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BOOK 1:
Pages
75159–75450

BOOK 2:
Pages
75451–75632

federal register

Book 1 of 2 Books
Friday, November 14, 1980

KANSAS SUPREME COURT

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Highlights

75159 **Blocking Iranian Government Property** Presidential notice

75161 **Wright Brothers Day** Presidential proclamation

75536 **Nuclear Power Plants and Reactors** NRC proposes amending regulations which specify fracture toughness requirements for nuclear power reactors and its requirements for reactor vessel material surveillance programs; comments by 1–13–81 (Part V of this issue)

75166 **Immigration** Justice/INS publishes regulations regarding petition to classify alien as immediate relative of a U.S. citizen or as a preference immigrant and revises requirements for petitions based on adoptive relationships; effective 12–15–80

75610 **Grant Programs** HUD/NVACP publishes regulations regarding Neighborhood Self-Help Development program; effective 1–15–81 (Part XI of this issue)

75568 **Handicapped** OPM publishes regulations forbidding discrimination against qualified handicapped persons in employment and in operation of programs receiving Federal financial assistance; effective 12–15–80 (Part IX of this issue)

CONTINUED INSIDE

Highlights

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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.

75564 **Education** ED/Sec'y publishes notice of intent to develop regulations authorizing of Federal financial assistance for postsecondary and certain other education programs (Part VIII of this issue)

75217 **Retirement** OPM proposes to revise regulations to reflect current survivor benefit provisions of the Civil Service Retirement law and to establish spouse notification; comments by 12–15–80

75356 **Unemployment Compensation** Labor/ETA publishes special notice of change in beginning dates of extended benefit periods in States of Illinois, Tennessee, and Washington; effective June and July 1980

75488 **Pesticides** EPA provides interested parties with idea as to the fashion in which EPA will prioritize the various pesticide active ingredients under the Registration Standards Program; comments by 12–15–80 (Part III of this issue)

75324 **Human Drugs** HHS/FDA announces clinical guidelines for investigating certain drugs in humans to determine drug safety and effectiveness

75301 **Loan Programs—Natural Gas** DOE/SOLAR establishes program to provide loan guarantees to alcohol fuels, biomass energy and municipal waste energy projects to reduce the dependence of the United States on imported petroleum and natural gas; apply by 12–31–80

75225 **Improving Government Regulations** Commerce/Sec'y announces delay of semiannual agenda of regulations to 11–28–80

75225 **Old-Age, Survivors, and Disability Insurance** HHS/SSA proposes extension of trial work period and reinstates disability benefits

75329 **Privacy Act Document** HUD

75414 **Sunshine Act Meetings**

Separate Parts of This Issue

75454 **Part II, USDA/Sec'y**
75488 **Part III, EPA**
75500 **Part IV, OPM**
75536 **Part V, NRC**
75542 **Part VI, Commerce**
75550 **Part VII, Labor/ESA**
75564 **Part VIII, ED/Sec'y**
75568 **Part IX, OPM**
75574 **Part X, Interior/BLM**
75610 **Part XI, HUD/NVACP**
75618 **Part XII, Labor/OSHA**

Contents

Federal Register
Vol. 45, No. 222
Friday, November 14, 1980

The President
ADMINISTRATIVE ORDERS
75159 Blocking Iranian Government property (Notice of November 12, 1980)
PROCLAMATIONS
75161 Wright Brother Day (Proc. 4802)

Executive Agencies

Agricultural Marketing Service
RULES
75165 Egg research and promotion; practice and procedure
75164 Lemons grown in Ariz. and Calif.
75163 Oranges (navel) grown in Ariz. and Calif.
75164 Raisins produced from grapes grown in Calif.
PROPOSED RULES
Cotton:
75218 Classification, testing, and standards; Sea Island cotton and long-staple cotton; proposed rescission
Improving Government regulations:
Regulatory agenda; See entry under Agriculture Department
75220 Raisins produced from grapes grown in Calif.

