design of the heater exhaust system to safely expel the products of combustion to prevent the occurrence of—

(1) Fuel leakage from the exhaust to surrounding compartments;

(2) Exhaust gas impingement on surrounding equipment or structure;

(3) Ignition of flammable fluids by the exhaust, if the exhaust is in a compartment containing flammable fluid lines; and

(4) Restrictions in the exhaust system to relieve backfires that, if so restricted, could cause heater failure.

(h) *Heater fuel systems.* Each heater fuel system must meet each powerplant fuel system requirement affecting safe heater operation. Each heater fuel system component within the ventilating airstream must be protected by shrouds so that no leakage from those components can enter the ventilating airstream.

(i) *Drains.* There must be means to safely drain fuel that might accumulate within the combustion chamber or the heater exchanger. In addition—

(1) Each part of any drain that operates at high temperatures must be protected in the same manner as heater exhausts; and

(2) Each drain must be protected from hazardous ice accumulation under any operating condition.

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

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the person identified earlier in this document as contact for further information.

Issued in Washington, D.C., on October 10, 1980.

Langhorne Bond,

Administrator.

[FR Doc. 80-32680 Filed 10-22-80; 8:45 am]

BILLING CODE 4910-13-M

federal register

Thursday
October 23, 1980

Part III

Department of Transportation

Research and Special Programs Administration

Liquefied Natural Gas Facilities; Federal Safety Standards

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 192 and 193

[Amdts. 192-36 and 193-2; Docket OPSO-46]

Liquefied Natural Gas Facilities; Federal Safety Standards

AGENCY: Materials Transportation Bureau (MTB), DOT.

ACTION: Final rule.

SUMMARY: This final rule establishes new safety standards governing the operations, maintenance (including corrosion control), fire protection, personnel qualifications and training, and security of liquefied natural gas (LNG) facilities used in the transportation of gas by pipeline in or affecting interstate or foreign commerce. Present regulations are considered inadequate because they do not provide an acceptable level of safety.

EFFECTIVE DATES: In Part 192 the provisions of § 192.12 applicable to design, installation, construction, initial inspection, and initial testing are revoked effective March 15, 1980, and the remaining provisions are revoked effective when corresponding provisions take effect under Part 193 as set forth below. In Part 193, the amendments to §§ 193.2005 and 193.2007 and the addition of §§ 193.2304 and 193.2431(c) become effective November 24, 1980. To allow an appropriate time to conduct required studies and analyses, prepare plans and procedures, and train and test personnel, the new rules for operations, maintenance, personnel qualifications and training, fire protection, and security (including § 193.2017) become effective July 23, 1980, except that the following sections, which may require a longer period for the purchase and installation of new equipment or material do not become effective until January 1, 1982: §§ 193.2511, 193.2519, 193.2817, 193.2819, 193.2821, 193.2905, 193.2907, 193.2909, 193.2911 and 193.2915.

FOR FURTHER INFORMATION CONTACT: Walt Dennis, (202) 426-2392.

SUPPLEMENTARY INFORMATION:

Background

On January 30, 1980, MTB issued a notice of proposed rulemaking (Notice 5; Docket OPSO-46) (NPRM) for the addition of new Federal safety standards to 49 CFR Part 193 governing the operation, maintenance, fire protection and security of LNG facilities (45 FR 9220, February 11, 1980). The NPRM was preceded by an advance notice of proposed rulemaking (42 FR 20776, April 21, 1977), and based, in part, on the 1975 edition of the National Fire Protection Association standards, NFPA 59A "Storage and Handling Liquefied Natural Gas". The NPRM was issued under authority of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671 et seq.), as amended by the Pipeline Safety Act of 1979 (Pub. L. 96-129, November 30, 1979) (hereafter, "the Act") which specifically requires that new standards be established.

Interested persons were given until May 9, 1980, to comment on the proposed rules; and 69 different persons submitted comments, primarily LNG facility operators and their trade associations but also State and Federal agencies, non-industry and industry related organizations, and individuals.

In accordance with section 4 of the Act, the Technical Pipeline Safety Standards Committee (TPSSC) met in Washington, D.C., on June 17-20, 1980, to review the technical feasibility, reasonableness, and practicability of the regulations proposed in the NPRM. The Committee's report is available in the docket and may be obtained by writing to the Docket Branch, Materials Transportation Bureau, 400 Seventh Street, S.W., Washington, D.C. 20590. Where MTB has not adopted the views of the TPSSC, an explanation is provided below regarding the section concerned.

Since the NPRM was issued, both the National Transportation Safety Board (NTSB) and the House Subcommittee on Energy and Power have made recommendations as a result of their investigations of the explosion and fire, killing one person and injuring another with an estimated $3 million cost, at the Cove Point, Maryland LNG receiving terminal. MTB considered the NTSB report, dated April 16, 1980 (NTSB Par-80-2) and the House Subcommittee Report, dated May, 1980 (Committee Print 96-IFC 46) as relevant information in the development of the final rules.

Waterfront Facilities

Concurrent with this proceeding the United States Coast Guard (USCG) is developing regulations for the storage and handling of hazardous materials, including LNG, at waterfront facilities. In conjunction with this effort, MTB has coordinated these final rules with the USCG to avoid any problems of possible inconsistent regulatory approach.

This coordination was carried out under the Memorandum of Understanding (MOU) between MTB and the USCG on the regulation of waterfront LNG facilities (see Notice 4; 44 FR 8146). Under this MOU and these final rules, fire protection and security at waterfront LNG facilities are subject to USCG rather than MTB jurisdiction. This policy is reflected in the sections setting forth the scopes of Subparts I and J.

The comments to Notice 5 generally did not disagree with the wording of the proposed definition of "waterfront LNG facility" (45 FR 9222). It, therefore, is adopted as final in § 193.2007, but changed to use the term "LNG plant".

Definition of "Component"

A number of commenters argued that the term "component" is not defined clearly enough under § 193.2007 to convey the intended meaning of the term, and misunderstandings or economic impracticabilities could result in applying the new standards. These commenters argued that as currently defined "component" could include virtually every piece of equipment at an LNG plant, regardless of signficance, and even parts of that equipment, such as a seal.

Under § 193.2007, the definition of "LNG facility" matches the definition of this term in the Pipeline Safety Act of 1979, and speaks of "pipeline facilities" that are used for LNG purposes. In a similar fashion, the definition of "component" is intended to carve out from the full range of facilities called "LNG facilities" those facilities that provide safety. Thus, where the term is used in a substantive requirement of Part 193, that requirement applies only to facilities of an LNG plant that are safety-related, or whose failure to function as designed could result in a danger to the public or plant personnel. In light of the comments, that this intended meaning be expressed more clearly, the term "component" is redefined to mean "any part, or system of parts functioning as a unit, including, but not limited to, piping, processing equipment, containers, control devices, inpounding systems, lighting, security devices, fire control equipment, and communication equipment, whose integrity of reliability is necessary to maintain safety in controlling, processing, or containing a hazardous fluid."

Under this new definition, an individual part, such as a gasket, of a piece of equipment would not be a component, because the equipment is considered as a whole. A lamp post would not be a component, but an entire lighting unit would be if its integrity or reliability is necessary for safety in providing for control, processing, or containment of a hazardous fluid. A

protective enclosure erected under Subpart J for security purposes would be a component, since its integrity is essential to plant safety. A fire hydrant would be a component, since it used to provide for safe handling of flammable fluids.

As a result of this change, it is unnecesary to qualify the term "component," where it is used in the new standards, by such phrases as "whole malfunction would cause a hazardous condition". Qualifying phrases like this one were recommended by many commenters and TPSSC where they considered it appropriate to limit the scope of a proposed standard related to components.

Size of Facilities

The NPRM asked that interested persons tell MTB where different standards might be appropriate because of LNG facility size or extent of operation and its associated risk (45 FR 9222). In consideration of the arguments received on this topic, a few of the final rules (e.g., § 193.2817(b)(2)) do not apply to plants below certain amounts of storage capacity.

Standards Affecting Design

At least two industry commenters asserted that retroactive application to an existing LNG facility of standards affecting design or construction is restricted by section 6(c) of the Act, and that many of the proposed standards contravene that mandate.

MTB concedes that both proposed and final standards, primarily in the areas of fire protection and security, could, depending on the condition of an existing plant, require design modifications or new construction for compliance. We do not agree, however, that application of these standards to existing plants is forbidden by the Act as asserted by the commenters. While section 6 of the Act restricts the application of design and construction standards to new facilities or certain replacements at existing facilities, this restriction applies to new standards for the design or construction of facilities like containers, piping, and control systems that are used directly in the processing and handling of LNG. The restriction does not apply to facilities that are needed to assure adequate fire protection capabilities, security, or safe operations at an existing plant. This distinction is made evident by section 6(d)(3) of the Act, which specifically requires that the Secretary, in prescribing general safety standards for the operation and maintenance of "any LNG facility" (which includes existing facilities), consider the condition and type of equipment used, fire prevention and containment equipment, security measures to prevent sabotage, and other factors relating to safe handling of LNG. Since new or modified equipment may be needed to carry out the full intent of this section of the Act that safe operation and adequate fire protection and security be assured at existing plants, section 6(c) cannot be broadly construed, as the commenters have, so as to limit the authority granted over these matters by section 6(b) and section 6(d) of the Act.

Notwithstanding the issue of whether certain operation and maintenance standards that affect design and construction are legally authorized, MTB has recognized the need in many instances for an appropriate lead time for compliance with these standards. In this regard, the effective dates are extended until January 1, 1982, as provided above under the Effective Dates heading.

Safety Analysis

In its comment to the NPRM, NTSB argues that the final rules should contain "an explicit requirement for the use of safety analysis techniques * * * to reduce to a minimum the risk of remaining system hazards". NTSB also made similar recommendations in its report on the Cove Point, Maryland incident.

NTSB concedes in its comment that many of the proposed standards would, in effect, require the use of safety analysis techniques in order to meet the objectives of the standards. For example, in developing operating and emergency procedures. An operator must foresee potential hazards and be able to eliminate or control them. Likewise, under Subpart I, an operator must predict the types and sizes of fires and the places they may occur and plan steps to avoid or control fires. Nevertheless, NTSB states these requirements may not be effective unless operators are also required to use "applicable safety analysis techniques." the results of which would be available to MTB in assessing the acceptability of procedures and plans that are formulated. NTSB seems to say, therefore, that some additional benefits could be obtained if the final rules were to identify the required efforts as "safety analyses" and if the level of sophistication of the analysis were spelled out.

MTB presented this issue before the TPSSC at its meeting in June. While no formal recommendations were made, the discussion brought out the points that safety analyses are advantageous and done as a normal part of design as well as planning for emergency preparedness. It could also be concluded from the discussion that regardless of the type of analysis performed, anything less sophisticated than that done for airplane or space vehicle design probably would not identify all potential safety problems at a plant.

In view of this discussion, the safety history of LNG facilities, and the lack of consensus and opportunity for public participation on the methods that should be used in an analysis. MTB has decided not to specify in the final rules the types or levels of analyses that must be performed by operators in preparing the required plans and procedures. This does not mean the issue is closed, however. As MTB gains more information about the reliability of analysis techniques used to comply with Part 193 through its field review of studies, plans, and procedures that operators are required to prepare, it will be better able to judge the merits of different approaches, with a view toward standardization if warranted.

49 CFR 192.12

Before new standards for the siting, design, and construction of LNG facilities were published in Part 193 last February 11, the only MTB standards for LNG facilities were prescribed by 49 CFR 192.12. Section 192.12 references NFPA 59A (1972 edition) and other requirements of Part 192 for the siting, design, construction, operation and maintenance of LNG facilities. The newly issued standards in Part 193 superseded the related standards of section 192.12 for the siting, design, and construction of LNG facilities that were not under construction before February 11, 1980, except facilities for which an application was filed before March 1, 1978, as described in section 193.2005(a)(2). The excepted facilities are defined by the Act as "existing LNG facilities". In accordance with the Act, siting, design and construction standards issued after March 1, 1978, may not be applied to existing LNG facilities (subject to the exceptions provided by section 193.2005(b)). Therefore, the siting, design, and construction of existing LNG facilities not under construction before February 11, 1980. Are governed by the applicable standards of section 192.12 not including applicable standards issued in Part 192 after March 1, 1978.

The application of Part 192 standards to existing LNG facilities is now provided in Part 193 by section 193.2005(c). This provision is modified by this document to conform with statutory intent and to permit the alternative of compliance with Part 193.

Without this alternative, facilities not under construction before February 11, 1980, might be forced in some instances to comply with outmoded 1972 NFPA 59A standards. Existing LNG facilities that are subject to the 1972 edition of NFPA 59 referenced in section 192.12 are those that were not under construction before July 1, 1976, the date the 1972 edition became effective under Part 192.

When standards for the operation and maintenance of LNG facilities take effect under Part 193 as provided above in this final rulemaking document, they will supersede standards for those subjects under 49 CFR 192.12. As a result, section 192.12 will thereafter be beneficial only as an historical reference to applicable standards and as current standards for siting, design, and construction of certain existing LNG facilities as discussed above. Since the application of Part 192 standards to existing LNG facilities is provided by section 193.2005(c) and since standards without current effect are normally not codified for historical purposes, 49 CFR 192.12 is revoked by this document, effective coincidentally with the effective dates of the final rules.

The following table shows the relation between section numbers in the January 30, 1980, NPRM and the section numbers in this final rule. Some of the section titles have been changed.

Final rule	*NPRM*
193.2017	.....
193.2304	193.1405
193.2431(c)	193.1310(g)
193.2501	193.1101
193.2503	193.1105
193.2505	193.1106
193.2507	193.1107
193.2509	193.1109
193.2511	193.1111
193.2513	193.1117
193.2515	193.1121
193.2517	193.1139
193.2519	193.1140
193.2521	193.1141
193.2601	193.1201
193.2603	193.1203
193.2605	193.1205
193.2607	193.1206
193.2609	193.1206a
193.2611	193.1207
193.2613	193.1208
193.2615	193.1209
193.2617	193.1211
193.2619	193.1215
193.2621	193.1217
193.2623	193.1219
193.2625	193.1402
193.2627	193.1407
193.2629	193.1409
193.2631	193.1411
193.2633	193.1415
193.2635	193.1419
193.2637	193.1421
193.2639	193.1423. 193.1221
193.2707	193.1103. 193.1403
193.2709	193.1124a
193.2711	193.1113
193.2713	193.1115
193.2715	193.1124
193.2717	193.1311
193.2719	193.1313
193.2801	193.1301
193.2803	193.1303
193.2805	193.1305
193.2807	193.1306
193.2809	193.1306a
193.2811	193.1306b
193.2813	193.1306c
193.2815	193.1306d
193.2817	193.1308
193.2819	193.1310
193.2821	193.1310a
193.2901	.....
193.2903	193.1123
193.2905	193.1125
193.2907	193.1127
193.2909	193.1130
193.2911	193.1131
193.2913	193.1133
193.2915	193.1134
193.2917	193.1135

Sectional Analysis

The following portion of this preamble discusses the significant comments to the NPRM and their disposition in development of the final rules.

Plans and Procedures—Amendment of Subpart A (§ 193.2017)

In various sections of the NPRM, MTB proposed that procedures and revisions thereof be filed with the Director or the State Agency having jurisdiction. Under the NPRM, the Director or State Agency would also have been permitted to amend procedures that did not assure safety. As these proposed requirements were repetitive in many sections, MTB feels it is better to have one section covering this matter in Subpart A of Part 193, applicable as appropriate throughout the entire Part. Thus, a new § 193.2017 is added for that purpose. Filing is not required by the final rule for consistency with section 105 of the Act. Also, to provide for procedural safeguards, the Director or State agency must give notice and provide an opportunity for hearing before requiring any changes to plans or procedures.

Subpart F—Operations

Operating Procedures

Many commenters objected to the term "manual" in § 193.2503 and whereever a manual of written procedures was proposed in the NPRM. The commenters assumed that one bound volume would be required, and that a "cook-book" approach would have to be used, whereby personnel would have to have a manual with them open to the correct page to carry out their operational activities. This was not MTB's intent. However, to dispel the one-volume concept, in § 193.2503 and elsewhere MTB has modified the wording to read "one or more manuals". MTB would accept any number of pertinent documents such as pamphlets, instruction books, files of relevant materials and any other materials relating to operating procedures which individually or collectively are arranged in manual form. Personnel, in their training, would become familiar with and follow the precepts of those items in any manual of procedures related to their assigned functions, but they would not have to carry such material with them.

As proposed under § 193.2503, operators were to follow a manual of written procedures to "assure safety * * *." MTB accepts the suggestion that "provide" is a more appropriate word than "assure," for the latter implies a guarantee which the operator could not be expected to meet. A similar change has been made elsewhere in Part 193 where the intent is the same.

In response to additional comments to § 193.2503:

- § 193.2503(c) now requires procedures for recognition of abnormal operating conditions in general, rather than the specific ones listed in the NPRM.
- § 193.2503(e) has been rewritten to better express the intent, which is to control factors involved so that the resultant gas is within limits established for the vaporizer and the downstream piping.
- NPRM § 193.1105 (b), and (c) and have been deleted as they now appear in § 193.2017 in revised form.

Cooldown

Section 193.2505 has been revised to reflect MTB's agreement that cooldown is normally achieved in systems of components, rather than in individual components. MTB also agrees that the proposed requirement to inspect flange gaskets and seals after cooldown is physically impossible. Therefore, § 193.2505(b) now requires operators to check for leakage in the areas of flanges and seals, as well as valves.

Monitoring Operations

Comments on § 193.2507 pointed out that certain sensing, warning, and control devices are used only periodically for certain functions, and that continuous monitoring of such devices should not be required. MTB agrees, and has deleted the term "continuously" in § 193.2507. In accordance with § 193.2503(a), the details of monitoring would have to be included in the operating procedures.

Comments to § 193.2507 also questioned the intent of requiring components to be monitored from a control center. It was felt that the term "control center" implied the necessity to monitor all individual components equipped with sensing, warning, and control devices from a central location,

even when such devices for a component are located at the component site. This was not exactly MTB's intent, which was to provide for monitoring from an attended location. However, the term "control center" is being retained in the final rule, with the understanding that control stations at component sites are to be considered "control centers" for the purpose of complying with the § 193.2507 monitoring requirement.

It was proposed that components and buildings not monitored from a control center be monitored by a daily inspection or test. Commenters reasoned that daily testing or inspection would be onerous and may be "overkill" or "underkill," depending on the characteristics of an individual component or building. MTB agrees, and has modified § 193.2507 to permit operators to establish the testing or inspection intervals, which must be specified in the operating procedures. The proposal for direct observation of startups, shutdowns, and transfer operations has been deleted in recognition that many components operate automatically to maintain preset conditions and the safety of startups, shutdowns and transfers as provided for by procedures under Subpart F.

Emergency Procedures

Several comments to § 193.2509 objected to including structural collapse and personnel error as factors in determining the types and places of emergencies that may reasonably be expected to occur at an LNG facility. These terms are retained in paragraph (a) of the final rule because the standard of "may reasonably be expected to occur" qualifies the paragraph adequately so as not to create any hardship to the operator. Also, in paragraph (a) as well as elsewhere in this Part, the term LNG plant replaces the term LNG facility, where the broader context is intended.

In response to the majority of the comments on § 193.2509(b)(2), MTB has deleted the reference to "early notification of local law enforcement officials" and inserted in its place "prompt notification of appropriate local officials." This change is warranted given the involvement of more than just law enforcement personnel in responding to emergencies at an LNG plant. The word "prompt" replaces "early" to convey better the intent that notice be given quickly after an emergency becomes uncontrollable.

As proposed, § 193.2509(b)(3) would have required operators to prepare an emergency evacuation plan, setting forth the steps required to protect the public in the event of a catastrophic failure of an LNG tank. Commenters expressed concern over the operator's ability to prepare such a plan without having the authority to unilaterally mandate that evacuation measures be taken. The final rule responds to that concern by requiring preparation of the plan in coordination with appropriate local authorities. Such coordination will assure that planned evacuation measures will be called for and taken.

NPRM §§ 193.1109 (c), (d) and (e) have been deleted from § 193.2509, as they now appear in § 193.2017 in revised form.

Personnel Safety

As suggested by TPSSC and other commenters, in § 193.2511 paragraph (a) is revised to require that the operator only provide any "special" clothing and equipment needed for emergency response, as the NPRM could have been interpreted to cover clothing and equipment needed to prevent injury during normal duties, a result MTB did not intend. Also, MTB agrees that the proposed term "shelter" used in § 193.1111(b) of the NPRM with respect to providing thermal radiation protection was too restrictive. It has been replaced in § 193.2511 by "means of protection" or "a means of escape," which would permit other options.

This is the first of nine O & M sections identified by the Draft Evaluation on the NPRM as having a high cost impact. Minimum and maximum estimated incremental costs for the NPRM, when compared to NFPA 59A (1975 edition), the former baseline, were respectively $3.417 and $4.081 million. These costs were due primarily to separate shelters required for the protection of plant personnel from potential thermal radiation.

The final rule permits water screens and other alternatives to brick or block structures contemplated in the NPRM. This flexibility is estimated to reduce corresponding estimated costs under the final rule to $1.24 and $1.50 million.