Agricultural Stabilization and Conservation Service
PROPOSED RULES
Improving Government regulations:
75454 Regulatory agenda; See entry under Agriculture Department
75219 Tobacco (fire-cured, etc.); marketing quotas and acreage allotments

Agriculture Department
See also Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Food and Nutrition Service; Forest Service.
PROPOSED RULES
Improving Government regulations:
75454 Regulatory agenda

Air Force Department
NOTICES
Meetings:
75273 Scientific Advisory Board

Animal and Plant Health Inspection Service
RULES
Livestock and poultry quarantine:
75168 Exotic Newcastle disease (2 documents)
PROPOSED RULES
Improving Government regulations:
Regulatory agenda; See entry under Agriculture Department

Army Department
NOTICES
Meetings:
75273 Environmental Advisory Board
75273 Medical Research and Development Advisory Panel
75273 Military Personal Property Claims Symposium
75273 Promotion of Rifle Practice, National Board

Arts and Humanities, National Foundation
NOTICES
Meetings:
75369 Humanities Panel
75369 Music Advisory Panel

Civil Aeronautics Board
NOTICES
Hearings, etc.:
75248 Air Fleets International, Inc.
75250 Dallas/Ft. Worth-Yucatan service proceeding
75250 Lone Star Air ways, Inc., fitness investigation
75414 Meetings; Sunshine Act

Commerce Department
See also Economic Development Administration; International Trade Administration; National Oceanic and Atmospheric Administration; National Technical Information Service.
PROPOSED RULES
Improving Government Regulations
75222 Regulatory calendar; publication delay
NOTICES
Committees; establishment, renewals, terminations, etc.:
75250 National Laboratory Accreditation Criteria Committee for Thermal Insulation Materials
Laboratory Accrediation Program, National Voluntary:
75542 Thermal insulation materials, freshly mixed field concrete, and carpet; specific tests
Organization, functions, and authority delegations:
75257 Acquisition and Grants Management Office
75254 Administration, Assistant Secretary
75257 Administrative Services Office
75254 Appeals Board
75259 Budget Office
75259 Budget Operations Office
75261 Civil Rights Office
75262 Financial Management Office
75263 Financial Operations Office
75263 Information Management Office
75264 Intelligence Liaison Office
75266 Organization and Management Systems Office
75268 Personnel Office
75269 Personnel Operations Office
75270 Program Evaluation Office
75271 Publications Office

Conservation and Solar Energy Office
NOTICES
Loan guarantees:
75301 Alcohol fuels, biomass energy and municipal waste energy projects

Defense Department
See Air Force Department; Army Department; Defense Logistics Agency.

Defense Logistics Agency
NOTICES
Environmental statements; availability, etc.:
75274 Terminal Island Mole, Long Beach, Calif.; fuel pier and associated structures, construction

Economic Development Administration
NOTICES
Import determination petitions:
75250 Robertson Shake Mill, Inc., et al.

Education Department
PROPOSED RULES
75564 Education Amendments Act of 1980, implementation; intent to develop

Employment and Training Administration
NOTICES
75356 Employment transfer and business competition determinations; financial assistance applications
Unemployment compensation; extended benefit periods:
75356 Tennessee, Illinois, Washington

Employment Standards Administration
NOTICES
75550 Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions (Ala., Ariz., Fla., Ga., Hawaii, Nev., N.J., Okla., Pa., Wash., & Wis.)

Energy Department
See Conservation and Solar Energy Office; Federal Energy Regulatory Commission.

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
75212 Florida
PROPOSED RULES
Hazardous waste programs, State; interim authorizations:
75240 Alabama; hearing
75241 Delaware; hearing
Pesticide programs:
75488 Registration standards ranking scheme; pesticide chemical active ingredients
Water pollution control:
75241 Ocean dumping; disposal site management criteria; five deep-ocean sites off Hawaii, final designations
NOTICES
Air quality implementation plans; approval and promulgation:
75313, 75314 Prevention of significant air quality deterioration (PSD); final determinations (3 documents)
75307–75309, 75311, 75312, 75315 Prevention of significant air quality deterioration (PSD); nonapplicability (9 documents)
75310 Prevention of significant air quality deterioration (PSD); permit approvals
Water quality standards, State; navigable waters; adoptions and approvals:
75316 North Carolina

Farmers Home Administration
PROPOSED RULES
Improving Government regulations:
Regulatory agenda; See entry under Agriculture Department

Federal Communications Commission
NOTICES
75316, 75317 FM broadcast applications accepted for filing and notification of cut-off date (2 documents)