The new baseline, NFPA 59A (1979 edition), is modified, providing greater specificity in certain areas, but shelters or alternative measures are not required. Estimated costs are therefore unaffected. Accordingly, the preceding costs also apply to the final rule when compared to the new baseline.

NPRM § 193.1113, Personnel Performance, and § 193.1115, Personnel Training, now appear in Subpart H as §§ 193.2711 and 193.2713, respectively.

Transfer Procedures

Section 193.2513(b)(2) requires each operator to verify that a tank vehicle does not contain any substance that would be incompatible with the incoming fluid. Commenters questioned how verification could be accomplished regarding fluid compatibility in a vehicle not owned by the operator. In response, MTB expects that operators would check with the tank vehicle driver, examine the bill of lading or vehicle log, or ask the vehicle owner to tell what commodity had been previously carried. For clarification of the meaning of "stratification" in the NPRM, (b)(4) has been modified to state "to prevent rollover due to stratification."

There were some objections to the proposed § 193.1117(c)(2) which would have required positioning of a tank truck so that it need not exit the transfer area by backing after transfer has been completed. The objections focused on the need to rebuild facilities not designed for use without backing out. This proposal was based on a similar requirement that appears in paragraph 8–7.2.5 in NFPA 59A–1979; however, the change to § 193.2513(c)(2) discussed below should alleviate any safety problems posed by backing, and § 193.1117(c)(2) has thus been deleted.

Section 193.2513(c)(2) (§ 193.1117(c)(3) in the NPRM) has been revised to permit backing in the transfer area, provided a person is positioned at the rear of the truck giving instructions to the driver. Comments on this section convinced MTB that this arrangement provides for safe truck backing.

NPRM §§ 193.1117 (a), (e), and (f) have been deleted, as they now appear in § 193.2017 in revised form.

Accident Investigation

MTB agrees with commenters and TPSSC that "investigate" is more fitting than "determine" in § 193.2515(a), for in many cases, the cause of an accident may not be determinable. In paragraph (a), MTB has also adopted the commenter's and TPSSC's suggestion that the scope of accidents to be investigated be limited to ones involving explosion, fire or LNG spill or leak. The wide range of accidents proposed to be investigated, when combined with the threshold $10,000 value, would have resulted in many investigations outside the realm of those necessary to provide for safe operations.

Section 193.2515(b) has been revised to delete the proposed reporting requirement. MTB intends such reporting to be the subject of future rulemaking. Instead, a record of the investigation must be kept under § 193.2521.

Section 193.2515(c) now recognizes there may be occasions where a component involved in an incident may have to be moved when necessary to

restore service or for safety purposes before approval from the Director or State Agency may be obtained. However, the component may not be removed from the plant site until the investigation is complete or the investigating agency otherwise provides.

This is the second of nine O & M sections estimated by the Draft Evaluation to have a high cost impact. Minimum and maximum estimated incremental costs for the NPRM, when compared to NFPA 59A (1975 edition), the former baseline, which has no comparable requirement, were respectively $4.495 and $5.384 million. These costs were due primarily to retainer fees and service charges for engineering consultants to make the required investigation, and for personnel time dedicated to reporting.

Under the final rule, substantive changes reducing the extent of investigations and eliminating most reporting requirements, reduce corresponding estimated costs to $1.25 and $1.52 million. These costs also apply to a comparison with the new baseline, NFPA 59A (1979 edition), which like the former baseline, has no comparable requirement.

Purging

MTB recognizes that purging may not always be necessary when components are taken out of service or before being returned to service as originally proposed. Thus under § 193.2517, purging is required only "when necessary for safety." MTB expects that the operating procedures developed under § 193.2503(d) will give guidance as to when purging is necessary. Likewise, as elsewhere in this Part, purging must be in accordance with a procedure which meets the provisions of AGA "Purging Principles and Practice," and the procedure must be specifically developed to fit the system being purged. Commenters pointed out that the AGA document does not by itself contain the steps necessary for purging.

Communication

Section 193.2519(b) has been revised to require emergency communication systems for LNG plants having in excess of 70,000 gallons storage capacity. Verbal communications would be adequate to deal with emergencies in smaller plants.

Many commenters objected to the requirement proposed in § 193.1140(c) for an auxiliary source of power for each communication system, specifically with regard to sound powered or battery powered equipment. MTB has exempted sound powered equipment, but feels a plant should have spare (new or recharged) batteries on hand as replacements, and this would be considered as meeting the requirements of this paragraph.

Operating Records

Section 193.2521 now only requires a record of the results of each inspection, test, and investigation required by the subpart. The proposal to keep a record of each abnormal operation was deleted as overly broad, and MTB intends to cover the subject of collecting information on abnormal operations in future rulemaking.

Notice of Intent To Operate

NPRM § 193.1143 has been deleted from the final rule. MTB agrees with commenters and TPSSC that adequate notice of intent to operate a new LNG facility is available when an operator files applications to construct or operate with appropriate Federal and State agencies. Also, the proposal would have been too burdensome with regard to components replaced due to normal wear and tear. As stated earlier, MTB will consider in future rulemaking the need to gather information about components replaced because of malfunctions or failure.

Subpart G—Maintenance

Subpart G of the final rules covers general requirements for maintaining components at LNG plants (appearing in the NPRM as Subpart M) and requirements for corrosion control, which were proposed as Subpart O of the NPRM. This combination is a result of the coordination between MTB and USCG in developing a common numbering system.

General

In § 193.2603, paragraph (c) has been revised to require that when a component is taken out of service, it must be identified in the maintenance records kept under § 193.2639. The final rule refers to records rather than a "log book" as proposed, because as further discussed under § 193.2639, MTB recognizes that records may be kept in other ways than a log book. There were comments that only major maintenance should be recorded, because, otherwise, the requirement would hinder routine maintenance. Such comments show a misunderstanding of the intent of § 193.2603(c). This requirement serves to notify that a component is not "in service," or ready for use. It is not intended to provide a record of maintenance work performed on a component, which must be provided under § 193.2639. Thus, the word "maintenance" is not used in the final rule. With the information provided by recording components taken out of service, it should be clear which ones are in service, and thus subject to the maintenance standards of Subpart G.

Section 193.2603(e) now only requires tagging if operation of a component taken out of service could cause a hazardous condition rather than tagging if such a component could be "inadvertently operated." This change was made to avoid having to tag components whose inadvertent operation would not cause a hazard.

Maintenance Procedures

In § 193.2605, paragraph (b) is changed to incorporate corrosion control procedures, proposed in § 193.1403(a), as further discussed hereafter. Paragraphs (c), (d), and (e) in the NPRM have been included in § 193.2017.

Foreign Material

Section 193.2607(a) has been modified so that the presence of foreign material, contaminants, or ice need only be controlled to maintain the operational safety of each component. MTB agrees with TPSSC and other comments that the presence of foreign materials may be an inherent problem in the operation of some components, but that operational safety can be provided by monitoring and removal of such materials. Under § 193.2605(b), the maintenance procedures would have to describe steps needed to provide operational safety.

Section *193.2607(b)* has been reworded in terms of LNG plant rather than LNG facility to better express the intent.

Fire Protection

The general and referenced maintenance standards proposed under § 193.1207 (a) and (b) of the NPRM are deleted in the final rule and replaced by references in Subpart I to the maintenance requirements of NFPA 59A. The 59A document provides a comprehensive set of requirements for the various types of equipment and detection systems in use for fire protection. MTB agrees with the industry comments presented at the TPSSC meeting that "all" fire control equipment has to be taken out of service for maintenance periodically. In this regard, § 193.2611(a) does not prohibit such action, but would prevent an operator from taking a large amount of fire control equipment out of service at one time and from leaving equipment out of service for an inordinate period.

Section *193.2611(b)* is changed to require that routes "within the LNG plant" for use by fire control vehicles or portable equipment must be maintained

to "reasonably" provide for use in all weather conditions. Under a strict interpretation of the proposal, operators would have been required absolutely to maintain access over all routes, including public roads, under even the most extreme conditions. The final rule is consistent with § 193.2063(c) in regard to access in flood conditions.

Auxiliary Power Sources

TPSSC and many commenters objected to the proposed monthly tests for capacity under § 193.1208, because shutdown of facilities may be necessary to carry out the test. The purpose of the proposed test is to assure adequate capacity if any additional load from new equipment is added. Because adequacy of capacity would normally be considered in design and tests as frequently as proposed could present operating difficulties, the final § 193.2613 only requires capacity tests annually.

Some commenters argued that requiring the test under § 193.2613 to account for power needed to "start up and simultaneously operate equipment" could cause a tremendous starting load, beyond the capacity of the auxiliary power source. These comments indicate some confusion, as it was not MTB's intent to require a test based on simultaneous starting. Under the final rule, start up could be properly sequenced, but once equipment to be served by an auxiliary power source in an emergency is on line, it must be simultaneously operated during the test.

Purging

The TPSSC and commenters pointed out that certain maintenance activities could be carried out safely on isolated components without purging. MTB agrees that an absolute requirement to purge would not be appropriate for all cases, and § 193.2615 has been revised to not require purging when the operator's maintenance procedures provide that it is not necessary for safety. The term "or double block and bleed valving" has been added as an example of a protective measure that must be taken if an ignition source is present.

Repairs

The typographical error in § 193.2617, was corrected by changing "Subpart K" to "Subpart D" in paragraph (a)(1).

Control Systems

In § 193.2619, paragraph (a) has been reworded to clarify that a control system need only be able to operate "within design limits" instead of "as designed," which was the proposed standard. Commenters argued that the proposed wording was too rigid to serve as a minimum standard of acceptable maintenance.

Despite TPSSC objections that § 193.2619(b) is superfluous, it is retained in the final rule because of the need to assure operational capability of controls that may have been adversely affected during a service outage.

Some commenters objected to the proposed requirement under § 193.1215(e) that the reseating pressure of relief valves be tested, arguing that such a test is impractical and not useful. MTB agrees that an exact reseating pressure is not as important a safety concern as knowing that the valve will reseat and will not leak in the closed position. Thus, in view of the difficulties, the test to determine reseating pressure is deleted in the final rule under paragraph (e).

This is the third of nine sections estimated by the Draft Evaluation to have a high cost impact. Minimum and maximum estimated incremental costs for the NPRM, when compared to NFPA 59A (1975 edition), the former baseline, which has no comparable requirement, were respectively $3.360 and $4.370 million.

In the final rule, modifications clarifying that a control must be tested only for its design application range rather than its maximum design capability will not alter these costs, since this intent was recognized in preparing the Draft Evaluation.

The new baseline, NFPA 59A (1979 edition), also lacks a counterpart to this requirement. Accordingly, the given estimated incremental costs for the final rule are unchanged from $3.63 and $4.37 million respectively for the minimum and maximum number of facilities.

Inspecting Storage Tanks

Section 193.2623 has been revised extensively in response to comments that many of the proposed requirements, such as means of conducting inspections, were too specific and in some cases would only be applicable to certain designs of LNG storage tanks. The section is now more performance oriented, and together with § 193.2605, makes the operator responsible for conducting appropriate inspections or tests to assure the listed conditions do not impair the structural integrity of the tank. The proposed inspection to check the condition of stratification has been deleted, for the problem is covered better by proper operation than by inspection (e.g., § 193.2513(b)(4)). The condition identified in the NPRM as "cold spots" has been changed to "inner tank leakage," for although internal leakage would be indicated on the outer shell of most above ground metal tanks, this would not necessarily be so for all types of tanks and impoundment designs.

This is the fourth of nine sections estimated by the Draft Evaluation to have a high cost impact. Minimum and maximum estimated incremental costs for the NPRM, when compared to NFPA 59A (1975 edition), the former baseline, which has no comparable requirement, were respectively $7.260 and $8.739 million. The new baseline NFPA 59A (1979 edition) also lacks a counterpart of this requirement.

Under the final rule, inspection requirements for stratification, the most costly single inspection function, has been eliminated. Also, specific intervals for the inspections are no longer prescribed and the rule is set forth in performance language. These changes are estimated to reduce the incremental costs to $1.91 and $2.29 million respectively for the minimum and maximum number of facilities.

Corrosion (Subpart O in the NPRM)

The NPRM sections covering corrosion have been rearranged in the final rules to provide a better sequence. The proposed § 193.1403(b) is moved to Subpart H (§ 193.2707(c)), for it relates to qualifications of corrosion control personnel. The proposed § 193.1405, Corrosion control overview, has been relocated in Subpart D, since it deals more with construction than maintenance. Although there were several suggested changes to § 193.1405, in regard to the types of metallic components that need corrosion control, MTB believes the revised definition of "component" takes care of the problems raised. The proposed § 193.1403(a). Procedures, is deleted in the final rules, because procedures for corrosion control would now have to be followed under the requirements of § 193.2605, Maintenance procedures.

Corrosion Protection, (Previously "General")

Section 193.2625 has been revised in response to comments and TPSSC views that a method for corrosion control be permitted as an alternative to the protective methods proposed in the NPRM. Commenters argued that the use of corrosion control systems as proposed would be impractical or prohibitively expensive for many existing plants. MTB agrees that an alternative of regularly scheduled inspection and replacement under established procedures would provide an acceptable corrosion control alternative. This alternative is set forth in § 193.2625(b)(2).

External Corrosion Control

Commenters suggested that § 193.2629(a)(2)(ii) permit up to three years for an operator to cathodically protect existing components. They argued a similar time period was allowed under Part 192 for operators to bring their pipeline systems into compliance with the cathodic protection requirements. MTB believes 1 year is adequate to prepare for compliance in view of the number and location of components requiring cathodic protection in an LNG plant, as compared with entire transmission or distribution piping systems subject to Part 192.

Monitoring Corrosion Control

The ad hoc industry group participating at the TPSSC meeting recommended that § 193.2635(e) not require monitoring for internal corrosion inside components that are protected from internal corrosion by a material that is proven to be corrosion resistant over the component's life (as permitted under § 193.2631(a)). The group argued that periodic monitoring would require undesirable opening of systems, exposing them to the atmosphere or contaminants; and there would be substantial construction costs for existing plants to provide access points for installation and periodic removal of monitoring devices. After considering this argument, MTB believes that it would be redundant and counterproductive to monitor the performance of corrosion resistant materials that have historically or otherwise been proven to handle corrosive fluids without adverse consequences due to corrosion. Therefore, § 193.2635(e) is changed in the final rule by excepting proven corrosion resistant materials from the requirement to monitor the performance of internal corrosion control techniques. For the exception to apply, an operator need only be able to demonstrate that the material will control corrosion by the fluid involved to the extent that the component's integrity or reliability will not be adversely affected over its service life.

There was considerable discussion at the TPSSC meeting over the need to monitor internal corrosion control inside a component operating at cryogenic temperatures. MTB agrees with the TPSSC view that corrosion does not occur at cryogenic temperatures or where the metal is continually in contact with liquid LNG or LNG vapors. At extremely low temperatures, the chemical reaction necessary to cause corrosion does not occur. In view of this fact, the monitoring requirements of § 193.2635(e) do not apply to components operating at cryogenic temperatures, because corrosion control would not be required by § 193.2625; and therefore, the proposed frequency for monitoring cryogenic systems is deleted in the final rule. Parts of such a component that are not continually at cryogenic temperatures may, however, have to be protected against corrosion and thus monitored under § 193.2635, depending on the findings made under § 193.2625 regarding the effects to corrosion on those parts and the overall effect on the component.

MTB recognizes that cryogenic components in service but infrequently operated at cryogenic temperatures or out of service for lengthy periods may be subject to corrosion. Such components would have to be protected only if the findings under § 193.2625 indicate that adverse consequences from corrosion may occur.

This is the fifth of nine sections estimated by the Draft Evaluation to have a high cost impact. Minimum and maximum estimated incremental costs for the NPRM, when compared to Section 68 in NFPA 59A (1975 edition) the related baseline standard, were respectively $19.208 and $20.924 million, the most costly of the nine sections. The new baseline Section 6–9 in NFPA 59A (1979 edition) has the same basic requirements as its predecessor.

These costs largely derive from installation and monitoring of test coupons and probes in LNG storage tanks and other cryogenic equipment, erroneously interpreted by the Draft Evaluation to be required by the NPRM. Clarifications in the final rule eliminate the potential for misinterpretation in this respect, and thereby the corresponding excessive cost for monitoring of most common LNG tanks and certain other cryogenic equipment. Accordingly, the estimated incremental costs are reduced to $1.30 and $1.42 million respectively.

Maintenance Records

In § 193.2639, the word "records" is used instead of "log," for MTB recognizes that there are several other techniques that can be used rather than keeping a log. Such records could be kept at a central maintenance office, covering a number of facilities in the LNG plant. This section now includes the corrosion recordkeeping proposed under § 193.1423.

As elsewhere in this part, the proposed reporting requirements of § 193.1423(a) have been deleted in the final rules. As previously indicated, future rulemaking will consider the need for such reports.

This is the sixth of nine sections estimated by the Draft Evaluation to have a high cost impact. Minimum and maximum estimated intcremental costs for the NPRM, when compared to Section 68 in NFPA 59A (1975 edition) the related baseline standard, were respectively $3.216 and $3.839 million. The new baseline, Section 6–9 in NFPA 59A has the same basic requirements as its predecessor.

Requirements under the NACE standard referenced in the NFPA 59A baseline, which sets forth record keeping provisions that are more extensive than those provided in either the NPRM or the final rules, were not considered in developing costs for the Draft Evaluation. Recognizing that detailed corrosion records are required in the baseline (both editions) and that reporting required under the NPRM has been deleted, there are no incremental costs attributable to the final rule.

Subpart H—Personnel Qualifications and Training

As fully explained in the preamble of the NPRM, Subpart H is a result of the coordination between MTB and USCG in developing a common numbering system for the two agencies' regulations which would make both sets of regulations easier for the public to understand.

Three sections are already included in this subpart under the existing Part 193 rules. The following sections, which appeared in Subparts L–O of the NPRM, have been incorporated in this subpart as they deal with personnel qualifications or training.

Qualifications for Operation and Maintenance Personnel

Section 193.2707 was criticized by TPSSC and others because it appeared in the operations subpart of the NPRM but also applied to maintenance personnel. It was suggested a similar section be included in the maintenance subpart covering qualifications. This objection may have been valid under the original format, but MTB feels that with the rearrangement and with the qualification standards for operating and maintenance personnel being identical in most respects, the section as it now stands should not be a problem.

Many persons commented that the compatibility to an LNG facility of a facility where experience is gained is not always relevant to an individual's performance capability. MTB agrees that facility compatibility is not an important criterion, and § 193.2707(a)(2) now only requires work-related experience; references to "compatible" facilities, or examples of such facilities

are deleted. MTB will recognize on the job experience obtained under § 193.2707(b) as satisfying this requirement.

The proposed qualification test is referred to as a "proficiency test" under § 193.2707(a)(3). Many commenters stated the word "proficiency" would be more indicative of the abilities being tested. Some commenters felt performance on a test should serve as an alternative to experience, and not an additional criterion for judging an individual's capability. MTB did not adopt this view because of the importance of verifying that personnel know and understand their duties. Both the NTSB and the House Subcommittee on Energy Power recommended written testing in their reports on the LNG accident at Cove Point, Maryland.

As recommended by TPSSC and many commenters, § 193.2707(b) has been revised to permit a person who is not yet qualified under the requirements of paragraph (a) to operate or maintain a component when accompanied and directed by an "individual" who is qualified. The term "individual" replaces "supervisor" used in the NPRM, because individuals other than a supervisor may qualify to perform the duties required by § 193.2707(b).

Security Qualifications

Section 193.2709 (formerly § 193.1124a) has been modified to clarify that an operator may use personnel other than special security forces for security functions. The final rule also responds to commenters and the TPSSC by deleting the proposed requirement that each operator "ensure" that personnel are qualified. MTB agrees that operators should not be required to "ensure," or "guarantee," that personnel are actually qualified, in the sense of providing indemnity for loss. However, an operator is nonetheless liable to penalty under the Act if security functions are assigned to personnel who are unqualified.

MTB has not adopted any of the various proposals to use general language for security qualifications, to be accompanied by deletion of paragraph (a) in the NPRM. The TPSSC and others contended that paragraph (a) is redundant, in that the same requirement appears in § 193.2715(a) and (b) (formerly § 193.1124) concerning security training. MTB disagrees, since the referenced section requires only that personnel be trained, not that the training be successfully completed.

Many more commenters objected to paragraph (b) in the NPRM. Arguments by the TPSSC and others were essentially based on difficulties that would be encountered in determining whether a person is "physically and mentally capable" of performing security duties. Since aspects of this proposal are met by successful completion of training and by compliance with § 193.2711, discussed below, paragraph (b) is deleted in the final rule.

Personnel Health

Many of the commenters to § 193.2711 apparently assumed that compliance with the proposed training requirements would also meet the requirements of § 193.2711. In proposing that a written program be conducted to ensure that personnel are mentally and physically capable while performing their duties, MTB did not intend to duplicate the training requirements proposed elsewhere. The personnel performance program proposed under § 193.1113 of the NPRM was directed to the potential problem of personnel, although properly trained, reporting for work in a condition (e.g., drunk, injured, or with a debilitating mental or physical ailment) that would impair their proper performance of duties, especially emergency response. This section has thus been rewritten and retitled to better reflect this intent.

While most commenters did not contest the need for such a program, objections were raised that it need not be written, since a written program does not relate well either to examining physical problems or to other valid ways of evaluating personnel (e.g., use of a simulator). Most commenters also argued that in the absence of any mental criteria under § 193.2711 (such as for psychological screening), the test of an individual's mental capability to work is covered by the training and qualification standards.

In response to these comments, the revised rule requires a written plan rather than a program. The plan may refer to use of any techniques or equipment an operator deems necessary to properly evaluate an individual's physical condition in relation to the demands of the job. The final rule does not refer to "mental capabilities," to avoid any implication that intelligence testing is required (since this is a factor in meeting the qualification and training requirements), and because criteria for measuring the suitability of an employee's mental condition would be extremely difficult for an operator to develop and apply. Also, MTB feels that any mental disorders that could impair an employee's performance would be physically manifested. In assessing physical capabilities, periodic physical examinations will be needed to assure compliance with the new standard as well as day-to-day observations. Physical examinations were recommended by the House Subcommittee on Energy and Power in its report on the Cove Point incident.

Training for Operation and Maintenance

Commenters pointed out that a training program for operation and maintenance personnel under § 193.2713 could be carried out by means that are not "written," such as lectures, audio-visual, simulator, hands-on, or combinations of these means. Although MTB agrees, it is important that an overall description of the program be available. Use of the term "documented," recommended by some commenters, would not necessarily yield this result. The final rule requires the operator to provide and implement a "written plan" of initial and continuing training. The plan may refer to the use of any program training techniques an operator chooses. The term "plan" is also consistent with § 193.2017.

Section 193.2713(a)(3) now applies to "appropriate" supervisory personnel to avoid the implication that all supervisors must be trained, not just those engaged in operations. Paragraph (a)(4) in the NPRM has been deleted as redundant.

Security Training

MTB agrees with comments to § 193.2715 that a person specifically responsible for security functions need not be familiar with all plant operations and all emergency procedures. Paragraph (a)(3) has, therefore, been clarified by describing operations and emergency procedures as those "necessary to effectively perform their assigned duties."

Fire Protection Training

There were ten comments received on § 193.2717. All the commenters stated that paragraph (a) should be reworded to define which supervisory personnel must be trained. Their reason was that only maintenance and operations supervisory personnel need to be trained, since they would be the only supervisors involved in handling a fire emergency. MTB agrees with the commenters and has reworded § 193.2717 to clearly define which supervisors must be trained.

MTB has also made it clear under paragraphs (a) and (b) that plant fire drills must be a part of any fire training program. MTB believes the proposed training program could not be satisfactorily accomplished without fire drills, but to be certain, this point is in

the final rule. The House Subcommittee on Energy and Power recommended "full-fledged drills" in its report on the Cove Point incident.

Training Records

There were four comments received on § 193.2719. All four commenters stated that the fire protection training records should not have to be maintained after the employee has been discharged. MTB disagrees. MTB believes that it is necessary to have records available for one year after personnel are no longer employed, because to fully evaluate a training program, it is necessary to have past records of employees, their duties, and training furnished. For this reason, the commenters' recommendation was not included in the final rule. As finally adopted, § 193.2719 applies to all training required by Subpart H.

Subpart I—Fire Protection

General

In § 193.2803 one commenter stated that the phrase "minimize the occurrence and consequences of fires" should be changed by using the word "limit" instead of "minimize." The rationale was that the word "minimize" implies that zero is possible. MTB does not agree. In its ordinary dictionary sense, "minimize" means to reduce to the smallest possible amount. On the other hand, "limit" implies a boundary, and would require a further definition of the bounds to be set. The final rule retains "minimize" in the general standard.

Fire Prevention Plan

There were twenty-two comments received on § 193.2805, which requires that a fire prevention plan be established for each LNG plant, and procedures followed to carry it out. All commenters to this section were concerned with the proposed requirement that operators determine potential sources of ignition "outside" the LNG plant. Some suggested deletion of the requirement, given the gas dispersion requirements of § 193.2059 that a flammable vapor concentration not go beyond the dispersion zone of the plant. Others, including the TPSSC, suggested that the term "outside" be qualified to limit the amount of study necessary and the potential controversy as to the meaning of "outside." While the siting requirements of § 193.2059 are intended to preclude a flammable vapor concentration from dispersion beyond the dispersion zone, those requirements do not apply to existing facilities, and in any event, will not preclude ignition sources located beyond the property line of a plant from causing fires on plant property. Rather than delete reference to areas outside the plant, MTB has adopted the TPSSC recommendation to change the word "outside" to "adjacent to" in the final rule. MTB believes that this term sufficiently limits, and is more descriptive of, the area to be investigated for potential sources of ignition.

Several commenters to § 193.2805 suggested that it is not necessary to "determine" ignition sources and places of flammable fluids, as proposed, since these can be discovered by conducting an examination without the "scientific method" required to comply with the definition of "determine" in § 193.2007. These commenters suggested that a requirement for the operator to "identify" sources of ignition and areas at an LNG plant where flammable fluids may be present would be more appropriate. MTB does not agree with this view, because the application of fire protection engineering principles required by § 193.2803 should readily identify sources of ignition, and the reference to NFPA 70 provides adequate guidance for identifying flammable fluid areas. Application of these principles and NFPA 70 should satisfy the requirement to conduct an investigation based on scientific method under the definition of "determine." The use of "identify" would also result in a weak standard, since unlike "determine," the word "identify" is not required to have a demonstrable basis. Therefore, "determine" rather than "identify" is used in the final rule.

Ten commenters stated that the reference to "§ 500–4 of NFPA–70" in § 193.2805 should be changed to "§ 7–6 NFPA 59A," since the 59A reference would give a better guide to places of flammable fluids. MTB disagrees with the commenters' reason. Section 7–6 of NFPA 59A states the type of electrical equipment which may be used, and it references NFPA 70 as a whole, not the particular section 500–4. It is only § 500–4 of NFPA–70 that describes areas that could be hazardous. For this reason, the commenters' recommendation was not adopted in the final rule.

Several commenters stated that § 193.1305(b) in the NPRM, which proposed a manual of procedures to minimize leakage and ignition, should be deleted in its entirety. Their reasons were that it is redundant with other requirements for operations (§ 193.2503) and emergency (§ 193.2509) procedures. MTB does not believe that adopting § 193.1305(b) as proposed would result in a redundancy because the proposed requirements for operating and emergency procedures were not aimed at preventing fires by reducing leakage and controlling the opportunity for ignition. MTB concedes, however, that these objectives can best be attained through proper plant operations and maintenance. Therefore, the final rule is revised to require that the proposed fire prevention procedures be included in the plant operating and maintenance procedures, as appropriate.

Smoking

Comments to § 193.2807 stated that the installation of "smoking permitted" signs would be an overkill; that "no smoking" signs should be sufficient, since "no smoking" signs are the normal and traditional signs used.

MTB believes that if smoking is prohibited in certain areas of an LNG plant and those areas are marked with signs, then it is also appropriate to mark those areas of an LNG plant where smoking is permitted. The marking of both areas will reduce confusion by positively identifying each area. For this reason, the comment was not adopted in the final rule.

Open Fires

There were 22 comments received concerning the requirements of § 193.2809, governing open fires. Twenty of the commenters stated that open fires should be permitted in designated areas. Their reasons were: that the proposed rule would effectively prohibit venting gas through flare stacks and training fire fighting personnel on the plant site, and that open fires necessary for maintenance work, such as water heaters, would be prohibited. Two commenters stated that § 193.2809 should be deleted, because § 193.2811, Hotwork, contains provisions which are adequate to cover all open fires.

MTB disagrees with commenters that § 193.2809 should be deleted, and that the provisions of § 193.2811 are adequate for all open fires that may occur on an LNG plant. The requirements of § 193.2811 are intended to cover those situations where such maintenance and operating activities as welding, cutting, and grinding are being performed. This is clearly indicated by the reference to NFPA 51–B, Cutting and Welding Processes. Other types of open fires that can be present on an LNG plant are covered by § 193.2809. Therefore, the comment was not adopted in the final rule. MTB does not intend that the open fire restrictions be applied to flare stacks. This point is clarified in the final rule.

MTB does agree with the other twenty commenters to the extent that an

absolute prohibition against open fires is too restrictive. The final rule permits open fires on an LNG plant at places and times designated by the operator, provided that whenever an open fire is permitted, there must be trained fire fighting personnel with adequate equipment at the site, and the fire fighting personnel and the equipment must remain at the site until there is no possibility of danger from the fire.

Hotwork

There were no adverse comments received on § 193.2811. MTB has adopted it as proposed for the final rule.

Storage of Flammable Fluids

There were seventeen comments received on § 193.2813. All opposed the proposed prohibition against storage of flammable fluids in areas with ignition sources, because of the need to store small quantities of flammable fluids, like lubricating oils or cleaning fluids, for maintenance work in areas where ignition sources are present. Several commenters recommended that storage of flammable fluids be permitted if stored according to the requirements of § 3–3 of NFPA 59A. This comment was not adopted, however, because § 3–3 references industry standards, such as NFPA 30, Flammable and Combustible Liquids Code, that are broader in scope than the mere fire prevention purpose intended by the NPRM.

MTB agrees with the comments that an allowance should be made for storage of fluid needed for maintenance purposes. With the intent of the comments in mind, MTB believes that Chapter 4 of NFPA 30 would be an appropriate safety standard for such storage. The final rule permits the storage of flammable fulids where ignition sources are present, if they are stored in accordance with the requirements of Chapter 4 of NFPA 30.

Motorized Equipment

Of the five comments received regarding § 193.2815, two agreed with the proposal as written, two stated that supervisors at the scene should be permitted to make minute-to-minute decisions for the use of motorized equipment, and one commenter stated that motorized equipment should be permitted near tanks and equipment only when constantly attended and when specifically designed to be without open ignition sources.

MTB believes that the proposal as written does not prohibit an operator's supervisors from making the necessary decisions for use of motorized equipment, as long as the times for use are designated in writing as safe. Also, the proposed rule provides for the safe use of motorized equipment which is a potential ignition source by requiring constant attendance and prior consideration of the time of use. To permit only the use of ignition proof vehicles would be more stringent than reasonably necessary for safety. For the above reasons, the commenters' recommendations were not adopted, and the final rule is issued as proposed.

Fire Control Equipment

There were fourteen comments received on § 193.2817. Comments to paragraph (a) stated with regard to the proposal to determine the types and sizes of fires inside and outside an LNG plant, that the word "determine" should be changed to "identify," and that the word "outside" should be deleted. Their reasons were the same as those given for their objection to the use of those words in § 193.2805. Likewise, MTB's reasons for not changing the word "determine" to "identify" and for changing the word "outside" to "adjacent to" in the final rule are the same as in the discussion of § 193.2805. It was also suggested for paragraph (a) that the words "potential fires" should be deleted and the term "reasonably be expected to occur" be used. The commenters reasoned that "potential" is too broad for a reasonable requirement of this type. MTB agrees, and the comment is adopted in the final rule. This change makes § 193.2817(a) consistent with the wording of § 193.2509(a), concerning emergencies other than fires.

TPSSC recommended that § 193.2817(b)(1) be reworded to delete the term "portable fire extinguisher" and use instead the words "fire control equipment" to eliminate the implication that portable extinguishers are the only type of equipment necessary to comply with paragraph (b). MTB does not agree with the TPSSC's recommendation. The intent of paragraph (b) is to ensure that each operator has sufficient fire control equipment on hand to protect components against the damaging effects of exposure to fires determined under paragraph (a). MTB believes that, at a minimum, the equipment should include portable extinguishers and, in some cases, water delivery systems, as provided respectively by subparagraphs (b)(1) and (b)(2). Additional equipment, such as foam systems, would be required only if necessary to provide the requisite protection.

Also, in paragraph (b)(1), the proposed reference to NFPA 10 as standards for protable fire extinguishers is deleted in the final rule. Instead, a general reference to NFPA 59A is included. Chapter 9 of 59A provides a more comprehensive set of standards for fire protection equipment that might be used, covering such units as foam systems as well as portable extinguishers and water delivery systems. A similar reference has also been included in §§ 193.2819 and 193.2821 for the provision and maintenance of gas and fire detectors.

This is the seventh of nine sections that the Draft Evaluation estimates to have a high cost impact. Minimum and maximum estimated incremental costs for the NPRM, when compared to § 92 in NFPA 59A 1975 edition), the related baseline, were respectively $6.835 and $7.976 million. Since the final rule and NPRM are essentially the same, these costs would be unchanged.

However, because of substantive changes with detailed requirements in the new baseline, § 9–1 in NFPA 59A (1979 edition), that, compared to the final rule, provide equal or greater stringency there are no incremental costs associated with the final rule.

Gas Detection

Nine commenters stated that § 193.2819(a), as proposed, was not reasonable because it would require continuous monitoring for gas in areas where escaping gas would not be a hazard, such as areas within 5 feet of vents or relief valves. Consequently, they said, an unreasonable number of monitoring devices would be required.

MTB agrees with the commenters that it may not be necessary to monitor all areas determined under § 193.2805(a) that have a potential for the presence of gas. For example, properly designed vents and open air storage areas safely separated from ignition soures would not normally become hazardous with the escape of gas. Therefore, MTB has, for the final rule, reworded § 193.2819(a) to require operators to monitor only those areas in which a hazard could exist.

The bulk of the comments received on § 193.2819(b), concerning alarms, stated the audible alarms should not be required in the area of gas detection, except building, because personnel in the area could be notified verbally from the control station by use of the emergency communication system and because audible alarms could cause confusion, panic, and false alarm. Several commenters stated that audible alarms for areas other than buildings could be located anywhere as long as they are clearly audible in the area of gas detection.

Because of the built-in delay and possibility of confusion in transmitting verbal instructions in an emergency and

the need for immediate action of personnel in an area where there may be a hazardous gas leak, MTB does not agree with the commenters that verbal notice through the emergency communication system is sufficient warning to personnel. MTB believes that well trained personnel will not panic or be confused because of an audible alarm. If, indeed, false alarms were occurring at a high rate, it could be an indication of other problems which the operator should determine and correct. MTB believes that the alarms should be located to pinpoint the area of a gas leak as close as possible. If an alarm located outside the area of detection were used to alert personnel, it could lead to delay and confusion and inhibit the taking of prompt action, because the area of leak would not be indicated by the alarm. For these reasons, the commenters' recommendations were not included in the final rule.

Three commenters stated that the flammable gas detectors required by paragraph (e) should be capable of reading the lower flammable limit, and not "percent by volume." MTB agrees that the lower flammable limit is the critical reading the detectors must show, and paragraph (e) is changed accordingly.

Seventeen commenters objected to the requirement of § 193.2819(f) that all enclosed buildings located on an LNG plant be continuously monitored for flammable gas by fixed gas detectors. They argued that placing gas detectors in every building would be an unreasonable burden because such buildings as warehouses, portable toilets, and administration buildings do not process gas and would not be likely to have gas inside.

MTB does not agree with the commenters. MTB believes that any enclosed building on an LNG plant has, in the event of a gas or LNG leak, a potential for the collection and containment of a flammable gas to the extent that the cost of gas detection is warranted. Therefore, the MTB did not adopt the changes as proposed by the commenters for the final rule.

The TPSSC recommended that MTB establish criteria based upon distance from areas known to have flammable gases and liquids and upon the methods of gas entry into buildings to determine which enclosed buildings should be required to have fixed gas detectors. Because of the many variables involved in determining the flow of gas/vapor, such as temperature, wind, and terrain, and the almost impossible task of determining all methods by which gas may enter a building, it is not practicable to establish meaningful criteria as recommended. Thus, TPSSC's recommendation was not adopted for the final rule.

All comments received on § 193.1310(g) of the NPRM stated that the proposed requirement to heat vented gas to 100° F was not necessary for safety. Their reasons were that: natural gas achieves positive buoyancy at −160° F and to require that the temperature be raised to 100° F would be excessive and not reduce any hazard presented by the vented gas. The intent of paragraph (g) was to require the gas to be of such positive buoyancy that is will rise in the vent stack, thereby venting in a safe manner. MTB agrees with the commenters that it is not necessary to prescribed a specific temperature for the gas. Therefore, MTB has reworded the proposed paragraph (g) in the final to require that the gas be heated to a temperature that will provide positive buoyancy and save venting. Because the proposed § 193.1310(g) relates more to the design of venting systems than to maintenance, operation, or fire protection, it is relocated in the final rule in § 193.2431(c).

Commenters to § 193.1310(h) of the NPRM opposed the proposal that emergency venting be observed be a person with portable gas detector. They argued that in most cases emergency venting would occur without prior notice and would be over before the monitoring could be done. MTB agrees and has deleted paragraph (h) in the final rule.

Fire Detection

Many commenters to § 193.2821(a) stated that the operator should be required to detect fires only within the plant in areas determined under § 193.2817, not § 193.2805(a)(2) as proposed. The rationale given was that § 193.2817 relates more to where fire may be expected to occur. MTB finds this point confusing, however, since § 193.2817 does not require operators to determine areas where fires may occur, while under § 193.2805(a)(2), fires may be expected in areas inside a plant where their is a potential for flammable gas or vapor. Thus, the required placement of fire detectors is adopted as proposed, except that for consistency with § 193.2819(a) detectors need only be placed where a hazard to persons or property could exist. Commentors also urged that the words "substantial quantities" should be included in paragraph (a) to modify the amount of material stored. If not, storage areas of small quantities of materials such as pencils, office supplies, and cleaning fluid would be included, with an unwarranted expense for monitoring. The TPSSC also made a similar recommendation. MTB is not in agreement with these views that only storage areas of large quantities of flammable fluids and combustible material should be monitored. Since the requirements of § 193.2821 permit the use of wide range of equipment, an operator could use less extensive devices in areas where small quantities are stored. Also, the purpose of fire protection is to detect a fire as soon as possible so quick action can be taken to prevent its spreading. Large fires may result from small sources of ignition.

Many commenters to paragraph (b) objected to the placement of alarms in outdoors areas (outside buildings), because detectors might be set off by reflected sunlight, welder's arcs, and lighting strikes, leading to confusion and causing workers to ignore the alarms. Others argued that local alarms are unnecessary and should not be required.

MTB does not agree with the commenters that fire alarms should not be required outside of buildings. The operator should be able to shield the detectors so as to prevent the great majority of false alarms, and the few false alarms that might occur should not be confusing to well-trained workers nor cause them to ignore the alarms. MTB discussed the use of audible alarms and the use of the emergency communications system in the discussion of comments on § 193.2819. MTB believes the reasons discussed there are also valid for § 193.2821, and, therefore, paragraph (b) is adopted as proposed.

Subpart J—Security

Sections on security, located under Subpart L in the NPRM, are set forth under a new Subpart J, to more appropriately delineate security functions in accordance with the MOU between the MTB and U.S. Coast Guard and to give greater recognition of their importance.

Throughout this subpart, terms such as "facility," "component," or "item" have been changed to "plant," "facility," or "component," as appropriate, in accordance with earlier discussions in this preamble and with definitions in § 193.2007.

Security Procedures

Section 193.2903 prescribes the basic features of security procedures that must be prepared and followed. Overall, public comment on this section was greater than for other sections on security.

Use of the term "manual" to describe required written procedures met with objections from several commenters who otherwise generally acknowledged

the need for written procedures. In response, MTB has adopted the wording "one or more manuals" for the reasons discussed in regard to § 193.2503 above.

There were several proposals that security procedures be kept confidential to minimize the possibility of compromising security. Similarly, there were proposals to exempt the procedures from public disclosure or to limit access to specific agencies. These comments have not been adopted, since the idea of subjecting operators to penalty for compromising disclosures was not proposed in the NPRM. Of course, operators may voluntarily limit disclosure to parties having authority under existing law.

Section 193.2903(a). A proposal to delete the storage capacity limitation set forth in the referenced section (§ 193.2913) has not been adopted. Although MTB agrees with the commenter that small plants may cover large areas, monitoring only the protective enclosure at these plants is considered appropriate in view of the limited hazard resulting from the combination of a small plant with a large area open for detection of unauthorized personnel.

Section 193.2903(b). MTB has amended this paragraph to permit operators to list security personnel responsibilities as an alternative to personnel positions. This clarifies MTB's original intent, and is in accordance with proposals from the TPSSC and 15 other commenters.

Section 193.2903(c). This and other relevant paragraphs have been similarly modified for clarification, consistent with the change in paragraph (b) of this section and views expressed by the TPSSC and ten other commenters. MTB agrees with the commenters that alternate assignment of operating personnel to security duties should be permitted, particularly at smaller plants. Such an arrangement is desirable since knowledge of operations could benefit certain security functions.

Section 193.2903(d). A change from the term "facility personnel" to "designated facility personnel" was suggested by the TPSSC and two other commenters. Another two commenters proposed the term "key personnel." The suggested modifications were intended to clarify that specific personnel be designated, and to limit notification of security breaches to persons with authority to direct and take action. MTB agrees that only specific personnel should be notified. However, notification should not be strictly limited to persons in authority. In the event of a nearby riot or other insurgency, staff reinforcement might be necessary. The instructions should prescribe notification in accordance with the nature of the event. Therefore, MTB has used the term "appropriate plant personnel" in the final rule. At the same time, the word "appropriate" used in the NPRM to modify "law enforcement officials" has been deleted, since officials engaged in law enforcement are the appropriate officials.