Federal Energy Regulatory Commission
RULES
Natural gas companies:
75192 Gas supply and requirements annual report (Form No. 15); interim
NOTICES
Hearings, etc.:
75284 Arkansas Louisiana Gas Co. et al.
75284 Central Illinois Public Service Co.
75284 Chester Water Authority
75285 Columbia Gas Transmission Corp.
75286–75288 Connecticut Light & Power Co. (5 documents)
75289 Detroit Edison Co.
75289 El Paso Natural Gas Co.
75290 Exxon Corp. et al.
75290 Florida Power & Light Co.
75291 Fluid Energy Systems, Inc.
75292 Kansas-Nebraska Natural Gas Co., Inc.
75292 Little Falls Hydroelectric Associates
75293 Louisville Gas & Electric Co.
75293 Michigan Wisconsin Pipe Line Co. et al.
75294 MIGC, Inc.
75294 Montana-Dakota Utilities Co.
75294 New England Power Pool
75294 Niagara Mohawk Power Corp.
75295 Northern Natural Gas Co.
75296 Otter Tail Power Co.
75296 Panhandle Eastern Pipe Line Co.
75296 Public Service Co. of Indiana, Inc.
75296 Saranac Energy Corp.
75297 South Carolina Electric & Gas Co.
75297 Southern California Edison Co. (2 documents)
75298 Southwest Gas Corp.
75298 Trunkline Gas Co.
75298 Valero Interstate Transmission Co.
75299 Virginia Electric & Power Co.
75299 Water Power Development Corp.
75300 Wisconsin Electric Power Co.
Natural Gas Policy Act of 1978:
75275, 75303 Jurisdictional agency determinations (2 documents)

Federal Grain Inspection Service
PROPOSED RULES
Improving Government regulations:
Regulatory agenda; See entry under Agriculture Department

Federal Home Loan Bank Board
NOTICES
75414 Meetings; Sunshine Act

Federal Maritime Commission
PROPOSED RULES
75244 Bulk commodities, status; "mark or count"; extension of time
NOTICES
75320 Agreements filed, etc.
Energy and environmental statements; availability, etc.:
75319 Canton Co. of Baltimore and Transamerican Trailor Transport, Inc.; waterfront shipping terminal, trucking and rail freight handling and forwarding terminal and incidental uses
Freight forwarder licenses:
75319 Fastway Forwarder, Inc., et al.
75319 Interlands Traffic Consultants, Inc.
75414 Meetings; Sunshine Act

Federal Mine Safety and Health Review Commission
NOTICES
75415 Meetings; Sunshine Act

Federal Reserve System
PROPOSED RULES
Bank holding companies (Regulation Y):
75221 Data processing and electronic funds transfer activities; hearing
NOTICES
Applications, etc.:
75320 Country Bank Shares Corp. et al.
75321 European American Bank International
75321 First Breck Holding Co.
75321 Harrisburg Bancshares, Inc.
75322 Marine National Bancorporation
75322 Morning Sun Bank Corp.
75322 Nimrod Enterprises, Inc.
75322 Old Kent Financial Corp.
75322 Pacific Western Bancshares
75322 Peoples Bancorp, Inc.
75323 Pipestone Bancshare, Inc.
75323 Southwest Security, Inc.
Bank holding companies (Regulation Y):
75323 Data processing and electronic funds transfer activities; hearing; cross reference
75415 Meetings; Sunshine Act

Federal Trade Commission
RULES
Prohibited trade practices:
75179 Mentholatum Co., Inc.
75179 SKF Industries, Inc., et al.
75181 Zayre Corp.

Fine Arts Commission
NOTICES
75272 Meetings

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
75199 Iron dextran oral suspension
Human drugs:
75194 Daunorubicin hydrochloride
PROPOSED RULES
Biological products:
75229 Pyrogen test requirements
Color additives:
75226 Provisional list; closing date postponement
Medical devices, physical medicine; classification:
75230 Powered myoelectric biofeedback equipment; withdrawn
NOTICES
Animal drugs, feeds, and related products:
75327 Enheptin premix; approval withdrawn
Human drugs:
75324 Lipid-alternating agents; clinical guideline; availability
Meetings:
75324, 75326 Advisory committees, panels, etc. (2 documents)

Food and Nutrition Service
PROPOSED RULES
Food stamp program:
75218 Demonstration projects; work registration and job search requirements and procedures; correction
Improving Government regulations:
Regulatory agenda; See entry under Agriculture Department

Food Safety and Quality Service
PROPOSED RULES
Improving Government regulations:
Regulatory agenda; See entry under Agriculture Department

Foreign Agricultural Service
PROPOSED RULES
Improving Government regulations:
Regulatory agenda; See entry under Agriculture Department