Also, in accordance with views expressed by the TPSSC and six other commenters, the word "emergency" has been deleted from paragraph (d) in the final rule, since security is the subject of Subpart J and notification of emergencies is covered under Subpart F (§ 193.2509). However, MTB disagrees with the TPSSC and ten other commenters that notification should be required only if an actual breach of security occurs, since, while a "potential" breach may be undetectable, evidence of an "attempted" breach should be reported as a preventive action, even if plant safety was not endangered, in view of possible future attempts. Suggestions by several other commenters that notification should be required only for events requiring assistance is unacceptable for the same reason. Therefore, MTB has modified paragraph (d) in the final rule to require notification if there is any indication of an actual or attempted security breach.

Section 193.2903(f). Many commenters and the TPSSC objected to providing security badges for plant personnel. The TPSSC felt the proposed regulation implied that picture badges are the best method of identification. Performance language, permitting operator judgment, was advocated by the TPSSC and nine other commenters. Other commenters contended that other means are as effective, or that more sophisticated techniques should not be discouraged. Three argued that picture badges are unnecessary at small plants.

MTB agrees that for small plants, if a person is well known to security personnel, identification by direct recognition is sufficient and probably would, in any event, be the real method of identification. However, when a new employee is hired, an effective means of identification is necessary pending sufficient familiarization with the employee for identification by recognition. Notwithstanding the General Accounting Office report (EMD–78–28) which recommended picture badges, MTB believes that code identification, electronic identifiers, and other improved techniques could assure more positive identification than badges, which lose their effectiveness with age. Of greater importance to plant security, alternate means of positive identification than picture badges would be necessary for positive identification of single or infrequent entries by persons such as equipment technicians or drivers of cargo or material delivery trucks. Therefore, using performance language, the final rule cites picture badges as a minimum criterion to measure the effectiveness of identification methods, but does not mandate their use. Also, by deleting the term "facility personnel," as suggested by commenters, the requirement for identification applies more broadly to include one-time or occasional entries, who, compared to entry by facility personnel, have greater security implications.

Section 193.2903(g). MTB has made an editorial correction, changing "continual liaison" to "liaison," in accordance with a proposal by the TPSSC and a number of commenters. The commenters felt that uninterrupted contact was implied, but periodic contact is adequate, or that liaison should focus on mutual assistance. The word "continual" has been deleted, since "liaison" by itself denotes a close connection that would have to be carried out at a frequency sufficient to meet the objectives of § 193.2903.

This is the eighth of nine sections that is estimated to have a high cost impact by the Draft Evaluation. Minimum and maximum estimated incremental costs for the NPRM, when compared to the former baseline NFPA 59A (1975 edition) which has no counterpart, were respectively, $3.216 and $3.839 million.

Reduction in costs under the final rule, due to lowering restrictions on personnel maintaining security, permitting alternate identification techniques, and eliminating some procedural requirements for notification and liaision, result in reduced estimated incremental cost, compared to the former baseline, of $1.49 and $1.80 million respectively for the minimum and maximum number of facilities. Changes in the new baseline, § 9.8–1 in NFPA 59A (1979 edition) which now includes specific security provisions, would further reduce comparative estimated incremental costs for the final rule to $102 and $124 thousand.

Protective Enclosures

The kinds of LNG facilities that require protective enclosures are designated in § 193.2905. Conditions for access, location and surrounding topographical features are also prescribed.

The principal concern of the TPSSC and many other commenters was the proposal that each of the facilities listed

in paragraph (a) be surrounded by an enclosure. Most felt that "each" implied that a separate enclosure was required for each facility. Since this was not intended, the word "each" is deleted, and new language to show that one or more facilities may use the same enclosure is adopted in the final rule to clarify the issue. All facilities need not be within the same enclosure, because control rooms, vaporizers, or other equipment may be better located at some remote distance from other facilities.

All but one commenter indicated agreement with the designated facilities requiring enclosure under paragraph (a). This commenter stated that a protective enclosure should not be required for fire control equipment (para (a)(8)) and alternative power source (para (a)(10)). The commenter argued that location of fire control equipment outside the enclosure should be permitted to serve for vapor dispersion protection and for protection of equipment from thermal radiation. Also, protection of electric service lines was claimed to range between the impractical and the impossible.

Fire control equipment is necessary for plant safety, and could have major importance if the security of other facilities is breached. Separate enclosures may be used if the equipment is outside a security enclosure for the major part of the plant. Each alternative power source required by § 193.2915 must be designed so that failure of the primary source does not affect the capability of the alternative. In most cases, this will require an operator to have full control over the alternative, and where electrical power lines cannot be fenced, wiring may be underground. For these reasons, MTB has not incorporated the suggested modifications in the final rule.

MTB also rejects the proposal by the TPSSC and a few commenters in regard to paragraph (b) that grading to assure enclosure integrity should not be required because grading is not always necessary. Under the standard, where existing grade satisfies the requirement, the area is properly graded, and the standard does not imply a need for further grading.

Four commenters objected to paragraph (c) on the basis that unalterable obstructions and conditions at existing facilities would make it nearly impossible for an enclosure to be located so as to avoid outside features that could be used to breach the enclosure. They suggested the proposed rule be modified to allow equivalent alternate security measures to a protective enclosure in these cases. This comment was not adopted, because MTB believes the proposal provides for such conditions as it is written. Where equivalent alternative measures are provided, there would not be a feature "which could be used to breach the enclosure." However, to clarify this intent, the word "enclosure" is changed in the final rule to "security."

Many commenters and the TPSSC proposed to change the proposed requirement under paragraph (e) regarding an unlocked gate to permit "monitoring" as an alternative to "guarding" of the gate. Most commenters essentially felt that monitoring by closed circuit television, intrusion alarms, or other means is equivalent or superior to guarding, which they properly interpreted as implying a manned procedure. In more extensive argument, the TPSSC and others claimed that employee safety could be jeopardized by locked gates or that the operator may consider unlocked accesses to be desirable. A number said monitoring would provide better reaction time for either a casual or less than casual entry attempt.

The recommendation to change "guarded" to "monitored" in paragraph (e) is not adopted, because MTB does not consider monitoring to be equivalent to guarding, which provides both assured monitoring and direct control. An individual's attention could be easily diverted from a closed circuit television or other monitoring system. Without a guard at unlocked accesses, entry and damaging activity could be quickly accomplished. The action might be unobserved, or response might be delayed to the point where damage or escape could not be deterred. Neither a fence, locked gate, or guard can prevent determined unlawful entry. However, these features are necessary for deterrence, and may prevent whimsical vandalism which could result in a serious hazard. Clearly, where accesses are neither locked nor guarded, there is no immediate deterrent to entry. Also, under § 193.2903(f) where positive identification of persons entering a plant through an unlocked access relies on visual recognition or picture badges, an attentive guard is necessary. Concern about employee safety is specious, since the rule requires provisions in this respect, and a variety of measures are available for emergency egress.

With regard to § 193.2907(a), the TPSSC and some commenters recommended that the proposed requirement that protective enclosures have "sufficient strength and configuration" to obstruct access be changed to a less definitive expression such as "designed and constructed," arguing that the change would be more appropriate performance language. MTB does not agree, since the existing wording is in performance terms and "strength" together with "configuration" are the principal features necessary to make an enclosure protective.

With regard to § 193.2907(b), while some commenters expressed agreement, most proposed deletion of some or all of this paragraph. The majority, including the TPSSC, proposed to delete subparagraphs (b)(1)–(3), while others recommended deletion of the entire paragraph, claiming that the performance language of paragraph (a) was a sufficient design standard. Some said the proposed specifications in paragraph (b) were too rigid. (Others, who proposed deletion or modifications of paragraph (a) argued that the specification of paragraph (b) made (a) unnecessary). Still others asserted the operator should have latitude in enclosure design. MTB believes a prescriptive type of standard is necessary for protective enclosures. Otherwise, the characteristics of enclosure would be left to subjective judgment, making conformance unlikely and enforcement impossible. The USCG uses a similar standard, and concurs with MTB's position.

Many other commenters took exception only with paragraphs (b)(1) or (b)(3). TPSSC had concern specifically for existing facilities, and commenters argued that fences should not have to be replaced or relocated, if: under (b)(1), an existing fence has lighter gauge wire than No. 11; under (b)(3), barbed wire is angled inward so that it does not encroach on the property of others; under (b)(3), razor ribbon is used in lieu of barbed wire; and under (b)(3), the overall height is seven rather than eight feet. MTB agrees that where existing fencing meets certain alternative standards and has effectively provided security, it is acceptable. Accordingly, a new paragraph (c) provides for this circumstance.

Commenters and the TPSSC, who proposed deletion of paragraph (b)(1) thru (b)(3) in favor of performance language under (a), proposed specific changes to paragraph (b)(4), using performance terms. MTB believes the prescriptive language of (b)(4) is necessary for the reasons discussed with respect to its position on subparagraphs (b)(1) thru (b)(3).

Security Communication

In accordance with the original intent of § 193.2909 and views generally expressed by some commenters, MTB has modified this section to require that

communication with law enforcement officials need only be available to personnel having supervisory security duties. The designation of personnel makes clear that the link is in the hands of persons directly in charge of security, since delay caused by indirect contact thru a plant manager, or potential chaos from a link between every person engaged in security and law officials, could denigrate the effectiveness of security. Also, only "prompt" rather than "direct" means of communication is now required so as to permit telephonic communication without the connotation of a "hot line." However, between on duty plant security personnel and specified facilities, "direct" communication is considered necessary and is clearly convenient by intercom or radio.

Security Lighting

The TPSSC and six commenters pointed out the transposition in the proposed value of lighting intensity under the NPRM version of § 193.2911. MTB has corrected the value to read 2.2 lux (0.2 ftc) in the final rule. This level of illumination is adopted since NRC standard 10 CFR 70.50(b)(5) and other standards uniformly prescribe the value for security lighting.

A number of commenters proposed the use of performance language instead of specified minimum lighting intensity, arguing that a prescribed minimum might conflict with local ordinances or otherwise be objectionable. This rationale was also given for suggesting that the protective enclosure not be lighted at all.

Considering the very low minimum level of lighting generally recognized as necessary for security reasons, MTB doubts serious objections would arise over the lighting level. MTB does not agree with suggestions that performance language is more appropriate since a minimum intensity is needed regardless of the means of providing light. The notion of not lighting the protective enclosure because of potential community objections was not taken seriously, because lighting is only required if a security warning system is not provided, and this alternative is always available if lighting is a problem. More lighting than the minimum level required by § 193.2911 may be needed to comply with the monitoring requirements of § 193.2913, depending on the effect of local conditions around the facility being monitored.

This is the last of nine sections that is shown to have a high estimated cost impact in the Draft Evaluation. Minimum and maximum estimated incremental costs for the NPRM when compared to the former baseline, NFPA 59A (1975 edition), which has no counterpart, were $8.343 and $10.084 million, respectively.

Changes in the final rule, requiring lighting that would exceed the minimum specified 2.2 lux intensity under certain conditions, is estimated to increase these costs to $8.68 and $10.49 million. However, when compared to the new baseline, § 9–8.4 in NFPA 59A (1979 edition) which except for specifying a minimum intensity has requirements equivalent to those in the final, the estimated incremental costs of the final rule is reduced to $22 and $27 thousand for the minimum and maximum number of facilities, respectively.

Security Monitoring § 193.2913

Despite recommendations by five commenters, the word "each," used in describing the enclosure and the facility to be monitored, has been retained in § 193.2913 because its use is appropriate to assure that every protective enclosure and specified facility, whether one or many, will be properly monitored. However, the word "direct," describing "visual observation," has been deleted in accordance with comments by the TPSSC and several commenters in order to clarify MTB's intent that television is an acceptable means of monitoring. Although the term "schedule," referenced with respect to "security procedures under § 193.2903," has not been deleted, the word "schedule" is not intended to forbid a random inspection interval. It is expected that the procedures under § 193.2903 would spell out a formulation for random inspection tours appropriate for optimum security of the plant.

Alternative Power Sources

In § 193.2915, an error in numbering the referenced section, noted by the TPSSC and five commenters, has been corrected from § 193.927 to § 193.2445. Recommendations by several of these commenters to change the word "and" to "or," appearing between "security lighting" and "security warning systems," is inappropriate since this would denote that alternative power for only one of the two systems would satisfy the requirement, when, at a given plant, security might be reliant on both.

Security Warning Signs

While only a few commenters objected to § 193.2917, they did not support their objections with significant rationale. The vast majority of commenters and the TPSSC signified acceptance of the NPRM wording, which remains unchanged in the final rule.

In consideration of the foregoing, Parts 192 and 193 of Title 49 of the Code of Federal Regulations are amended as follows:

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

§ 192.12 [Revoked]

1. Section 192.12 is revoked in the text of the rules and the table of sections.

2. The table of sections of Part 193 is amended by adding a new § 193.2017 under Subpart A; a new § 193.2304 under Subpart D; new §§ 193.2707–193.2719 under Subpart H; and new Subparts F, G, I, and J as follows:

PART 193—LIQUEFIED NATURAL GAS FACILITIES: FEDERAL SAFETY STANDARDS

Subpart A—General

Sec.

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193.2017 Plans and procedures.

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Subpart D—Construction

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193.2304 Corrosion control overview.

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Subpart F—Operations

193.2501 Scope.
193.2503 Operating procedures.
193.2505 Cooldown.
193.2507 Monitoring operations.
193.2509 Emergency procedures.
193.2511 Personnel safety.
193.2513 Transfer procedures.
193.2515 Investigations of failures.
193.2517 Purging.
193.2519 Communication systems.
193.2521 Operating records.

Subpart G—Maintenance

193.2601 Scope.
193.2603 General.
193.2605 Maintenance procedures.
193.2607 Foreign material.
193.2609 Support systems.
193.2611 Fire protection.
193.2613 Auxiliary power sources.
193.2615 Isolating and purging.
193.2617 Repairs.
193.2619 Control systems.
193.2621 Testing transfer hoses.
193.2623 Inspecting LNG storage tanks.
193.2625 Corrosion protection.
193.2627 Atmospheric corrosion control.
193.2629 External corrosion control; buried or submerged components.
193.2631 Internal corrosion control.
193.2633 Interference currents.
193.2635 Monitoring corrosion control.
193.2637 Remedial measures.
193.2639 Maintenance records.

Subpart H—Personnel Qualifications and Training

* * * * *

Sec.
193.2707 Operations and maintenance.
193.2709 Security.
193.2711 Personnel health.
193.2713 Training; operations and maintenance.
193.2715 Training; security.
193.2717 Training; fire protection.
193.2719 Training; records.

Subpart I—Fire Protection

193.2801 Scope.
193.2803 General.
193.2805 Fire prevention plan.
193.2807 Smoking.
193.2809 Open fires.
193.2811 Hotwork.
193.2813 Storage of flammable fluids.
193.2815 Motorized equipment.
193.2817 Fire control equipment.
193.2819 Gas detection.
193.2821 Fire detection.

Subpart J—Security

193.2901 Scope.
193.2903 Security procedures.
193.2905 Protective enclosures.
193.2907 Protective enclosure construction.
193.2909 Security communications.
193.2911 Security lighting.
193.2913 Security monitoring.
193.2915 Alternative power sources.
193.2917 Warning signs.

3. In § 193.2005, paragraph (c) is amended to read as follows:

§ 193.2005 Applicability.

* * * * *

(c) The siting, design, installation, and construction of an LNG facility under construction before February 11, 1980, or that is listed in paragraph (a)(2) of this section (except a facility under construction before July 1, 1976) must meet the applicable requirements of NFPA 59A (1972 edition) and Part 192 of this chapter or the applicable requirements of this part, except that no Part 192 standard issued after March 1, 1978, applies to an LNG facility listed in paragraph (a)(2) of this section.

§ 193.2007 [Amended]

4. In § 193.2007, the definition of the term "component" is revised and a definition of "Waterfront LNG plant" is added, both to read as follows:

* * * * *

"Component" means any part, or system of parts functioning as a unit, including, but not limited to, piping, processing equipment, containers, control devices, impounding systems, lighting, security devices, fire control equipment, and communication equipment, whose integrity or reliability is necessary to maintain safety in controlling, processing, or containing a hazardous fluid.

* * * * *

"Waterfront LNG plant" means an LNG plant with docks, wharves, piers, or other structures in, on, or immediately adjacent to the navigable waters of the United States or Puerto Rico and any shore area immediately adjacent to those waters to which vessels may be secured and at which LNG cargo operations may be conducted.

* * * * *

5. Section 193.2017 is added to read as follows:

§ 193.2017 Plans and procedures.

(a) Each operator shall maintain at each LNG plant the plans and procedures required for that plant by this part. The plans and procedures must be available upon request for review and inspection by the Director or any State Agency that has submitted a current certification or agreement with respect to the plant under section 5 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674). In addition, each change to the plans or procedures must be available at the LNG plant for review and inspection within 20 days after the change is made.

(b) The Director or the State Agency, after notice and opportunity for hearing, may require the operator to amend its plans and procedures as necessary to provide a reasonable level of safety.

6. Section 193.2304 is added to read as follows:

§ 193.2304 Corrosion control overview.

(a) Subject to paragraph (b) of this section, components may not be constructed, repaired, replaced, or significantly altered until a person qualified under § 193.2707(c) reviews the applicable design drawings and materials specifications from a corrosion control viewpoint and determines that the materials involved will not impair the safety or reliability of the component or any associated components.

(b) The repair, replacement, or significant alteration of components must be reviewed only if the action to be taken—

(1) Involves a change in the original materials specified;

(2) Is due to a failure caused by corrosion; or

(3) Is occasioned by inspection revealing a significant deterioration of the component due to corrosion.

7. Section 193.2431(c) is added to read as follows:

§ 193.2431 Vents.

* * * * *

(c) Venting of natural gas/vapor under operational control which could produce a hazardous gas atmosphere must be directed to a flare stack or heat exchanger in order to raise its temperature to achieve positive buoyancy and safe venting.

8. Subpart H is amended by adding the following new §§ 193.2707–193.2719:

§ 193.2707 Operations and maintenance.

(a) Each operator shall utilize for operation or maintenance of components only those personnel who have demonstrated their capability to perform their assigned functions by—

(1) Successful completion of the training required by §§ 193.2713 and 193.2717; and

(2) Experience related to the assigned operation or maintenance function; and

(3) Acceptable performance on a proficiency test relevant to the assigned function.

(b) A person who does not meet the requirements of paragraph (a) of this section may operate or maintain a component when accompanied and directed by an individual who meets the requirements.

(c) Corrosion control procedures under § 193.2605(b), including those for the design, installation, operation, and maintenance of cathodic protection systems, must be carried out by, or under the direction of, a person qualified by experience and training in corrosion control technology.

§ 193.2709 Security.

Personnel having security duties must be qualified to perform their assigned duties by successful completion of the training required under § 193.2715.

§ 193.2711 Personnel health.

Each operator shall follow a written plan to verify that personnel assigned operating, maintenance, security, or fire protection duties at the LNG plant do not have any physical condition that would impair performance of their assigned duties. The plan must be designed to detect both readily observable disorders, such as physical handicaps or injury, and conditions requiring professional examination for discovery.

§ 193.2713 Training; operations and maintenance.

(a) Each operator shall provide and implement a written plan of initial training to instruct—

(1) All permanent maintenance, operating, and supervisory personnel—

(i) About the characteristics and hazards of LNG and other flammable fluids used or handled at the facility, including, with regard to LNG, low temperatures, flammability of mixtures with air, odorless vapor, boiloff characteristics, and reaction to water and water spray;

(ii) About the potential hazards involvd in operating and maintenance activities; and

(iii) To carry out aspects of the operating and maintenance procedures under §§ 193.2503 and 193.2605 that relate to their assigned functions; and

(2) All personnel—

(i) To carry out the emergency procedures under § 193.2509 that relate to their assigned functions; and

(ii) To give first-aid; and

(3) All operating and appropriate supervisory personnel—

(i) To understand detailed instructions on the facility operations, including controls, functions, and operating procedures; and

(ii) To understand the LNG transfer procedures provided under § 193.2513.

(b) A written plan of continuing instruction must be conducted at intervals of not more than two years to keep all personnel current on the knowledge and skills they gained in the program of initial instruction.

§ 193.2715 Training; security.

(a) Personnel responsible for security at an LNG plant must be trained in accordance with a written plan of initial instruction to:

(1) Recognize breaches of security;

(2) Carry out the security procedures under § 193.2903 that relate to their assigned duties;

(3) Be familiar with basic plant operations and emergency procedures, as necessary to effectively perform their assigned duties; and

(4) Recognize conditions where security assistance is needed.

(b) A written plan of continuing instruction must be conducted at intervals of not more than two years to keep all personnel having security duties current on the knowledge and skills they gained in the program of initial instruction.

§ 193.2717 Training; fire protection.

(a) All personnel involved in maintenance and operations of an LNG plant, including their immediate supervisors, must be trained in accordance with a written plan of initial instruction, including plant fire drills, to:

(1) Know and follow the fire prevention procedures under § 193.2805(b);

(2) Know the potential causes and areas of fire determined under § 193.2805(a);

(3) Know the types, sizes, and predictable consequences of fire determined under § 193.2817(a); and

(4) Know and be able to perform their assigned fire control duties according to the procedures established under § 193.2509 and by proper use of equipment provided under § 193.2817.

(b) A written plan of continuing instruction, including plant fire drills, must be conducted at intervals of not more than two years to keep personnel current on the knowledge and skills they gained in the instruction under paragraph (a) of the section.

§ 193.2719 Training; records.

(a) Each operator shall maintain a system of records which—

(1) Provide evidence that the training programs required by this subpart have been implemented; and

(2) Provide evidence that personnel have undergone and satisfactorily completed the required training programs.

(b) Records must be maintained for one year after personnel are no longer assigned duties at the LNG plant.

9. In Part 193, Subparts F, G, I, and J are added as set forth below.

Subpart F—Operations

§ 193.2501 Scope.

This subpart prescribes requirements for the operation of LNG facilities.

§ 193.2503 Operating procedures.

Each operator shall follow one or more manuals of written procedures to provide safety in normal operation and in responding to an abnormal operation that would affect safety. The procedures must include provisions for—

(a) Monitoring components or buildings according to the requirements of § 193.2507.

(b) Startup and shutdown, including for initial startup, performance testing to demonstrate that components will operate satisfactory in service.

(c) Recognizing abnormal operating conditions.

(d) Purging and inerting components according to the requirements of § 193.2517.

(e) In the case of vaporization, maintaining the vaporization rate, temperature and pressure so that the resultant gas is within limits established for the vaporizer and the downstream piping;

(f) In the case of liquefaction, maintaining temperatures, pressures, pressured differentials and flow rates, as applicable, within their design limits for:

(1) Boilers;

(2) Turbines and other prime movers;

(3) Pumps, compressors, and expanders;

(4) Purification and regeneration equipment; and

(5) Equipment within cold boxes.

(g) Cooldown of components according to the requirements of § 193.2505; and

(h) Compliance with § 193.2805(b).

§ 193.2505 Cooldown.

(a) The cooldown of each system of components that is subjected to cryogenic temperatures must be limited to a rate and distribution pattern that keeps thermal stresses within design limits during the cooldown period, paying particular attention to the performance of expansion and contraction devices.

(b) After cooldown stabilization is reached, cryogenic piping systems must be checked for leaks in areas of flanges, valves, and seals.

§ 193.2507 Monitoring operations.

Each component in operation or building determined under § 193.2805(a)(2) in which a hazard to persons or property could exist must be monitored to detect fire or any malfunction or flammable fluid which could cause a hazardous condition. Monitoring must be accomplished by watching or listening from an attended control center for warning alarms, such as gas, temperature, pressure, vacuum, and flow alarms, or by conducting an inspection or test at intervals specified in the operating procedures.

§ 193.2509 Emergency procedures.

(a) Each operator shall determine the types and places of emergencies other than fires that may reasonably be expected to occur at an LNG plant due to operating malfunctions, structural collapse, personnel error, forces of nature, and activities adjacent to the plant.

(b) To adequately handle each type of emergency identified under paragraph (a) of this section and each fire emergency identified under § 193.2817(a), each operator shall follow one or more manuals of written procedures. The procedures must provide for the following:

(1) Responding to controllable emergencies, including notifying personnel and using equipment appropriate for handling the emergency.

(2) Recognizing an uncontrollable emergency and taking action to minimize harm to the public and personnel, including prompt notification of appropriate local officials of the emergency and possible need for evacuation of the public in the vicinity of the LNG plant.

(3) Coordinating with appropriate local officials in preparation of an emergency evacuation plan, which sets forth the steps required to protect the

public in the event of an emergency, including catastrophic failure of an LNG storage tank.

(4) Cooperating with appropriate local officials in evacuations and emergencies requiring mutual assistance and keeping these officials advised of—

(i) The LNG plant fire control equipment, its location, and quantity of units located throughout the plant;

(ii) Potential hazards at the plant, including fires;

(iii) Communication and emergency control capabilities at the LNG plant; and

(iv) The status of each emergency.

§ 193.2511 Personnel safety.

(a) Each operator shall provide any special protective clothing and equipment necessary for the safety of personnel while they are performing emergency response duties.

(b) All personnel who are normally on duty at a fixed location, such as a building or yard, where they could be harmed by thermal radiation from a burning pool of impounded liquid, must be provided a means of protection at that location from the harmful effects of thermal radiation or a means of escape.

(c) Each LNG plant must be equipped with suitable first-aid material, the location of which is clearly marked and readily available to personnel.

§ 193.2513 Transfer procedures.

(a) Each transfer of LNG or other hazardous fluid must be conducted in accordance with one or more manuals of written procedures to provide for safe transfers.

(b) The transfer procedures must include provisions for personnel to:

(1) Before transfer, verify that the transfer system is ready for use, with connections and controls in proper positions, including if the system could contain a combustible mixture, verifying that it has been adequately purged in accordance with a procedure which meets the requirements of AGA "Purging Principles and Practice."

(2) Before transfer, verify that each receiving container or tank vehicle does not contain any substance that would be incompatible with the incoming fluid and that there is sufficient capacity available to receive the amount of fluid to be transferred;

(3) Before transfer, verify the maximum filling volume of each receiving container or tank vehicle to ensure that expansion of the incoming fluid due to warming will not result in overfilling or overpressure;

(4) When making bulk transfer of LNG into a partially filled (excluding cooldown heel) container, determine any differences in temperature or specific gravity between the LNG being transferred and the LNG already in the container and, if necessary, provide a means to prevent rollover due to stratification.

(5) Verify that the transfer operations are proceeding within design conditions and that overpressure or overfilling does not occur by monitoring applicable flow rates, liquid levels, and vapor returns.

(6) Manually terminate the flow before overfilling or overpressure occurs; and

(7) Deactivate cargo transfer systems in a safe manner by depressurizing, venting, and disconnecting lines and conducting any other appropriate operations.

(c) In addition to the requirements of paragraph (b) of this section, the procedures for cargo transfer must be located at the transfer area and include provisions for personnel to:

(1) Be in constant attendance during all cargo transfer operations;

(2) Prohibit the backing of tank trucks in the transfer area, except when a person is positioned at the rear of the truck giving instructions to the driver;

(3) Before transfer, verify that—

(i) Each tank car or tank truck complies with applicable regulations governing its use;

(ii) All transfer hoses have been visually inspected for damage and defects;

(iii) Each tank truck is properly immobilized with chock wheels, and electrically grounded; and

(iv) Each tank truck engine is shut off unless it is required for transfer operations;

(4) Prevent a tank truck engine that is off during transfer operations from being restarted until the transfer lines have been disconnected and any released vapors have dissipated;

(5) Prevent loading LNG into a tank car or tank truck that is not in exclusive LNG service or that does not contain a positive pressure if it is in exclusive LNG service, until after the oxygen content in the tank is tested and if it exceeds 2 percent by volume, purged in accordance with a procedure that meets the requirements of AGA "Purging Principles and Practice;"

(6) Verify that all transfer lines have been disconnected and equipment cleared before the tank car or tank truck is moved from the transfer position; and

(7) Verify that transfers into a pipeline system will not exceed the pressure or temperature limits of the system.

§ 193.2515 Investigations of failures.

(a) Each operator shall investigate the cause of each explosion, fire, or LNG spill or leak which results in—

(1) Death or injury requiring hospitalization; or

(2) Property damage exceeding $10,000.

(b) As a result of the investigation, appropriate action must be taken to minimize recurrence of the incident.

(c) If the Director or relevant state agency under section 5 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674) investigates an incident, the operator involved shall make available all relevant information and provide reasonable assistance in conducting the investigation. Unless necessary to restore or maintain service, or for safety, no component involved in the incident may be moved from its location or otherwise altered until the investigation is complete or the investigating agency otherwise provides. Where components must be moved for operational or safety reasons, they must not be removed from the plant site and must be maintained intact to the extent practicable until the investigation is complete or the investigating agency otherwise provides.

§ 193.2517 Purging.

When necessary for safety, components that could accumulate significant amounts of combustible mixtures must be purged in accordance with a procedure which meets the provisions of the AGA "Purging Principles and Practice" after being taken out of service and before being returned to service.

§ 193.2519 Communication systems.

(a) Each LNG plant must have a primary communication system that provides for verbal communications between all operating personnel at their work stations in the LNG plant.

(b) Each LNG plant in excess of 70,000 gallons storage capacity must have an emergency communication system that provides for verbal communications between all persons and locations necessary for the orderly shutdown of operating equipment and the operation of safety equipment in time of emergency. The emergency communication system must be independent of and physically separated from the primary communication system and the security communication system under § 193.2909.

(c) Each communication system required by this part must have an auxiliary source of power, except sound-powered equipment.

§ 193.2521 Operating records.

Each operator shall maintain a record of the results of each inspection, test, and investigation required by this subpart. Such records must be kept for a period of not less than 5 years.

Subpart G—Maintenance

§ 193.2601 Scope.

This subpart prescribes requirements for maintaining components at LNG plants.

§ 193.2603 General.

(a) Each component in service, including its support system, must be maintained in a condition that is compatible with its operational or safety purpose by repair, replacement, or other means.

(b) An operator may not place, return, or continue in service any component which is not maintained in accordance with this subpart.

(c) Each component taken out of service must be identified in the records kept under § 193.2639.

(d) If a safety device is taken out of service for maintenance, the component being served by the device must be taken out of service unless the same safety function is provided by an alternate means.

(e) If the inadvertent operation of a component taken out of service could cause a hazardous condition, that component must have a tag attached to the controls bearing the words "do not operate" or words of comparable meaning.

§ 193.2605 Maintenance procedures.

(a) Each operator shall determine and perform, consistent with generally accepted engineering practice, the periodic inspections or tests needed to meet the applicable requirements of this subpart and to verify that components meet the maintenance standards prescribed by this subpart.

(b) Each operator shall follow one or more manuals of written procedures for the maintenance of each component, including any required corrosion control. The procedures must include—

(1) The details of the inspections or tests determined under paragraph (a) of this section and their frequency of performance; and

(2) A description of other actions necessary to maintain the LNG plant in accordance with the requirements of this subpart and § 193.2805.

§ 193.2607 Foreign material.

(a) The presence of foreign material, contaminants, or ice shall be avoided or controlled to maintain the operational safety of each component.

(b) LNG plant grounds must be free from rubbish, debris, and other material which present a fire hazard. Grass areas on the LNG plant grounds must be maintained in a manner that does not present a fire hazard.

§ 193.2609 Support systems.

Each support system or foundation of each component must be inspected for any detrimental change that could impair support.

§ 193.2611 Fire protection.

(a) Maintenance activities on fire control equipment must be scheduled so that a minimum of equipment is taken out of service at any one time and is returned to service in a reasonable period of time.

(b) Access routes for movement of fire control equipment within each LNG plant must be maintained to reasonably provide for use in all weather conditions.

§ 193.2613 Auxiliary power sources.

Each auxiliary power source must be tested monthly to check its operational capability and tested annually for capacity. The capacity test must take into account the power needed to start up and simultaneously operate equipment that would have to be served by that power source in an emergency.

§ 193.2615 Isolating and purging.

(a) Before personnel begin maintenance activities on components handling flammable fluids which are isolated for maintenance, the component must be purged in accordance with a procedure which meets the requirements of AGA "Purging Principles and Practices," unless the maintenance procedures under § 193.2605 provide that the activity can be safely performed without purging.

(b) If the component or maintenance activity provides an ignition source, a technique in addition to isolation valves (such as removing spool pieces or valves and blank flanging the piping, or double block and bleed valving) must be used to ensure that the work area is free of flammable fluids.

§ 193.2617 Repairs.

(a) Repair work on components must be performed and tested in a manner which—

(1) As far as practicable, complies with the applicable requirements of Subpart D of this part; and

(2) Assures the integrity and operational safety of the component being repaired.

(b) For repairs made while a component is operating, each operator shall include in the maintenance procedures under § 193.2605 appropriate precautions to maintain the safety of personnel and property during repair activities.

§ 193.2619 Control systems.

(a) Each control system must be properly adjusted to operate within design limits.

(b) If a control system is out of service for 30 days or more, it must be inspected and tested for operational capability before returning it to service.

(c) Control systems in service, but not normally in operation (such as relief valves and automatic shutdown devices), must be inspected and tested once each calendar year, but with intervals not exceeding 15 months, with the following exceptions:

(1) Control systems used seasonally, such as for liquefaction or vaporization, must be inspected and tested before use each season.

(2) Control systems that are intended for fire protection must be inspected and tested at regular intervals not to exceed 6 months.

(d) Control systems that are normally in operation, such as required by a base load system, must be inspected and tested once each calendar year but with intervals not exceeding 15 months.

(e) Relief valves must be inspected and tested for verification of the valve seat lifting pressure and reseating.

§ 193.2621 Testing transfer hoses.

Hoses used in LNG or flammable refrigerant transfer systems must be—

(a) Tested once each calendar year, but with intervals not exceeding 15 months, to the maximum pump pressure or relief valve setting; and

(b) Visually inspected for damage or defects before each use.

§ 193.2623 Inspecting LNG storage tanks.

Each LNG storage tank must be inspected or tested to verify that each of the following conditions does not impair the structural integrity or safety or the tank:

(a) Foundation and tank movement during normal operation and after a major meteorological or geophysical disturbance.

(b) Inner tank leakage.

(c) Effectiveness of insulation.

(d) Frost heave.

§ 193.2625 Corrosion protection.

(a) Each operator shall determine which metallic components could, unless corrosion is controlled, have their integrity or reliability adversely affected by external, internal, or atmospheric corrosion during their intended service life.

(b) Components whose integrity or reliability could be adversely affected by corrosion must be either—

(1) Protected from corrosion in accordance with §§ 193.2627 thru 193.2635, as applicable; or

(2) Inspected and replaced under a program of scheduled maintenance in accordance with procedures established under § 193.2605.

§ 193.2627 Atmospheric corrosion control.

Each exposed component that is subject to atmospheric corrosive attack must be protected from atmospheric corrosion by—

(a) Material that has been designed and selected to resist the corrosive atmosphere involved; or

(b) Suitable coating or jacketing.

§ 193.2629 External corrosion control; buried or submerged components.

(a) Each buried or submerged component that is subject to external corrosive attack must be protected from external corrosion by—

(1) Material that has been designed and selected to resist the corrosive environment involved; or

(2) The following means:

(i) An external protective coating designed and installed to prevent corrosion attack and to meet the requirements of § 192.461 of this chapter; and

(ii) A cathodic protection system designed to protect components in their entirety in accordance with the requirements of § 192.463 of this chapter and placed in operation before October 23, 1981, or within 1 year after the component is constructed or installed, whichever is earlier.

(b) Where cathodic protection is applied, components that are electrically interconnected must be protected as a unit.

§ 193.2631 Internal corrosion control.

Each component that is subject to internal corrosive attack must be protected from internal corrosion by—

(a) Material that has been designed and selected to resist the corrosive fluid involved; or

(b) Suitable coating, inhibitor, or other means.

§ 193.2633 Interference currents.

(a) Each component that is subject to electrical current interference must be protected by a continuing program to minimize the detrimental effects of currents.

(b) Each cathodic protection system must be designed and installed so as to minimize any adverse effects it might cause to adjacent metal components.

(c) Each impressed current power source must be installed and maintained to prevent adverse interference with communications and control systems.

§ 193.2635 Monitoring corrosion control.

Corrosion protection provided as required by this subpart must be periodically monitored to give early recognition of ineffective corrosion protection, including the following, as applicable:

(a) Each buried or submerged component under cathodic protection must be tested at least once each calendar year, but with intervals not exceeding 15 months, to determine whether the cathodic protection meets the requirements of § 192.463 of this Chapter.

(b) Each cathodic protection rectifier or other impressed current power source must be inspected at least 6 times each calendar year, but with intervals not exceeding 2½ months, to ensure that it is operating properly.

(c) Each reverse current switch, each diode, and each interference bond whose failure would jeopardize component protection must be electrically checked for proper performance at least 6 times each calendar year, but with intervals not exceeding 2½ months. Each other interference bond must be checked at least once each calendar year, but with intervals not exceeding 15 months.

(d) Each component that is protected from atmospheric corrosion must be inspected at intervals not exceeding 3 years.

(e) If a component is protected from internal corrosion, monitoring devices designed to detect internal corrosion, such as coupons or probes, must be located where corrosion is most likely to occur. However, monitoring is not required for corrosion resistant materials if the operator can demonstrate that the component will not be adversely affected by internal corrosion during its service life. Internal corrosion control monitoring devices must be checked at least two times each calendar year, but with intervals not exceeding 7½ months.

§ 193.2637 Remedial measures.

Prompt corrective or remedial action must be taken whenever an operator learns by inspection or otherwise that atmospheric, external, or internal corrosion is not controlled as required by this subpart.

§ 193.2639 Maintenance records.

(a) Each operator shall keep a record at each LNG plant of the date and type of each maintenance activity performed on each component to meet the requirements of this subpart, including periodic tests and inspections, for a period of not less than five years.

(b) Each operator shall maintain records or maps to show the location of cathodically protected components, neighboring structures bonded to the cathodic protection system, and corrosion protection equipment.

(c) Each of the following records must be retained for as long as the LNG facility remains in service:

(1) Each record or map required by paragraph (b) of this section.

(2) Records of each test, survey, or inspection required by this subpart in sufficient detail to demonstrate the adequacy of corrosion control measures.

Subpart I—Fire Protection

§ 193.2801 Scope.

This subpart prescribes requirements for fire prevention and fire control at LNG plants other than waterfront LNG plants.

§ 193.2803 General.

Each operator shall use sound fire protection engineering principles to minimize the occurrence and consequences of fire.

§ 193.2805 Fire prevention plan.

(a) Each operator shall determine—

(1) Those potential sources of ignition located inside and adjacent to the LNG plant which could cause fires that affect the safety of the plant; and

(2) Those areas, as described in Section 500–4 of MFPA–70, where the potential exists for the presence of flammable fluids in an LNG plant. Determinations made under this paragraph must be kept current.

(b) With respect to areas determined under paragraph (a)(2) of this section, each operator shall include in the operating and maintenance procedures under § 193.2503 and § 193.2605, as appropriate, steps necessary to minimize—

(1) The leakage or release of flammable fluids; and

(2) The possibility of flammable fluids being ignited by sources identified under paragraph (a)(1) of this section.

§ 193.2807 Smoking.

(a)(1) Smoking is prohibited at an LNG plant in areas identified under § 193.2805(a)(2).

(2) Smoking is permitted only in such locations that the operator designates as a smoking area.

(b) Signs marked with the words "smoking permitted" must be dispayed in prominent places in each smoking

area designated under paragraph (a) of this section.

(c) Signs marked with the words "NO SMOKING" must be displayed in prominent places in areas where smoking is prohibited.

§ 193.2809 Open fires.

(a) No open fires are permitted at an LNG plant, except at flare stacks and at times and places designated by the operator.

(b) Whenever an open fire is designated, there must be at the site of the fire—

(1) Trained fire fighting personnel; and

(2) Fire control equipment which has the capability of extinguishing the fire.

(c) The fire fighting personnel and equipment must remain at the fire site until the fire is extinguishd and there is no possibility of reignition.

§ 193.2811 Hotwork.

Welding, flame cutting, and similar operations are prohibited, except at times and places that the operator designates in writing as safe and when constantly supervised in accordance with NFPA-51B.

§ 193.2813 Storage of flammable fluids.

Flammable fluids may not be stored in areas where ignition sources are present, unless stored in accordance with the requirements of Chapter 4 of NFPA 30.

§ 193.2815 Motorized equipment.

Use of motor vehicles and other motorized equipment which constitute potential ignition sources is prohibited in an impounding space, in areas within 15 m (49.2 ft) of a storage tank, and in areas within 15 m (49.2 ft) of processing equipment containing a flammable fluid except—

(a) At times the operator designates in writing as safe; and

(b) When the motorized equipment is constantly attended.

§ 193.2817 Fire equipment.

(a) Each operator shall determine: (1) the types and sizes of fires that may reasonably be expected to occur within and adjacent to each LNG plant that could affect the safety of components; and (2) The foreseeable consequences of these fires, including the failure of components or buildings due to heat exposure.

(b) Each operator shall provide and maintain fire control equipment and supplies in accordance with the applicable requirements of NFPA 59A to protect or cool components that could fail due to heat exposure from fires determined under paragraph (a) of this section and either worsen an emergency or endanger persons or property located outside the plant. Protection or cooling must be provided for as long as the heat exposure exists. The fire control equipment and supplies must include the following:

(1) Portable fire extinguishers suitable for types of fires identified under paragraph (a) of this section; and

(2) If the total inventory of LNG is 265 m^3 (70,000 gal.) or more, a water supply and associated delivery system.

(c) Each operator shall determine the type, size, quantity and location of the fire control equipment and supplies required under paragraph (b) of this section.

(d) Each operator shall provide each facility person who may be endangered by exposure to fire or the products of combustion in performing fire control duties protective clothing and equipment, including, if necessary, a self-contained breathing apparatus.

(e) Portable fire control equipment, protective clothing and equipment for personnel use, controls for fixed fire control equipment, and fire control supplies must be conspicuously located, marked for easy recognition, and readily available for use.