Forest Service
PROPOSED RULES
Improving Government regulations:
Regulatory agenda; See entry under Agriculture Department
NOTICES
Coal lease readjustment terms:
75248 Gunnison National Forest and White River National Forest, Colo.; intent to apply unsuitability criteria to lease areas
Environmental statements; availability, etc.:
75245 Bighorn National Forest, forest land and resource management plan, Wyo.
75245 Grand Mesa, Uncompahgre, and Gunnison National Forests, forest land and resource management plan, Colo.
75246 Medicine Bow National Forest and Thunder Basin National Grassland, forest land and resource management plan, Wyo.
75246 Nebraska National Forest and Associated Units, forest land and resource management plan, Nebr.
75246 Pike and San Isabel National Forest and Associated Units, forest land and resource management plan, Colo. and Kans.
75247 Routt National Forest, forest land and resource management plan, Colo.
75247 San Juan National Forest, forest land and resource management plan, Colo.
75247 Shoshone National Forest, land and resource management plan, Wyo.

75245 White River National Forest, Adam's Rib Recreation Area, Colo.
75247 White River National Forest, Little Annie Winter Sports Site, Colo.

General Services Administration
See also National Archives and Records Service.
NOTICES
Authority delegations:
75323 Defense Department Secretary

Geological Survey
NOTICES
Outer Continental Shelf; oil, gas, and sulphur operations:
75335 Oil and gas information program; Gulf of Alaska (including Lower Cook Inlet); summary reports availability
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
75335 Chevron U.S.A. Inc.

Health, Education, and Welfare Department
See Education Department; Health and Human Services Department.

Health and Human Services Department
See Food and Drug Administration; Health Care Financing Administration; Human Development Services Office; Social Security Administration.

Health Care Financing Administration
PROPOSED RULES
Medicaid and medicare:
75243 Rural health clinics; payment method for reimbursement of services; correction

Housing and Urban Development Department
See also Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary.
NOTICES
75329 Privacy Act; systems of records

Human Development Services Office
NOTICES
Meetings:
75328 White House Conference on Aging Technical Committee (5 documents)

Immigration and Naturalization Service
RULES
75166 Alien orphan children; filing of immigrant petitions to classify as immediate relatives; adoptive relationships requirements

Indian Affairs Bureau
RULES
Education:
75199 Personnel; leave system

Interior Department
See also Geological Survey; Indian Affairs Bureau; Land Management Bureau; National Park Service.
RULES
Hearings and appeals procedures:
75212 Processing appeals of decisions under OMB Circular A–76
NOTICES
Committees; establishment, renewals, terminations, etc.:
75335 Oil Shale Environmental Advisory Panel
75336 National Environmental Policy Act; implementation; U.S. Geological Survey; inquiry

Internal Revenue Service
RULES
Excise taxes:
75206 Crude oil windfall profit tax; tiers 2 and 3 base prices, etc.; temporary
Income taxes:
75200 Pension plans; minimum funding standards
PROPOSED RULES
Excise taxes:
75231 Crude oil windfall profit tax; tiers 2 and 3 base prices, etc.; temporary; cross reference
NOTICES
Authority delegations:
75413 Assistant Commissioner (Technical); Freedom of Information Act appeals

International Trade Administration
NOTICES
Countervailing duty petitions and preliminary determinations:
75251 Leather wearing apparel from Argentina
Meetings:
75251 Electronic Instrumentation Technical Advisory Committee
75252 Management-Labor and Importers and Retailers' Textile Advisory Committees

Interstate Commerce Commission
RULES
Railroad car service orders; various companies:
75215 Chicago, Rock Island & Pacific Railroad Co.; requirement for railroads to hold empty freight equipment
NOTICES
75338 Long and short haul applications for relief
Motor carriers:
75354 Intercorporate hauling operations; intent to engage in
75338, 75352, 75353 Permanent authority applications (3 documents)
75337 Permanent authority applications; correction
Railroad services abandonment:
75337, 75338 Baltimore & Ohio Railroad Co. (2 documents)

Justice Department
See Immigration and Naturalization Service.

Labor Department
See also Employment and Training Administration; Employment Standards Administration; Labor Management Standards Enforcement Office; Mine Safety and Health Administration; Occupational Safety and Health Administration; Pension and Welfare Benefit Programs Office.
NOTICES
Adjustment assistance:
75366 Airco Industrial Gases et al.
75368 Allied Chemical Corp.
75368 General Motors Corp.

75365 Gulf & Western Manufacturing Co.; correction
75365 Henry S. Levy & Son, Inc.
75368 Vassar Manufacturing Co.
75365 Wallace Murray Corp.
75366 Walworth Co.; correction
75366 Wolff Shoe Manufacturing Co.

Labor Management Standards Enforcement Office
PROPOSED RULES
Labor organizations:
75231 Information and financial reports; availability to membership; petition denied

Land Management Bureau
RULES
Public land orders:
75214 California
75214 Idaho
75214 Utah
NOTICES
Classification of lands:
75331 California
75332 Idaho
Coal areas, federally owned under non-Federal surface:
75332 North Dakota
Coal leases, exploration licenses, etc.:
75333 Colorado
Environmental statements; availability, etc.:
75331 Canon City District, Colo.; Northeast Resource Area and Fountain Creek Planning Unit
Meetings:
75330 Arizona Strip District Grazing Advisory Board
Wilderness areas; characteristics, inventories, etc.:
75577 Arizona
75583 California et al.
75584 Colorado
75586 Idaho
75589 Montana
75594 Nevada et al.
75590 New Mexico
75597 Oregon and Washington
75601 Utah
75574 Western States
75605 Wyoming
75575 Wilderness review of public land status
Withdrawal and reservation of land, proposed, etc.:
75330 Arizona
75334 Nevada

Mine Safety and Health Administration
NOTICES
Petitions for mandatory safety standard modifications:
75357 Peabody Coal Co.

National Archives and Records Service
NOTICES
Meetings
75324 National Archives Advisory Council; Qualifications Review Panel for Position of Assistant Archivist for National Archives

National Credit Union Administration
RULES
Federal credit unions and federally insured State chartered credit unions:
75169 Share, share draft and share certificate accounts
PROPOSED RULES
Federal credit unions:
75224 Share accounts and share certificate accounts; premiums or gifts considered as promotional or advertising expense
NOTICES
75415 Meetings; Sunshine Act

National Oceanic and Atmospheric Administration
RULES
Marine mammals:
75215 Tuna and tuna products, yellowfin; taking of marine mammals incidential to commercial fishing operations; Cayman Islands
NOTICES
Fishery conservation and management:
75252 Western Alaska king crab, tanner crab, Bering Sea groundfish, and high seas salmon; hearing
Meetings:
75252 Caribbean Fishery Management Council

National Park Service
NOTICES
Meetings:
75335 Upper Delaware Citizens Advisory Council

National Science Foundation
NOTICES
75416 Meetings; Sunshine Act

National Technical Information Service
NOTICES
75253 Inventions, Government-owned; availability for licensing

Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary
RULES
75610 Neighborhood self-help development program requirements

Nuclear Regulatory Commission
PROPOSED RULES
Production and utilization facilities, domestic licensing:
75536 Nuclear power reactors; fracture toughness requirements
NOTICES
Applications, etc.:
75369 Alabama Power Co.
75371, 75372 Arkansas Power & Light Co. (2 documents)
75373 Baltimore Gas & Electric Co.
75374 Boston Edison Co.
75375-75377 Carolina Power & Light Co. (3 documents)
75398 Cincinnati Gas & Electric Co. et al.
75379-75382 Commonwealth Edison Co. (4 documents)
75383, 75384 Commonwealth Edison Co. et al. (2 documents)
75386 Connecticut Light & Power et al.
75385 Connecticut Yankee Atomic Power Co.
75388 Consolidated Edison Co. of New York, Inc.
75389, 75390 Consumers Power Co. (2 documents)

75391 Dairyland Power Cooperative
75392 Duke Power Co.
75393 Duke Power Co. et al.
75394 Duquesne Light Co.
75396, 75397 Florida Power & Light Co. (2 documents)
75395 Florida Power Corp. et al.
Environmental statements; availability, etc.:
75399 South Carolina Electric & Gas Co.
75416 Meetings; Sunshine Act

Occupational Safety and Health Administration
RULES
Construction industry; health and safety standards:
75618 Guarding of low-pitched-roof perimeters; standards
PROPOSED RULES
Health and safety standards:
75238 Conveyors; reopening of record
Inspections, citations, and proposed penalties and discrimination against employees:
75232 Walkaround pay
NOTICES
State plans; development, enforcement, etc.:
75357 Wyoming
Variance applications:
75358 Block 259/260 Joint Venture
75359 U.I.D.C. of Texas, Inc.
75361 United States Metals Refining Co.