(f) Fire control equipment must have operating instructions. Instructions must be attached to portable equipment and placed at the location of controls for fixed equipment.

§ 193.2819 Gas detection.

(a) All areas determined under § 193.2805(a)(2) in which a hazard to persons or property could exist must be continuously monitored for the presence of flammable gases and vapors with fixed flammable gas detection systems provided and maintained according to the applicable requirements of NFPA 59A.

(b) Each fixed flammable gas detection system must be provided with audible and visible alarms located at an attended control room or control station, and an audible alarm in the area of gas detection.

(c) Flammable gas detection alarms must be set to activate at not more than 25 percent of the lower flammable limit of the gas or vapor being monitored.

(d) Gas detection systems must be installed so that they can be readily tested as required by NFPA 59A.

(e) A minimum of two portable flammable gas detectors capable of measuring the lower flammable limit must be available at the LNG plant for use at all times.

(f) All enclosed buildings located on an LNG plant must be continuously monitored for the presence of flammable gases and vapors with a fixed flammable gas detection system that provides a visible or audible alarm outside the enclosed building. The systems must be provided and maintained according to the applicable requirements of NFPA 59A.

§ 193.2821 Fire detection.

(a) Fire detectors that continuously monitor for the presence of either flame, heat, or products of combustion must be provided in all areas determined under § 193.2805(a)(2) in which a hazard to persons or property could exist and in all other areas that are used for the storage of flammable or combustible material.

(b) Each fire detection system must be provided with audible and visible alarms located at an attended control room or control station, and an audible alarm in the area of fire detection. The systems must be provided and maintained according to the applicable requirements of NFPA 59A.

Subpart J—Security

§ 193.2901 Scope.

This subpart prescribes requirements for security at LNG plants other than waterfront LNG plants.

§ 193.2903 Security procedures.

Each operator shall prepare and follow one or more manuals of written procedures to provide security for each LNG plant. The procedures must be available at the plant in accordance with § 193.2017 and include at least:

(a) A description and schedule of security inspections and patrols performed in accordance with § 193.2913;

(b) A list of security personnel positions or responsibilities utilized at the LNG plant;

(c) A brief description of the duties associated with each security personnel position or responsibility;

(d) Instructions for actions to be taken, including notification of other appropriate plant personnel and law enforcement officials, when there is any indication of an actual or attempted breach of security;

(e) Methods for determining which persons are allowed access to the LNG plant;

(f) Positive identification of all persons entering the plant and on the plant, including methods at least as effective as picture badges; and

(g) Liaison with local law enforcement officials to keep them informed about current security procedures under this section.

§ 193.2905 Protective enclosures.

(a) The following facilities must be surrounded by a protective enclosure:

(1) Storage tanks;

(2) Impounding systems;

(3) Vapor barriers;

(4) Cargo transfer systems;

(5) Process, liquefaction, and vaporization equipment;

(6) Control rooms and stations;

(7) Control systems;

(8) Fire control equipment;

(9) Security communications systems; and

(10) Alternative power sources.

The protective enclosure may be one or more separate enclosures surrounding a single facility or multiple facilities.

(b) Ground elevations outside a protective enclosure must be graded in a manner that does not impair the effectiveness of the enclosure.

(c) Protective enclosures may not be located near features outside of the facility, such as trees, poles, or buildings, which could be used to breach the security.

(d) At least two accesses must be provided in each protective enclosure and be located to minimize the escape distance in the event of emergency.

(e) Each access must be locked unless it is continuously guarded. During normal operations, an access may be unlocked only by persons designated in writing by the operator. During an emergency, a means must be readily available to all facility personnel within the protective enclosure to open each access.

§ 193.2907 Protective enclosure construction.

(a) Each protective enclosure must have sufficient strength and configuration to obstruct unauthorized access to the facilities enclosed.

(b) Protective enclosures must be fences or walls constructed as follows:

(1) Fences must be chainlink security fences constructed of No. 11 American wire gauge or heavier metal wire.

(2) Walls must be vertical and constructed of stone, brick, cinder block, concrete, steel or comparable materials.

(3) Protective enclosures must be topped by three or more strands of barbed wire or similar materials on brackets angled outward between 30° and 45° from the vertical, with a height of at least 2.4m (8 ft.) including approximately one foot of barbed topping.

(4) Openings in or under protective enclosures must be secured by grates, doors or covers of construction and fastening of sufficient strength such that the integrity of the protective enclosure is not reduced by any opening.

(c) Paragraphs (b)(1) thru (b)(3) of the section do not apply to protective enclosures constructed before October 23, 1980.

(1) Are made of noncombustible materials;

(2) Are at least 2.1m (7 ft.) in height including approximately one foot of barbed or similar topping; and

(3) Have served to protect the LNG plant without having been breached during their history of service.

§ 193.2909 Security communications.

A means must be provided for:

(a) Prompt communications between personnel having supervisory security duties and law enforcement officials; and

(b) Direct communications between all on-duty personnel having security duties and all control rooms and control stations.

§ 193.2911 Security lighting.

Where security warning systems are not provided for security monitoring under § 193.2913, the area around the facilities listed under § 193.2905(a) and each protective enclosure must be illuminated with a minimum in service lighting intensity of not less than 2.2 lux (0.2 ft^c) between sunset and sunrise.

§ 193.2913 Security monitoring.

Each protective enclosure and the area around each facility listed in § 193.2905(a) must be monitored for the presence of unauthorized persons. Monitoring must be by visual observation in accordance with the schedule in the security procedures under § 193.2903(a) or by security warning systems that continuously transmit data to an attended location. At an LNG plant with less than 40,000 m^3 (250,000 bbl) of storage capacity, only the protective enclosure must be monitored.

§ 193.2915 Alternative power sources.

An alternative source of power that meets the requirements of § 193.2445 must be provided for security lighting and security monitoring and warning systems required under §§ 193.2911 and 193.2913.

§ 193.2917 Warning signs.

(a) Warning signs must be conspicuously placed along each protective enclosure at intervals so that at least one sign is recognizable at night from a distance of 39m (100 ft.) from any way that could reasonably be used to approach the enclosure.

(b) Signs must be marked with at least the following on a background of sharply contrasting color:

The words "NO TRESPASSING," or words of comparable meaning.

10. Appendix A to Part 193 is amended by adding new material incorporated by reference as set forth below.

Appendix A to Part 193—Incorporation by Reference

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II. *Documents Incorporated by Reference.*

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B. American Gas Association (AGA)

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2. Purging Principles and Practice (1975 edition).

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G. National Fire Protection Association (NFPA)

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2. NFPA No. 59A, Storage and Handling of LNG (1972 edition for § 193.2005(c), otherwise 1979 edition).

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4. NFPA No. 30, Flammable Liquids (1977 edition).

5. NFPA No. 51 B, Cutting and Welding Processes (1977 edition).

11. Section § 193.2013(c) is revised to read as follows:

§ 193.2013 Incorporation by reference.

* * * * *

(c) Incorporated by reference provisions approved by the Director of the Federal Register.

(49 U.S.C. 1674 (a); 49 CFR 1.53 and Appendix A to Part 1)

Issued in Washington, D.C., on October 17, 1980.

L. D. Santman,

Director, Materials Transportation Bureau.

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Part IV

Department of Transportation

Urban Mass Transportation Administration

Urban Initiatives Program; Proposed Requirements and Guidelines

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

49 CFR Part 654

[Docket No. 80-W]

Urban Initiatives Program

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Urban Mass Transportation Administration (UMTA) is proposing regulations governing its Urban Initiatives Program. The Urban Initiatives Program provides funding for mass transportation projects that enhance urban development. The regulations would codify and clarify existing requirements and guidelines concerning the program.

DATE: Comments must be received by: December 8, 1980.

ADDRESS: Comments must be submitted to UMTA Docket No. 80-W, 400 7th Street, S.W., Washington, D.C. 20590. All comments and suggestions received will be available for examination in Room 9320 at the above address between 8:30 a.m. and 5:00 p.m., Monday through Friday. Receipt of comments will be acknowledged by UMTA if a self-addressed stamped postcard is included with each comment.

FOR FURTHER INFORMATION CONTACT: Casimir Bonkowski, Office of Grants Assistance (202) 472-7037.

SUPPLEMENTARY INFORMATION: All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. Comments received after the expiration of the comment period will be considered to the extent feasible. The Administrator has determined that this regulation is not a significant regulation under the criteria in the DOT Order for Improving Government Regulations (44 FR 11042, February 26, 1979).

Under the DOT Order, a full evaluation is not warranted because the expected economic impact of the regulation is minimal. The proposed regulation is a codification and clarification of existing requirements.

The provisions of OMB Circular A-95 apply to this Final Rule. It covers the following program as listed in the Catalog of Federal Domestic Assistance (CFDA):

20:500 Urban Mass Transportation Capital Grants

The guidelines and requirements for the Urban Initiatives Program were published in the Notice section of the **Federal Register** on April 10, 1979 (44 FR 21580) and interested parties were invited to submit comments. Comments on the Urban Initiatives Guidelines were generally favorable, or requested clarification as to specific interpretations of the elements of the selection criteria. All comments have been considered. The proposal would codify the requirements for clarity and for easier use by affected parties. Most comments related to elements which are already eligible for funding under existing UMTA programs. As these elements are already eligible for UMTA funding they are not specifically enumerated in the regulations. These included requests for specific references to funding environmental analysis, elevated pedestrian connections, bicycle facilities, and the cost of historic preservation through rehabilitation and renovation of facilities. During the comment period, UMTA will consider applications for Urban Initiatives grants on a case-by-case basis utilizing the proposed regulations as guidance.

Background

On March 27, 1978, the President announced his Urban Policy which consists of a comprehensive set of policy statements to guide Federal actions for urban America. On February 15, 1979, the Secretary of Transportation announced that UMTA would administer an Urban Initiatives Program which follows the guidelines established by the President's Policy.

The Urban Mass Transportation Administration will carry out the mass transit component of the Urban Policy through an Urban Initiatives Program, authority for which is provided in Section 3(a)(1)(D) of the Urban Mass Transportation Act of 1964, as amended (the Act) (This section was amended by Section 302(a) of the Surface Transportation Assistance Act of 1978). This section authorizes the financing of "transportation projects which enhance the effectiveness of any mass transportation project and are physically or functionally related to such mass transportation project or which create new or enhanced coordination between public transportation and other forms of transportation, either of which enhance urban economic development or incorporate private investment including commercial and residential development."

The Act further identifies activities eligible for funding by specifying that "the term 'eligible costs' includes property acquisition, demolition of existing structures, site preparation utilities, building foundations, walkways, open space, and the acquisition, construction, and improvement of facilities and equipment for intermodal transfer facilities and transit malls, but does not include the construction of commercial revenue producing facilities, whether publicly or privately owned, or those portions of public facilities not related to mass transportation."

UMTA (through a delegation from the Secretary) is authorized to establish terms, conditions and requirements for assistance, "including requirements for the disposition of net increases in value of real property resulting from the project * * *"

The funding authorization for the Urban Initiatives Program is found in Section 4(c)(1)(B) of the Act, and the Act provides that not more than $200 million is available in each fiscal year for the Program.

Projects which do not contain a significant transit element are not eligible for funding. Projects that provide significant transportation benefits to a community, but cannot qualify under the Urban Initiatives Program, may be eligible for funding through UMTA's basic capital grant programs.

The categories of eligible Urban Initiatives projects, set out in Subpart B, emphasize those aspects which will clearly establish compliance with the President's Urban Policy Program Objectives (set out in Appendix A).

In regard to funding phased projects, one portion of which UMTA has already approved, new unfunded elements of these projects which distinctly contribute to the objectives of the President's Urban Policy are eligible for consideration.

Joint development projects are considered transportation projects. District transit elements which are eligible for traditional UMTA capital funding should be funded through normal transit assistance programs. The Urban Initiatives Program will strive to concentrate its funds on those items covered by Section 3(a)(1)(D) of the Urban Mass Transportation Act which are not eligible under other UMTA funding sources.

Changes to Existing Guidelines

The following changes have been made as result of comments and experience with implementation of the program:

1. Employment opportunities for the structurally unemployed are stressed, and employment plans are now required for projects which create permanent new jobs.

2. Increased coordination is required between public and private carriers in developing intermodal terminals.

3. Increased emphasis is placed in the transit component of malls. General access by private automobiles other than emergency vehicles must be restricted, or strictly limited to vehicles engaged in public transportation. The type of public transportation vehicles to be allowed to utilize the transit mall is a local decision determined by local priorities and the vehicular capacity of the mall. Public transportation vehicles may include shared ride taxis, paratransit vehicles or other high occupancy vehicles whose use provides increased mass transit service.

4. UMTA participation in projects containing a parking element will be considered on a case-by-case basis. Applicants are expected to have established that other funding sources are not available to fund parking elements before applying to UMTA. Preference will be given to proposals which do not contain a substantial parking element.

5. Increased emphasis is placed on the use of Federal Aid Urban Systems funds to finance elements of projects.

6. Increased emphasis is placed on local transit directly benefitting from the disposition of proceeds realized from the sale or lease of property or other items acquired or improved by the UMTA investment.

7. Special consideration will be given to projects which include significant participation by State governments and their agencies.

8. Letters of No Prejudice will not be issued during the preapplication phase of the project selection process.

9. Emphasis is placed on funding smaller projects of less than $5 million, and on ensuring a representative geographic balance in selecting projects.

10. Greater emphasis is placed on generating economic development and/or private sector investment participation in the project.

Discussion of Specific Requirements

Section 654.15(b) requires operators to notify private carriers concerning intermodal transfer facilities. The intent of this notification is to determine the private carriers' interest in physically collocating services or facilities.

In regard to using the proceeds of the investment for operating expenses, (§ 654.31) the regulations authorize only funds which exceed the amount of the UMTA share to be used for capital as well as operating expenses. If the sale or lease proceeds are less than the project cost, their use is restricted to funding capital expenses. Technically these funds constitute revenue financing and therefore are restricted to a capital use. In addition, it is the intent of the Urban Initiatives Program to enhance the economic viability of transit by improving its capital plant, or by generating additional revenue producing economic development. This can best be accomplished by directing proceeds to finance capital projects.

In order to achieve the objectives of the Urban Initiatives Program three sets of criteria have been established. First, the projects will be evaluated to determine the extent to which they meet the objectives of the President's Urban Policy. Second, in assessing the project's eligibility, special preference will be given to those projects which meet certain special criteria (set out in Subpart D). Third, each project must satisfy standard UMTA Section 3 grant requirements.

UMTA and the Employment and Training Administration (ETA) of the Department of Labor (DOL) entered into an agreement on November 20, 1979, (See Appendix B) to maximize the degree to which a project will directly provide new permanent jobs for the long-term unemployed. UMTA has established an employment goal for the Urban Initiatives Program that must be adhered to by all affected applicants. For those projects that create new permanent jobs, the goal is the reservation of 10–15 percent of those jobs for long term unemployed persons eligible to obtain assistance under the Comprehensive Employment and Training Act (CETA).

UMTA has not identified a strict ratio of private to public investment to be used as a minimum threshold or for comparative purposes. The prevailing urban, economic, and development climate require case-by-case evaluation. It is expected, however, that Joint Development projects will directly incorporate higher proportions of private investments than other types of Urban Initiatives projects. Ideally, UMTA will be looking for projects which generate substantially more private commitment than the total Federal money requested.

Consideration will be given to the existing physical environment, financial climate, and the relationship to local development activities in evaluating the amount of private investment being leveraged. Applicants are encouraged to secure the highest/optimum ratio for the project.

The discussion of application procedures has been expanded and clarified to solicit specific and general information as part of the preapplication phase in order to ensure sufficient documentation to evaluate the project adequately. A schedule has been developed for submitting preapplication materials and for UMTA issuing notices of eligibility, fund reservation and grant award. UMTA activities relative to project review, selection and grant award are set out in Appendix D.

In consideration of the foregoing, it is proposed that a new Part 654 be added to Title 49 of the Code of Federal Regulations to read as follows:

PART 654—URBAN INITIATIVES PROGRAM

Subpart A—General

Sec.

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654.3 Funding.
654.5 Project scope and feasibility.

Subpart B—Eligible Project Categories

654.11 General requirements.

Intermodal Transfer Facilities

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654.15 Requirements: Intermodal transfer facilities.
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Sec.

654.19 Types of malls.
654.21 Requirements: Transit malls.
654.23 Eligible projects costs: Transit malls.

Joint Development Projects

654.25 Types of projects.
654.27 Requirements: Joint development projects.
654.29 Eligible project costs: Joint development project.
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Subpart C—Criteria for Meeting Policy Objectives

654.41 General.
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654.51 Development: Business opportunities for small and minority businesses.
654.53 Development: Enhancement of the immediate physical environment around the project.
654.55 Development: Coordination.

Subpart D—Special Considerations

654.61 Establishing priorities.

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Appendix A—Policy Objectives
Appendix B— Interagency Agreement Between the Urban Mass Transportation Administration of the Department of Transportation and the Employment and Training Administration of the Department of Labor

Appendix C—Timing and Degree of Public and Private Commitments for Joint Development Projects
Appendix D—Project Application Review and Selection Process.

Authority: 49 U.S.C. 1602(a)(1)(D) and 1603(c)(1)(B): 49 CFR 1.51.

Subpart A—General

§ 654.1 Eligible recipients.

(a) A public agency which is eligible for UMTA capital assistance is eligible for Urban Initiatives grants. These public agencies include transit authorities, local governments, States, agencies of States, and quasi-public development corporations.

(b) Eligible public bodies may pass through funds to a quasi-public development corporations to manage projects.

(c) Applicants other than transit authorities or State and local governments must provide evidence of their financial and managerial ability to ensure continued operation of the transportation components of an Urban Initiatives project over the life of the project in order to be an eligible recipient.

§ 654.3 Funding.

(a) In reviewing funding sources for potential Urban Initiatives projects, every effort should be made to match each available funding source with the most appropriate project elements, based on various eligible cost requirements and restrictions.

(b) Project components such as traffic diverters and barriers, pedestrian malls, sidewalks and walkways, bicycle paths, and street landscaping and furniture independent of a transit mall or terminal, should be funded from DOT's Federal Highway Administration Federal Aid Urban Systems funds to the maximum extent feasible rather than as Urban Initiatives projects.

(c) Parking components of a project will be considered for funding by UMTA on a case-by-case basis, and only after the applicant has established that there is no local, state or other Federal funding source available.

(d) The applicant shall develop a project implementation schedule for financial participation.

§ 654.5 Project scope and feasibility.

(a) Each applicant shall perform sufficient feasibility analysis in the planning phase of Urban Initiatives project development to provide a minimum level of technical data with which UMTA may evaluate the project. Funds for technical assistance are available from the UMTA Section 8 Technical Studies Program through local Metropolitan Planning Organizations.

(b) In developing projects, applicants are encouraged to undertake sufficient environmental analysis and engineering to enable UMTA to establish the project scope.

Subpart B—Eligible Project Categories

§ 654.11 General requirements.

(a) To qualify for consideration under the funding authorization of the Urban Initiatives Program, a project must extend beyond the scope of traditional transit improvements to clearly demonstrate a significant degree of impact on the urban physical and economic environment, including increased private investment, enhanced interagency coordination and the support of social goals including increased employment opportunities and accessibility for disadvantaged groups.

(b) Projects which do not contain a significant transit element are not eligible for funding under the Urban Initiatives Program.

(c) The acquisition of vehicles is not an eligible Urban Initiatives activity.

(d) There are three categories of eligible projects: Intermodal terminals, transit malls and joint development.

Intermodal Transfer Facilities

§ 654.13 Types of facilities.

Intermodal transfer facilities that are eligible for funding under the Urban Initiatives Program include the construction and improvement of facilities which provide for the integration of urban public transportation systems with other forms of public and private transportation services such as intercity bus and rail systems, and taxis, which enhance the effectiveness of mass transit and facilitate coordination among modes.

§ 654.15 Requirements: Intermodal transfer facilities.

(a) UMTA will not participate in the construction of an intermodal terminal unless the space and service needs of the local mass transportation constitute a reasonable component of the project.

(b) Project sponsors must notify private carriers operating within the area of the project of their intent to apply for Urban Initiatives funds for construction or reconstruction of an intermodal facility.

(c) If an intermodal terminal is to provide space for private carriers, the preapplication data must contain letters of interest committing the carriers to use of the facility providing that acceptable accommodations and rents are negotiated.

(d) Prior to award of construction funds, the applicant must secure a lease agreement from private carriers committing them to long term use of the facility.

(e) The intermodal facility must be the property of a public body.

(f) The net proceeds from rental payments or other reimbursements in excess of operating and maintenance expenses must be used to offset eligible local mass transit capital expenses.

(g) Proceeds realized from lease or sale payments may not be used to reduce local debt service payments, or otherwise reduce local share requirements without a commensurate reduction in the Federal share.

§ 654.17 Eligible projects costs: Intermodal transfer facilities.

(a) Eligible project costs for intermodal transfer facilities include, but are not limited to, the following:

(1) Design and engineering tasks.

(2) Acquisition of real property, facilities, and equipment.

(3) Roadbeds, tracks, and bus ramps.

(4) Pedestrian concourses, and related equipment and facilities.

(5) Loading shelters.