Pension and Welfare Benefit Programs Office
NOTICES
Employee benefit plans:
75362, 75365 Prohibition on transactions; exemption proceedings, applications, hearings, etc. (4 documents)

Pension Benefit Guaranty Corporation
RULES
75210 Plan benefits valuation; interest rates and factors approval by Executive Director
75209 Interest rates and factors; prospective basis; interim
75208 Rates and factors

Personnel Management Office
RULES
Ethics in Government:
75500 Post employment conflict of interest; designation of senior employees and statutory and non-statutory agencies/bureaus
Nondiscrimination:
75568 Handicapped in federally assisted programs
PROPOSED RULES
Retirement:
75217 Survivor benefits and spouse notification requirements
NOTICES
Senior Executive Service:
75399 Bonus award schedule

Postal Service
NOTICES
75416 Meetings; Sunshine Act

Railroad Retirement Board
NOTICES
75399 Unemployment insurance account; balance and contribution rate

Rural Electrification Administration
PROPOSED RULES
Improving Government regulations:
Regulatory agenda; See entry under Agriculture Department

Science and Education Administration
PROPOSED RULES
Improving Government regulations:
Regulatory agenda; See entry under Agriculture Department

Securities and Exchange Commission
RULES
75182 Securities transactions pursuant to section 4(6); notice-of-sales; adoption of interim form
NOTICES
Hearings, etc.:
75399 Appalachian Power Co.
75405 Blank, Rome, Comisky & McCauley
75400 Chrysler Financial Corp.
75404 Georgia Power Co.
75402 Investors Mutual, Inc., et al.
75407 Shearson Daily Dividend Inc. et al.
75408 Skadden, Arps, Slate, Meagher & Flom Retirement Plan
75417 Meetings; Sunshine Act (2 documents)
Self-regulatory organizations; proposed rule changes:
75410 Chicago Board Options Exchange, Inc.
75411 National Association of Securities Dealers, Inc.
75410 National Securities Clearing Corp.
75411 Pacific Stock Exchange Inc.
Self-regulatory organizations; unlisted trading privileges:
75404 Midwest Stock Exchange, Inc.

Small Business Administration
NOTICES
Applications, etc.:
75412 Metro Capital Corp.
Disaster areas:
75413 Texas

Social Security Administration
PROPOSED RULES
Financial assistance programs:
75243 Aid to families with dependent children; adjustment of Federal share for uncashed or cancelled checks; decision to develop
Social Security benefits and supplemental security income:
75225 Trial work period extension and disability benefits reinstatement; decision to develop
Supplemental security income:
75225 Income and resources of sponsor available to alien for 3 years; deeming provisions; decision to develop
75226 Overpayment/underpayment period determination; decision to develop

Soil Conservation Service
PROPOSED RULES
Improving Government regulations:
Regulatory agenda; See entry under Agriculture Department

State Department
NOTICES
Meetings:
75413 International Investment, Technology, and Development Advisory Committee

Tennessee Valley Authority
NOTICES
75417 Meetings; Sunshine Act

Treasury Department
See Internal Revenue Service.

MEETINGS ANNOUNCED IN THIS ISSUE

COMMERCE DEPARTMENT
International Trade Administration—
75251 Electronic Instrumentation Technical Advisory Committee, Washington, D.C., 12–2–80
75252 Management-Labor and Importers and Retailers' Textile Advisory Committees, Washington, D.C., 12–3–80
National Oceanic and Atmospheric Administration—
75252 Caribbean Fishery Management Council, Culebra, Commonwealth of Puerto Rico, 12–9 through 12–11–80

DEFENSE DEPARTMENT
Air Force Department—
75273 USAF Scientific Advisory Board, Kirtland Air Force Base, N. Mex., 12–11 and 12–12–80
Army Department—
75273 Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Blood Products and Preservation, San Francisco, Calif., 12–5–80
75273 Military Traffic Management Command, Military Personal Property Claims Symposium, Falls Church, Va., 12–10–80
75273 National Board for the Promotion of Rifle Practice, Executive Committee, Washington, D.C. 12–5–80
Engineers Corp—
75273 Chief of Engineers Environmental Advisory Board, Atlanta, Ga., 12–2 through 12–5–80