(6) Improvements of existing bus or rail transit terminals, stations, major transfer points, and shelters as well as other facilities directly related to the linking of public transportation facilities with other modes of transportation.

(7) Incidental parking. A small number of spaces may be provided. The number is limited to the amount required to reasonably accommodate the needs of intermodal facility patrons and employees who are not within the transit service area of any public transportation provider including shared-ride taxis. It must be demonstrated that parking cannot be financed from other sources.

(b) Urban Initiatives funds my only be used to finance the engineering and construction of non-revenue producing elements. Funds may not be used for restaurants, major concessions, package storage and delivery facilities, and other revenue producing facilities not directly required for the transport of passengers.

Transit Malls

§ 654.19 Types of malls.

Transit malls eligible for funding under the Urban Initiatives Programs are those on streets which—

(a) Have been improved for pedestrian use; and

(b) Retain a roadway reserved for public transportation vehicles integrated

with the city-wide, or regional transportation system.

§ 654.21 Requirements: Transit malls.

(a) The type of public transportation vehicles to be allowed to utilize the transit mall is a local decision determined by local priorities and the vehicular capacity of the mall. Public transportation vehicles may include, but are not restricted to, shared ride taxis, paratransit vehicles, or other high occupancy vehicles whose use provides increased mass transit service. General access by private vehicles, other than public transportation and emergency vehicles, must be restricted to those periods where they do not adversely affect peak period transit travel time.

(b) Preferential signalization to facilitate bus movements must be incorporated within the mall design whenever appropriate.

(c) Parking is not an eligible item in a transit mall project.

§ 654.23 Eligible project costs: Transit malls.

Eligible project costs for transit malls include, but are not limited to the following:

(a) Design and engineering.

(b) Mall construction activities such as surveying, utility relocation (to the extent that the utility is not responsible for such costs), materials testing, and construction management.

(c) Street, sidewalk and utility construction.

(d) Traffic control devices.

(e) Street furniture and structures.

(f) Landscaping.

(g) Pedestrian concourses and walkways and other passenger and pedestrian amenities.

Joint Development Projects

§ 654.25 Types of projects.

Joint development projects that are eligible for funding under the Urban Initiatives Program are commercial, residential, industrial, or mixed use developments that are induced by or enhance the effectiveness of mass transportation projects, including private development activities associated with new rail rapid transit systems, automated systems, improvement and extension of existing rail systems, intermodal transfer facilities, transit malls, and Federal, State or local investments in existing facilities.

§ 654.27 Requirements: Joint development projects.

(a) Each joint development project must—

(1) Include a transit element;

(2) Enhance the effectiveness of a significant mass transportation project;

(3) Be physically or functionally related to the mass transportation project;

(4) Create new or enhanced coordination between public transportation, and other forms of transportation; and

(5) Enhance urban economic development through the incorporation of private investment including office, commercial, or residential development.

(b) A project is physically related to a mass transportation project if it provides a direct physical connection with mass transportation services or facilities, including projects involving air rights over stations or adjacent property.

(c) A project is functionally related to a mass transportation project if it is related by activity and use and is functionally linked (with or without direct physical connection) to mass transportation services or facilities. Functional relationships must not extend beyond the distance most people will reasonably walk to use a transit service. The eligible project area for a functionally related project will be defined on a case-by-case basis.

§ 654.29 Eligible project costs: Joint development project.

(a) Eligible project costs for joint development projects include, but are not limited to, the following:

(1) Site design, engineering, and environmental analysis as appropriate.

(2) Real estate packaging for a specific UMTA capital project including assessment of market potential, preliminary design and engineering, estimates of operating income and expenses, capital costs, and negotiations to secure financing, developers and prime tenants.

(3) Land acquisition, relocation, and demolition.

(4) Foundations and substructure improvements for buildings over transit facilities.

(5) Pedestrian connections and access links between mass transportation services and related development.

(6) Open space, site amenities and related street-scape improvements such as street furniture, lighting and landscaping.

(7) Other facilities and infrastructure investments needed to induce significant private investment and to improve access between new or existing development and mass transportation facilities.

(b) The eligibility of the costs of utility work associated with private investment will be considered on a case-by-case basis. UMTA will not pay for the costs of utility work that are attributable to non-UMTA project purposes unless—

(1) The utility serves a joint private and transit use; or

(2) The utility lines will be located under a collocated street or sidewalk or within other common elements so that it would benefit the project to provide adequate capacity at the outset of the project.

(c) Front end and permanent financing costs related to the design and construction of retail, commercial, housing or other public and private revenue producing facilities are not eligible joint development costs.

(d) UMTA participation in joint development projects containing a parking element will be considered on a case-by-case basis.

(e) In developing proposals which contain a parking element, the applicant must demonstrate that—

(1) The provision of parking is strictly required for the success of the project;

(2) The proposal will increase public transportation patronage;

(3) Trips to the project site cannot be adequately accommodated by use of existing or reasonably upgraded transit service;

(4) The amount of parking in the proposal conforms to an approved local parking plan;

(5) The local political jurisdiction has undertaken steps to upgrade area transit service, operator efficiency, visibility or accessibility, which when completed, will serve to reduce the public's dependency on private automobiles; and

(6) Parking areas will be monitored to ensure that spaces are used by employees or patrons of the project rather than to supplement municipal parking.

(7) All other possible sources of financing have been exhausted, including other federal agencies, revenue bonds, and state and local agencies. UMTA is the source of funding for parking only as a matter of last resort.

(8) In cases where UMTA finances land acquisition or infra structive improvements in support of a private or otherwise non UMTA funded parking facility, local transit must participate in any disposition of proceeds arrangements (see § 654.31).

(9) In cases where UMTA finances the construction of a parking facility, the project sponsor can ensure that

(i) A fair and competitive parking fee is charged,

(ii) The net revenues realized from the accrual of parking receipts are to be used to offset transit system operating expenses (consistent with UMTA Circular 9050.1, Application Instructions

for Section 5 Operating Assistance Projects), and

(iii) The proportion of the structure and number of spaces financed are necessary to the proper functioning of the mass transportation facility.

(iv) The applicant must provide all necessary documentation regarding the provision and justification for UMTA participation in projects with parking elements.

§ 654.31 Participation in proceeds derived from UMTA investment.

(a) Each grantee must negotiate a fair and equitable return of the benefits to be generated as a result of the UMTA investment.

(b) Local mass transit must benefit from revenues accruing as a result of UMTA financial participation in a project.

(c) Project sponsors must retain for transit related use proceeds and profits realized in connection with UMTA participation in joint development projects.

(d) Proceeds and profits may include returns generated from, but not limited to, sale or lease of property, mortgage proceeds, or returns stemming from local agency participation in the distribution of project revenues.

(e) Local mass transit's participation in proceeds will reflect the percentage of the UMTA investment in relation to that of other participating public agencies.

(f) If property is sold, the entire proceeds of the sale up to the amount of the combined UMTA and local investment must be applied to finance other existing or proposed capital project elements that would be eligible fo assistance under Section 3 of the UMT Act, or the proceeds may be returned to UMTA to reduce the amount of the Urban Initiatives grant. These project elements include traditional transit projects, existing Urban Initiatives projects, or new Urban Initiatives projects. Funds from these proceeds may not be used for local share of such federally assisted projects. Should profits result from such a sale, (that is, any amount above the combined UMTA and local share) those profits must be used for the above purposes and may also be used as the local share for other capital or operating projects. The grantee must obtain UMTA concurrence in the disposition of proceeds.

(g) If property is leased, or if any payments are made to the grantee or the public agency in consideration for the use of the property, the entire proceeds of the lease, as well as the proceeds from local agency participation in the distribution of project revenues, up to the amount of the appraised value of the leased property must be applied to capital project elements eligible for assistance under Section 3 of the UMT Act or the proceeds may be returned to UMTA to reduce the amount of the Urban Initiatives grant. These projects elements include traditional transit projects, existing Urban Initiatives projects or new Urban Initiatives projects. UMTA will approve the appraised value in accordance with the procedures set forth in UMTA Circular 4530.1 "Land Acquisition and Relocation Assistance Manual". Any additional proceeds from the lease beyond the approved appraised value must be used for the above purposes or as the local share for other capital or operating projects. The grantee must obtain UMTA concurrence in the disposition of lease proceeds.

(h) Agreements which transfer title or control of land or facilities acquired as part of the UMTA project must contain provisions which—

(1) Extend the requirements of the UMTA grant contract;

(2) Ensure that the grantee retains continuing control of the mass transportation project; and

(3) Assures that transit participates in the disposition of proceeds in the manner established in the grant contract.

Subpart C—Criteria for Meeting Policy Objectives

§ 654.41 General.

(a) Applicants for grants to assist in funding projects under the Urban Initiatives Program must demonstrate how the proposed project will meet the objectives of the President's Urban Policy Statement (the President's Policy Objectives are set out in Appendix A).

(b) The criteria that an applicant must follow in meeting the Objectives are set out in this Subpart.

§ 654.43 Transit.

(a) Projects must demonstrate a positive impact on transit patronage and quality of service. A project demonstrates a positive transit impact if it—

(1) Improves accessibility and equity of service for elderly, handicapped and minority communities;

(2) Increases system security and attractiveness;

(3) Makes improvements allowing for more efficient use and operation of service and facilities; or

(4) Increases public transportation access to employment, social, educational, health, recreational, and residential areas.

(b) The applicant must provide both general and specific information as appropriate on the project's transit impact including such factors as transit patronage, operational efficiency, increased service, projected changes in revenues/deficit, accessibility and security.

(c) Each proposal must include a description of any related changes in transit operations which, though not part of a specific project, will increase public access and facilitate circulation (i.e., headways, increased service, and special demonstrations).

(d) The project sponsor, if other than the local transit provider, must provide documentation that the transit provider participated in the development of the proposal, and identify the proposal's relative priority within the transit provider's Transportation Improvement Program.

§ 654.45 Socio-economic: Employment.

(a) For projects that create new permanent jobs, each applicant shall set a goal of reserving 10–15 percent of the jobs for long term unemployed persons eligible to obtain assistance under the Comprehensive Employment and Training Act (CETA) (29 U.S.C. 801 et. sq.).

(b) Each applicant for a project that creates new permanent jobs shall certify the established goal as a part of project development.

(c) Each applicant for a project that creates new permanent jobs shall develop an employment plan that documents how employment opportunities will be made available.

(d) The employment plan must be submitted prior to grant award or before receipt of construction funds.

(e) The employment plan must include the following elements:

(1) The total number, title, and description of jobs to be created.

(2) The goals for the total number, titles and timing of jobs to be made available to the long term unemployed.

(3) The skill requirements for the jobs that are being made available to the long term unemployed.

(4) A description of the activities which are to be undertaken in order to link new employment opportunities, training programs and assistance for CETA eligible individuals (The Linkage Program). This description must include.

(i) The name of the CETA prime sponsor, or other employment and training provider, who is assisting the applicant in developing and implementing the employment plan, including the name of a responsible person, with an address and telephone number.

(ii) An identification of the employment and training programs to be applied in preparing or referring qualified persons to available jobs with an indication of how they will be used and any special conditions required by the employer (i.e., number of referrals per vacancy to be filled, timing of referrals).

(iii) An identification of the roles and responsibilities of the participants in the employment plan (i.e., UMTA applicant, UMTA beneficiary, if different from applicant; employment and training provider; and local agency, if not the applicant).

(iv) The steps to be taken and the schedule for implementing the plan.

(v) The signatures of persons or agencies party to the employment plan, (i.e. UMTA beneficiary, if different from the applicant; employment and training provider; and the economic development agency).

(f) After UMTA approval of the employment plan, each applicant shall provide UMTA with comprehensive quarterly status reports on the plan's implementation.

§ 654.47 Socio-economic: Involvement of neighborhood organizations and voluntary associations.

(a) Each project sponsor shall document the degree to which the project considers established priority needs of the local community, and contributes to local plans.

(b) Each project should have active citizen participation at the planning and development stages. This participation can be satisfied by involvement of neighborhood organizations and voluntary associations.

§ 654.49 Development: Urban economic development/private sector investment.

(a) Each project must enhance urban economic development and/or incorporate or leverage private sector investment.

(b) Each applicant shall provide documentation concerning how public/private financial participation and investment ratios are determined.

§ 654.51 Development: Business opportunities for small and minority businesses.

Each applicant shall indicate the extent to which the project will provide business opportunities for female owned, small, and minority businesses during the construction phase, or the extent to which the project generates opportunities for female, small or minority businesses to participate in spin-off development and business formation generated by the Federal investment.

§ 654.53 Development: Enhancement of the immediate physical environment around the project.

(a) Each project must enhance the immediate physical environment around the project.

(b) Each applicant shall document the extent to which the project is part of larger development plans or projects.

(c) Each applicant shall identify—

(1) Potential secondary development including private as well as public investment;

(2) A timetable for development;

(3) Any interface between the project and future development; and

(4) Changes in the nature of transportation services, accessibility and detailed impacts of broader development plans, parking regulations, auto restrictions, and impacts on air and noise pollution.

(d) Each applicant shall provide specific information as to how and to what degree private investors will financially participate in the project directly, or in related redevelopment in the project area.

(e) Each applicant shall provide information concerning the status of securing a developer's commitment.

(f) Each applicant shall submit pro formas and projected cash flow statements identical to those submitted to financial institutions to secure financing in those cases in which financing has been secured. If financing has not been secured, the applicant shall submit a preliminary pro forma and cash flow statement.

§ 654.55 Development: Coordination.

Each applicant shall submit—

(a) A discussion of the effect of investment on the economic viability of the central city.

(b) A discussion of the consistency of the project with local and State (if appropriate) plans including land use, economic development, employment, and housing;

(c) A discussion of the impacts of the project on central city revenues, accounting for anticipated changes in property, sales and income taxes; and

(d) A discussion of additional public expenditures (if any) which the central city will have to bear as a result of the proposed project and its corresponding development shifts.

Subpart D—Special Consideration

§ 654.61 Establishing priorities.

The extent to which projects meet the criteria set out in Subpart C determines their priority within the Urban Initiatives Program. However, in establishing priorities, special considerations will be given to the following.

(a) Projects with smaller dollar value which provide strong potential for achieving the program's objectives and those which can be fully funded within the budgetary constraints of the program.

(b) Projects which are located in those cities or sections of cities which have been determined to be distressed by the Department of Housing and Urban Development (HUD), Urban Development Action Grant Program (UDAG). Rules and regulations governing the basis for determining a city's economic status are in Subpart G of Part 570 of Title 24 of the Code of Federal Regulations. Cities which are not on the HUD list may still qualify for special consideration if applicants can provide documentation that another Federal agency, i.e., Economic Development Agency (EDA), or Department of Interior, identifies the city or the portion of it which includes the project, as distressed. Applicants shall state if the project is in a distressed city; identify the distress index utilized; and provide the city's (area's) rank standing.

(c) Projects which target UMTA funds cooperatively with HUD, EDA, and other Federal agency resources to maximize the economic development potential of Federal investments. Where appropriate, Urban Initiatives projects should be developed in maximum cooperation with projects planned or committed to by other Federal agencies. The application must include a discussion of the status and anticipated timing of any commitments by other Federal agencies.

(d) Projects which do not contain a substantial parking element, regardless of whether UNTA is requested to participate in such costs.

(e) Projects which contain evidence of significant state financial participation. This includes, but is not limited to, long term lease arrangements for use of facilities; independent financing of integral components of the project, or separate but supporting components; engineering, design and construction of public works improvements in support of the project; commitment of other Federal funds within the control of the State, i.e. interstate substitution, or Federal Aid Urban System funds, to the project; contributed services; and participation in assisting the applicant to meet local share requirements.

(f) Projects which represent a special or unique opportunity to meet local priority needs and which are consistent with the overall objectives of the President's Urban Policy. Applicants

should provide information about features of their proposal, program, neighborhood or community which are considered sufficiently special or unique to justify special consideration.

(g) Projects that meet UMTA's Employment Initiatives goal. In this regard, it is recognized by UMTA that not all projects will result in new permanent job opportunities.

Subpart E—Application Procedures

§ 654.71 Preapplication procedures.

(a) In order to limit the requirements all applicants must address during the initial review process, each applicant shall submit a preapplication in lieu of a full Section 3 discretionary capital grant application package. The preapplication must include the following information:

(1) Standard Form 424.

(2) A brief description of the total project, including a discussion of prospective funding sources.

(3) A separate discussion and budget for the elements to be funded by UMTA stressing the proposal's physical and functional relationship to the project.

(4) Documentation required to support eligibility (as discussed in Subpart B).

(5) Data demonstrating the degree to which the project meets the selection criteria (as discussed in Subpart C).

(6) Employment Initiatives requirements (as discussed in § 654.45).

(7) Data demonstrating how the project addresses the Special Consideration Criteria (as discussed in Subpart D).

(8) Discussion of the project applicant's compliance with regulations dealing with Historic Preservation/Environmental Protection (UMTA Circular 5620.1).

(9) Status of attempts to utilize FHWA Federal Aid Urban Systems (FAUS) funds as well as resources available from HUD, EDA and other Federal agencies to finance components of the project.

(10) Financial pro formas establishing the value of the private investment, and the need for Federal participation are to be submitted for new private sector development proposed as part of the project.

(b) In order to be eligible for consideration during the two selection periods, preapplication data must be submitted to the UMTA Regional Office, prior to September 15 for the December 31 announcement and prior to February 15 for the May 31 announcement.

§ 654.73 Application procedures.

(a) Each applicant shall meet all standard Section 3 discretionary capital grant requirements before a grant can be awarded.

(b) Each applicant shall—

(1) Comply with the following regarding Civil Rights:

(i) UMTA Circular 1160.1 "Guidelines for Title VI Information Specific to UMTA Program", dated December 30, 1977.

(ii) UMTA Circular 1155.1 "UMTA Equal Employment Opportunity Policy and Requirements for Grant Recipients", dated December 30, 1977.

(iii) 49 CFR Part 23, "Participation by Minority Business Enterprise in Department of Transportation Programs".

(iv) 49 CFR Part 27, "Nondiscrimination on the basis of handicap in Federally—Assisted Programs and Activities Receiving or Benefitting from Federal Financial Assistance".

(2) Comply with the provisions of 23 CFR Part 450, Subpart C requiring that proposed projects be incorporated into the Annual Element of the local Transportation Improvement Program (TIP) in order to be considered eligible for funding;

(3) Possess adequate local public and private funds to assure implementation. Anticipated local public and private commitment must be identified in the application;

(4) Develop an Employment Plan;

(5) Sign a labor protection agreement meeting the provision of Section 13(c) of the Urban Mass Transportation Act;

(6) Secure OMB Circular A–95 clearance; and

(7) Provide sufficient data to satisfy UMTA environmental impact and historic perservation requirements.

(c) The Section 3 application with supporting requirements must be completed within 90 days after fund reservation. If it is determined that an applicant cannot meet program requirements by the end of the fiscal year for which the funds are reserved, the reservation will be withdrawn, and funds programmed for another project.

§ 654.75 Post grant activities.

Subsequent to grant award, grantees shall submit quarterly progress reports as to the status of project implementation, and the steps being taken to ensure that the project, when completed, achieves the objectives of the President's Urban Policy.

Appendix A—Policy Objectives

The objectives of the President's Urban Policy Statement are as follows:

1. Encourage and support efforts to improve local planning and management capacity, and the effectiveness of existing Federal programs by coordinating these programs, simplifying planning requirements, reorienting resources, and reducing paperwork.

2. Encourage States to become partners in assisting urban areas.

3. Stimulate greater involvement by neighborhood organizations and voluntary associations.

4. Provide fiscal relief to the most financially hardpressed communities.

5. Provide strong incentives to attract increased private investment in distressed communities.

6. Provide increased employment opportunities, primarily in the private sector, for the long term unemployed and disadvantaged in urban areas.

7. Increase access to opportunities for those disadvantaged by a history of discrimination.

8. Expand and improve social and health services to disadvantaged people in cities, counties, and other communities.

9. Improve the urban physical environment and the cultural and aesthetic aspects of urban life.

Appendix B—Interagency Agreement Between the Urban Mass Transportation Administration of the Department of Transportation and the Employment and Training Administration of the Department of Labor

I. Purpose

In an effort to effectively implement the Interagency Coordinating Council's Employment Initiatives, this agreement specifies the process by which the Employment and Training Administration (ETA) of the Department of Labor (DOL) and the Urban Mass Transportation Administration (UMTA) of the Department of Transportation (DOT) will coordinate their activities to ensure that the maximum feasible number of jobs created by UMTA's Urban Initiatives Program go to the long term unemployed. For purposes of this agreement, "long term unemployed" is defined as persons who are eligible to obtain assistance under the Comprehensive Employment and Training Act (CETA).

II. Scope

In order to accomplish the purpose of this agreement, the provisions set forth herein relate to: (1) Specific employment goals to be established by UMTA with respect to the long term unemployed; (2) operational procedures to be used by UMTA and ETA in achieving these employment goals; (3) reporting and monitoring; and (4) provision for technical assistance and training to facilitate placing long term unemployed in permanent jobs created by federally assisted mass tranportation projects.

III. Employment and Goals

Consistent with the President's national urban policy to stimulate private investments as well as increase employment opportunities in urban areas, the Urban Mass Transportation Administration, in consultation with the Employment and Training Administration, agrees to the following provisions:

(1) As a fiscal 1980 goal, 10–15% of the permanent jobs created by its Urban

Initiatives Program will be filled by the long term unemployed.

(2) By no later than September 1 of each year, in conjunction with the Employment and Training Administration, UMTA will review the current annual employment goal and experience, and establish its goal for the next fiscal year no later than September 20.

IV. Operational Procedures

A. UMTA

To achieve the employment goal that has been established for FY 1980 as well as those of succeeding years, UMTA will institute the following operational procedures relative to the Urban Initiatives Program:

1. *Provide ETA with List of Employment Initiatives Coordinators*—UMTA will provide each ETA Regional administrator with the names, addresses and telephone numbers of the UMTA Employment Initiatives Coordinators in the respective region.

2. *Certification of Intent to Establish Project Employment Goals*—Applicants seeking assistance under UMTA's Urban Initiatives Program will, as a criterion of participation, be expected to make a certification at the preapplication stage (project data sheet submission) that if new, permanent jobs result from such support, 10–15% will be earmarked for CETA eligible persons.

UMTA will review the preapplication data to determine if new permanent jobs will be created as a result of the project. UMTA's Regional Employment Initiatives Coordinator will also notify the relevant ETA Regional Employment Initiatives Coordinator of the project and its estimated employment impacts. The ETA representative will be invited to provide comments as to the viability of projects' employment generating possibilities and their potential impact on local unemployment. ETA comments, when provided, will be incorporated into the preapplication data to be considered during project review and evaluation. UMTA will review the applicant's certification in addition to other project support data in making its determination as to which projects to advance to the final application stage.

3. *Initiate Consultation*—Upon notifying an applicant to prepare a final application, the applicant working in conjunction with the UMTA Employment Initiative Coordinator, will develop an employment plan and initiate formal consultation with a CETA prime sponsor or other employment/training provider. UMTA will advise its applicant to consult first with the CETA prime sponsor. This consultation is expected to continue as required, throughout the application, project funding, and implementation stages.

4. *Employment Plan*—Applicants from whom UMTA elects to solicit final applications for Urban Initiatives assistance will be required to prepare an employment plan when new permanent jobs will be created. If an employment plan is not appropriate, an explanation of why it is not must be submitted with the application. The employment plan shall include the following elements:

a. The total number and titles (and/or description) of jobs to be created by the project.

b. The goals for the total number, specific titles, and timing of jobs to be made available to CETA eligible persons.

c. The skill requirements for the jobs that are being made available to CETA eligible persons.

d. The linkage process:

i. Name of the CETA prime sponsor or other employment/training provider who is assisting the applicant in developing and implementing this employment plan. (Including name of responsible person, address, and telephone number.)

ii. Identification of any employment and training programs to be applied to preparing and/or referring qualified persons to available jobs. Indication of how they will be used and any special conditions required by the employer (e.g., number of referrals per vacancy to be filled, timing of referrals).

iii. Identification of the roles and responsibilities of the participants in the employment plan (i.e., UMTA applicant; UMTA beneficiary, if different from applicant; CETA prime sponsor or other employment and training provider; and local transit agency, if not the applicant).

iv. Indication of the procedure and schedule for implementing the employment plan.

v. Providing the signatures of persons or agency representatives party to the employment plan (i.e., UMTA beneficiary, if different from applicant; CETA prime sponsor or other employment and training provider; and local transit agency, if not the applicant).

5. *Contingent Project Approvals*—If the applicant certifies that the project will conform to program employment goals, but is unable to complete an employment plan by the time of scheduled grant award, UMTA may elect to approve the project contingent upon subsequent receipt of a satisfactory plan. Contract language will be included however, which would withhold construction funds until an employment plan acceptable to UMTA is provided.

UMTA may elect to award architectural and engineering funds in order to assess feasibility of a project prior to concurring in an employment plan, provided that project sponsor certifies that new permanent jobs resulting from subsequent Urban Inititatives construction funding will be consistent with the program employment goals.

6. *Notification*—Upon approval of a project which includes or will include an employment plan, UMTA in conjunction with its grantee, will notify the CETA prime sponsor or other employment/training provider signatory to the employment plan, as well as the ETA Employment Initiatives Coordinator.

7. *Certification of Eligibility*—UMTA and its grantee will provide the information necessary to assist the CETA prime sponsors and the ETA delivery system in certifying the eligibility of persons who may be eligible for CETA assistance but are not CETA participants when such persons are to fill new and permanent jobs resulting from UMTA's Urban Initiatives projects.

8. *Identifying Alternate Employment/ Training Provider*—When the local prime sponsor is unable to assist UMTA's staff and applicant in developing and implementing an employment plan, the UMTA staff may call upon the ETA Employment Initiatives Coordinator to discuss an alternate employment/training provider who might provide the necessary services.

B. ETA

The Employment and Training Administration recognizes that linking its employment and training programs with UMTA's Urban Initiatives Program can result in increased permanent employment opportunities for CETA eligible persons and agrees to facilitate this linkage by taking the lead in coordination of several activities.

1. *Provide UMTA with List of Prime Sponsors*—The Employment and Training Administration will provide each UMTA Regional Administrator with an updated list of CETA prime sponsor directors and regional ETA Employment Initiatives Coordinators along with their telephone numbers and addresses.

2. *Staff*—ETA will require each Regional Administrator and prime sponsor to identify an Employment Initiatives Coordinator to assume responsibility for coordinating activities related to the Employment Initiatives. To the extent possible, personnel assigned these functions at the Federal and local levels should be the same staff that has been assigned to the Private Sector Initiatives Program.

3. *Responsibilities of Employment Initiatives Coordinators*—The designated Employment Initiatives Coordinators (EIC) assigned to coordinate activities related to the Employment Initiatives in each of the regions by ETA and at the local level by prime sponsors will assist UMTA's staff and applicants in developing and implementing the employment plan delineated above. The Employment Initiatives Coordinators will also be responsible, at their respective levels, for consulting with the UMTA Employment Initiatives Coordinators to determine the status of a project so that they can initiate required CETA activities (e.g. employment, training, recruiting, screening, referral and counseling services) in a timely fashion, to place CETA eligible persons in permanent jobs created by UMTA's Urban Initiatives Program.

4. *Identifying Alternate Employment/ Training Provider*—When the local prime sponsor is unable to assist UMTA's staff and applicants in developing and implementing an employment plan, ETA's Employment Initiatives Coordinator will assist in identifying an alternate employment/provider who might provide the necessary services.

5. *Assist UMTA in Ddescribing CETA Programs and Participants*—Consistent with available funds, ETA will assist UMTA in involving its applicants in employment/ training programs by jointly developing and publishing information packets geared to the private sector, focusing on the availability and benefits of employment/training resources, including various tax credits.

6. *Certification of Eligibility*—Prime sponsors and the ETA delivery system, working with UMTA and its funds recipients, will certify the eligibility of persons who fill new and permanent jobs resulting from UMTA's Urban Initiatives projects.

V. Reporting/Monitoring

In order to keep the Interagency Coordinating Council (IACC), the Office of Management and Budget (OMB), and each of the participating agencies informed of the progress in achieving the goals of this agreement, UMTA and ETA agree to the following reporting/monitoring provisions:

A. Effective April 1, 1980, and on a semi-annual basis thereafter (October 1 and April 1), UMTA will submit reports to OMB. These reports shall include the total number of projects funded for the six-month and annual periods, the federal dollars committed, the number permanent jobs anticipated, the total number of actual jobs created, and the number/percentage of jobs to be filled by CETA eligible persons.

B. Effective April 1, 1980, and on a semi-annual basis thereafter (October 1 and April 1), ETA will submit reports to OMB. These reports shall include the total number of employment plans that prime sponsors and the ETA delivery system have entered into with UMTA and its grantees, the total number of jobs projected for the long term unemployed, and the total number of persons actually placed in jobs created by UMTA's Urban Initiatives Program.

VI. Technical Assistance

To facilitate and promote the placement of CETA eligible persons in permanent jobs resulting from UMTA assistance, both ETA and UMTA agree to provide the following technical assistance:

A. Whenever necessary, the agencies will brief each other's staff on programmatic and/or procedural changes affecting the implementation of the Employment Initiatives.

B. Jointly develop and publish promotional information on the placement of CETA eligible persons in permanent jobs created by UMTA investments.

C. As necessary, jointly conduct interagency workshops/seminars related to the Employment Initiatives, assessing experiences and focusing on techniques and strategies to be used to more effectively implement the Employment Initiatives.

VII. Duration

This agreement shall remain in effect through November 1, 1982. ETA and UMTA will, however, jointly review the provisions herein on an annual basis (prior to September 30) in order to make any necessary modifications. The operational procedures that are being utilized by UMTA and ETA to achieve UMTA's employment goal will be given particular attention during the annual review.

Appendix C—Timing and Degree of Public and Private Commitments for Joint Development Projects

Joint development project negotiations typically progress through the following stages:

Stage 1. Executing letters of intent between local public agencies, developers, and financial institutions.

State 2. Executing development contracts, financing agreements and securing building permits.

Stage 3. Executing construction contracts.

UMTA's commitment to fund the project will depend on the stage of local negotiations. If the applicant has not progressed to Stage 2, UMTA would be reluctant to make a commitment to participate in the project. This will not preclude UMTA from making grants for preliminary engineering, design, appraisals and other analyses, which will allow costs to be more accurately defined. At Stage 1, UMTA may aware a grant, or set aside funds for the project pending completion of final negotiations and grant approval requirements. At Stage 2 and/or 3, the local commitment would be sufficiently secure to allow UMTA to award a grant. However, the timing and degree of mutual commitments will be adjusted to reflect the needs of particular situations.

Appendix D—Project Application Review and Selection Process

A. The Urban Mass Transportation Administration will announce grant fund reservations for Urban Initiatives projects bi-annually based on preapplications received and evaluated. The first announcement will be made no later than December 31, and the second announcement no later than May 31. Additional announcements may be made if selected projects prove unable to meet Section 3 program requirements or additional program funds become available. Fund reservations will be made based upon a preapplication submission.

B. *Preapplication Review*—1. The project sponsor will be sent a letter from the UMTA Regional Office within the first 15 days of the review period acknowledging receipt of the proposal for processing.

2. All preapplications will be screened for completeness by the Regional Office before being officially accepted for review.

a. If the preapplication is incomplete, the UMTA Regional Office will notify the project sponsor of the items needed to complete the preapplication. Consideration of the proposal will, however, be deferred until the next review period.

b. Complete preapplications will be assessed to establish the proposals' eligibility for funding under the Urban Initiatives Program. The Regional Office will notify applicants if the project is eligible for further consideration within 30 days of the beginning of the review period.

3. All eligible projects will be included in the Urban Initiatives national competition.

C. *Selection Process/Fund Reservation*—UMTA will make announcement of approvals or reservations no later than December 31 and May 31 respectively.

UMTA will determine which proposals best meet the objectives of the Urban Initiatives Program. Because funds are limited not all eligible projects will be funded.

Applicants will be notified of their proposal's status with the announcements of reservations and approvals:

1. If a proposal is rejected, the preapplication will be returned with the deficiencies noted.

2. If a proposal is deferred for lack of sufficient supporting data, the applicant will be advised to work with the Regional Office to provide the necessary data. These proposals will be reconsidered in the following review period if the applicant satisfies all deficiencies noted.

3. Should lack of sufficient Urban Initiatives funds be cited as the reason for deferral, the proposal will automatically be reconsidered in one additional round of review.

4. If a proposal is accepted, and a fund reservation made, the applicant will be notified to work with the Regional Office to develop a final application.

UMTA will announce a reservation of funds for those proposals which have been selected as part of the Urban Initiatives Program national competition. The action will set aside a specified sum of Urban Initiatives funds to be made available to the project sponsor upon satisfactorily fulfilling the requirements for a Section 3 discretionary capital grant.

If a project application cannot satisfactorily meet Section 3 program requirements by September 30 of the fiscal year in which the reservation is made, funds will be withdrawn. Projects for which funds have been withdrawn are automatically reconsidered as part of the national competition in the next two review periods. If it is determined that significant program requirements are not or cannot be met within this time, the application will be withdrawn and returned to the project sponsor.

D. *Grant Award*—UMTA will make grants no later than the last day of the fiscal year. The applicant will be notified in writing of grant award and will receive appropriate contract documents from the UMTA Regional Office.

E. *UMTA Regional Offices:*

Region I—Peter N. Stowell, Regional Administrator, Transportation Systems Center, Kendall Square, 55 Broadway, Cambridge, MA 02142, Tel: (617) 494–2055

Region II—Hiram Walker, Regional Administrator, Suite 14–130, 26 Federal Plaza, New York, NY 10007, Tel: (212) 264–8162

Region—III Franz H. Gimmler, Regional Administrator, Suite 1010, 434 Walnut Street, Philadelphia, PA 19106, Tel: (215) 597–8098

Region IV—Carl Richardson, Acting Regional Administrator, Suite 400, 1720 Peachtree Road, N.W., Atlanta, GA 30309, Tel: (404) 881–3948

Region V—Theodore Weigle, Regional Administrator, Suite 1740, 300 South Wacker Drive, Chicago, IL 60606, Tel: (312) 353–2789

Region VI—Glen Ford, Regional Administrator, Suite 9A32, 819 Taylor Street, Fort Worth, TX 76102, Tel: (817) 334–3787

Region VII—Lee Waddleton, Regional Administrator, Suite 303, 6301 Rock Hill Road, Kansas City, MO 64131, Tel: (816) 926–5053

Region VIII—Lou Mraz, Regional Administrator, Suite 1822, Prudential Plaza, 1050 17th Street, Denver, CO 80265, Tel: (303) 837–3242

Region IX—Dee Jacobs, Regional Administrator, Suite 620, Two Embarcadero Center, San Francisco, CA 94111, Tel: (415) 556–2884

Region X—Terry Ebersole, Acting Regional Administrator, Suite 3142, Federal Building, 915 Second Avenue, Seattle, WA 98174, Tel: (206) 442–4210

(49 U.S.C. 1602(a)(1)(D) and 1603(c)(1)(B); 49 CFR 1.51)

Dated: October 20, 1980.

Theodore C. Lutz,

Administrator.

[FR Doc. 80-33107 Filed 10-22-80; 8:45 am]

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federal register

Thursday
October 23, 1980

Part V

Department of Agriculture

Federal Grain Inspection Service

Elimination of Mandatory Requirements for Inbound Weighing of Grain at Export Elevators

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 800

Elimination of Mandatory Requirements for Inbound Weighing of Grain at Export Elevators

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice to implement the provisions of Pub. L. 96–437.

SUMMARY: The Federal Grain Inspection Service (FGIS or Service) is issuing this notice to implement the provisions of Pub. L. 96–437, which amends the U.S. Grain Standards Act to eliminate most of the mandatory requirements for inbound weighing of grain at export elevators at export port locations.

EFFECTIVE DATE: October 23, 1980.

COMMENTS: Comments must be submitted in writing, in duplicate, to the Issuance and Coordination Staff, FGIS, USDA, Room 1127 Auditors Building, 1400 Independence Avenue, SW., Washington, D.C. 20250, by December 8, 1980.

FOR FURTHER INFORMATION CONTACT: G. T. Lipscomb, Director, Weighing Division, FGIS, USDA, Room 3117 Auditors Building, 1400 Independence Avenue, SW., Washington, D.C. 20250; (202) 447–4851.

SUPPLEMENTARY INFORMATION: Leland E. Bartelt, Administrator, FGIS, has determined that an emergency situation exists which warrants publication without comment on this final action because of the enactment by Congress of Pub. L. 96–437. However, comments have been solicited for 45 days after publication of this document, and this final action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible. The emergency nature of this action warrants publication of this final action without completion of a Final Impact Statement.

On October 13, 1980, President Carter signed Pub. L. 96–437. This public law amends the U.S. Grain Standards Act (7 U.S.C. 71 *et seq.*) to exempt from official weighing, transfers of grain into or out of export elevators at export port locations for the following type shipments:

(1) Intracompany shipments of grain into an export elevator by any mode of transportation;

(2) Intercompany shipments of grain transferred into an export elevator by transportation modes other than barge; and

(3) Grain transferred out of an export elevator by any mode of transportation to destinations within the United States.

However, if the shipper or receiver requests that grain shipped in the above circumstances be officially weighed, the request shall be honored.

In order to provide for an orderly implementation of the provisions of this law, the Service is initiating the following action.

Until November 24, 1980, the Service will continue to operate under the requirements set forth in Section 5 of the U.S. Grain Standards Act, as amended in 1976 and 1977; i.e., all grain shipped into and out of export elevators at export port locations will be officially weighed. However, any elevator owner or operator may request that this service be discontinued prior to this date. Requests for discontinuation of service should be submitted in writing to the Administrator, FGIS, USDA, Room 1628 South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250, (202) 447–9170.

After November 24, 1980, the industry may choose from among the following options for weighting exempted grain:

(1) Official weighing (Class X)—the determination and certification by official personnel of the quantity of a lot of grain based on actual performance of, or the physical supervision of, the weighing;

(2) Supervision of weighing (Class Y)—supervision by official personnel of the grain weighing process to the extent that the integrity of the weighing and certification is reasonably assured; or

(3) No weighing services.

For the period October 15, 1980, to November 24, 1980, the service will provide only official (Class X) weighing. After November 24, 1980, the Service will provide Class X and/or Class Y weighing if requested in writing by the grain firms. Requests for weighing service shall be submitted to FGIS local field offices, delegated State agencies, or to the Administrator. The weighing service requested will be provided contingent upon the availability of personnel, and at the published fees.

(Sec. 7A, Pub. L. 96–437, 94 Stat. 1870)

Done in Washington, D.C. on October 20, 1980.

L. E. Bartelt,

Administrator.

[FR Doc. 80–33284 Filed 10–22–80; 8:45 am]

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
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DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
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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

ENVIRONMENTAL PROTECTION AGENCY

63734 9–25–80 / Control of Air Pollution from new motor vehicles and motor vehicle engines; gaseous emission regulations for 1984 and later model year light/duty trucks

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Housing Commissioner—Office of Assistant Secretary for Housing—

58337 9–3–80 / Fair market rents for new construction and substantial rehabilitation, Philadelphia, Pa.

INTERSTATE COMMERCE COMMISSION

62991 9–23–80 / Railroad consolidation procedures

PERSONNNEL MANAGEMENT OFFICE

62971 9–23–80 / Reduction in force

[Corrected at 45 FR 66445, 10–7–80]

List of Public Laws

Last Listing October 22, 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. 6686 / Pub. L. 96–470 Congressional Reports Elimination Act of 1980. (Oct. 19, 1980; 94 Stat. 2237) Price $1.25.

H.R. 6683 / Pub. L. 96–471 Installment Sales Revision Act of 1980. (Oct. 19, 1980; 94 Stat. 2247) Price $1.25.

H.R. 6886 / Pub. L. 96–470 Congressional Reports Elimination Act of 1980. (Oct. 19, 1980; 94 Stat. 2237) Price $1.25.

S. 1393 / Pub. L. 96–472 To amend the Earthquake Hazards Reduction Act of 1977 and the Federal Fire Prevention and Control Act of 1974 to authorize the appropriation of funds to the Director of the Federal Emergency Agency to carry out the earthquake hazards reduction program and the fire prevention and control program, and for other purposes. (Oct. 19, 1980; 94 Stat. 2257) Price $1.

H.R. 5295 / Pub. L. 96–473 To amend the Social Security Act with respect to the retirement test, to reduce spending under title II of the Social Security Act, and for other purposes. (Oct. 19, 1980; 94 Stat. 2263) Price $1.

H.R. 5326 / Pub. L. 96–474 To authorize the Secretary of Agriculture to convey certain Government-owned property in the Kisatchie National Forest to the State of Louisiana in exchange for certain property at old Camp Livingston, Louisiana. (Oct. 19, 1980; 94 Stat. 2267) Price $1.

H.R. 6816 / Pub. L. 96–475 To provide for the exchange of certain Federal coal leases in State of New Mexico for other Federal coal leases. (Oct. 19, 1980; 94 Stat. 2269) Price $1.

S. 3072 / Pub. L. 96–476 Rattlesnake National Recreation Area and Wilderness Act of 1980. (Oct. 19, 1980; 94 Stat. 2271) Price $1.

H.R. 7554 / Pub. L. 96–477 Small Business Investment Incentive Act of 1980. (Oct. 21, 1980; 94 Stat. 2275) Price $1.50.

H.R. 6665 / Pub. L. 96–478 Act to Prevent Pollution from Ships. (Oct. 21, 1980; 94 Stat. 2297) Price $1.

H.R. 2743 / Pub. L. 96–479 National Materials and Minerals Policy, Research and Development Act of 1980. (Oct. 21, 1980; 94 Stat. 2305) Price $1.00.

S. 1250 / Pub. L. 96–480 Stevenson-Wydler Technology Innovation Act of 1980. (Oct. 21, 1980; 94 Stat. 2311) Price $1.25

H.R. 5612 / Pub. L. 96–481 To amend the Small Business Act, to provide for the payment of the United States of certain fees and costs incurred by prevailing parties in Federal agency adjudications and in civil actions in courts of the United States, and for other purposes. (Oct. 21, 1980; 94 Stat. 2321) Price $1.25

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