FINE ARTS COMMISSION
75272 Meeting, Washington, D.C., 12–9–80

GENERAL SERVICES ADMINISTRATION
75324 National Archives Advisory Council, Qualifications review panel for the position of Assistant Archivist for the National Archives, Subcommittee, Washington, D.C., 12–12–80

HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration—
75324, 75326 December Advisory Committees, Rockville and Silver Spring, Md. and Washington, D.C., December meetings
Human Development Services Office—
75328 White House Conference on Aging, Technical Committee, San Diego, Calif., 11–18 and 11–19–80
75328 White House Conference on Aging, Technical Committee, San Diego, Calif., 11–23–80
75328 White House Conference on Aging, Technical Committee, Washington, D.C., 12–1 and 12–2–80
75328 White House Conference on Aging, Technical Committee, New York City, 12–2–80
75328 White House Conference on Aging, Technical Committee, Washington, D.C., 12–16–80

INTERIOR DEPARTMENT
Land Management Bureau—
75330 Arizona Strip District Grazing Advisory Board, St. George, Utah, 12–16–80
National Park Service—
75335 Upper Delaware Citizens Advisory Council, Narrowsburg, N.Y., 11–28–80

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES
75369 Humanities Panel, Washington, D.C., December dates
75369 Music Panel (Orchestra Section), Washington, D.C., 11–17 through 11–20–80

STATE DEPARTMENT
75413 International Investment, Technology, and Development Advisory Committee, Washington, D.C., 12–2–80

HEARINGS

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
75252 National Marine Fisheries Service, 12–9–80

LABOR DEPARTMENT
Pension and Welfare Benefit Programs—
75365 Class Exemption for guaranteed investment contract separate accounts, 12–8–80

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Administrative Orders:
Notice of November 12, 1980 75159
Executive Orders:
12170 (See Notice of November 12, 1980) 75159
Proclamations:
4802 75161

5 CFR
737 75500
900 75568
Proposed Rules:
831 75217

7 CFR
907 75163
910 75164
989 75164
1250 75165
Proposed Rules:
Ch. I–VII 75454
Ch. IX–XII 75454
Ch. XIV–XVIII 75454
Ch. XXI 75454
Ch. XXIV–XXIX 75454
28 75218
282 75218
724 75219
989 75220

8 CFR
204 75166

9 CFR
82 (2 documents) 75168
Proposed Rules:
Ch. I–IV 75454

10 CFR
Proposed Rules:
50 75536

12 CFR
701 75169
761 75169
Proposed Rules:
225 75221
701 75224

13 CFR
Proposed Rules:
Ch. III 75225
Ch. V 75225

15 CFR
Proposed Rules:
Ch. I–III 75225
Ch. VIII 75225
Ch. XII 75225

16 CFR
13 (3 documents) 75179, 75181

17 CFR
239 75182

18 CFR
260 75192

20 CFR
Proposed Rules:
404 75225
416 (3 documents) 75225, 75226

21 CFR
430 75194
431 75194
436 75194
450 75194
520 75199
Proposed Rules:
81 75226
610 75229
890 75230

24 CFR
3610 75610

25 CFR
31g 75199

26 CFR
1 75200
11 75200
150 75206
Proposed Rules:
51 75231

29 CFR
1926 75618
2601 75208
2610 (2 documents) 75209, 75210
Proposed Rules:
402 75231
403 75231
1903 75232
1910 75238
1977 75232

34 CFR
Proposed Rules:
Subtitle A 75564

36 CFR
Proposed Rules:
Ch. II 75454

37 CFR
Proposed Rules:
Ch. I 75225

40 CFR
52 75212
Proposed Rules:
Ch. I 75488
123 (2 documents) 75240, 75241
228 75241

41 CFR
Proposed Rules:
Ch. 4 75454

42 CFR
Proposed Rules:
405 75243

43 CFR
4 75212
Public Land Orders:
5672 (Corrected by PLO 5772) 75214
5771 75214
5772 75214
5773 75214

45 CFR
Proposed Rules:
205 75243

46 CFR
Proposed Rules:
Ch. II 75225
530 75244

49 CFR
1033 75215

50 CFR
216 75215
Proposed Rules:
Ch. II 75225
Ch. VI 75225

Federal Register
Vol. 45, No. 222
Friday, November 14, 1980

Presidential Documents

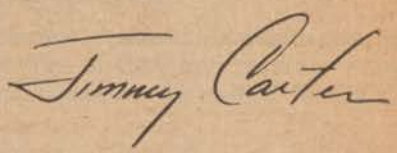
Title 3—

The President

Notice of November 12, 1980

Blocking Iranian Government Property

On November 14, 1979, by Executive Order No. 12170 I declared a national emergency to deal with the threat to the national security, foreign policy and economy of the United States constituted by the situation in Iran. Since that situation continues, the national emergency declared on November 14, 1979, must continue in effect after November 14, 1980. Therefore, pursuant to section 202(d) of the National Emergencies Act (50 U.S.C. Sec. 1622(d)) I am signing this notice of the continuance of the national emergency and causing this notice to be published in the **Federal Register** and transmitted to the Congress.



THE WHITE HOUSE,
November 12, 1980.

[FR Doc. 80-35785
Filed 11-12-80; 4:13 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 4802 of November 12, 1980

Wright Brothers Day, 1980

By the President of the United States of America

A Proclamation

Seventy-seven years ago on December 17, at Kitty Hawk, North Carolina, the Wright Brothers launched man into the age of powered flight. Though their historic first flight lasted but 12 seconds, inventors Orville and Wilbur Wright accomplished what mankind had dreamed of for centuries.

The development of the airplane is one of the most remarkable achievements of the Twentieth Century. Because of it, barriers of time and distance have lost much of their social and political significance to the world family of nations.

In the three generations since that historic flight in 1903, aviation has grown to become one of America's greatest enterprises; one of its largest employers; a fundamental ingredient in the national economy; a mighty deterrent against aggression and a prime defender of peace. Our air transportation system is the greatest in the world and the primary public carrier in the United States. Moreover, some eighty-five percent of the aircraft in use throughout the world are of United States manufacture, and the free world's seven largest airlines are United States flag carriers.

To commemorate the historic achievement of the Wright Brothers, the Congress, by joint resolution of December 17, 1963 (77 Stat. 402; 36 U.S.C. 169), designated the seventeenth day of December of each year as Wright Brothers Day and requested the President to issue annually a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby call upon the people of this Nation, and their local and national government officials, to observe Wright Brothers Day on December 17, 1980, both to perpetuate the memory of the Wright Brothers' single achievement and to stimulate American pride in the furtherance of this Nation's aeronautical progress.

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

Jimmy Carter

[FR Doc. 80-35840
Filed 11-13-80; 10:50 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 45, No. 222
Friday, November 14, 1980

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regulation 496]

Navel Oranges Grown in Arizona and Designated Part of California; Minimum Size Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation requires fresh California-Arizona navel oranges shipped from District 1, 3, or 4 to be of a size not smaller than 2.59 inches in diameter for the period November 14, 1980, through January 1, 1981, except that during the period November 14 through November 20, 1980, oranges of a size not smaller than 2.45 inches in diameter may be shipped. This requirement is necessary to promote orderly marketing in the interest of producers and consumers.

EFFECTIVE DATE: November 14, 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 upon request from the above named individual.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures in Secretary's Memorandum 1955 to implement Executive Order 12044 and classified as "not significant." This regulation is issued under the marketing agreement and Order No. 907, (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that the action will tend to effectuate the declared policy of the act.

This action was recommended at a public meeting at which all present could state their views. There is insufficient time between the date when information became available upon which this regulation 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 purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time. A notice will be published as soon as possible in the **Federal Register** providing further opportunity for public comment on the regulation and a proposal to extent its effective time for the balance of the shipping season.

The committee met on November 4, 1980, to consider crop and market conditions and other factors affecting the need for regulation, and recommended that navel oranges shipped from District 1, 3, or 4 be limited to sizes not smaller than 2.59 inches in diameter during the period November 14, 1980, through January 1, 1981, except for the period November 14–20, 1980 shipment of oranges smaller than 2.59 inches in diameter would be allowed provided such oranges are not smaller than 2.45 inches in diameter. The 1980–81 season crop of navel oranges is currently estimated by the committee at 76,700 carlots, compared to 68,601 carlots utilized during the past season. The committee reports that demand in regulated fresh market channels is expected to require about 57 percent of this volume. The remaining 43 percent would be available for utilization in export and processing outlets. The committee indicates that volume and size composition of the crop of navel oranges are such that more than ample supplies of the more desirable larger sizes will be available to satisfy the demand in regulated channels. The committee reports that when more than ample supplies of larger sizes are available for shipment, disposition of the sizes which would be eliminated by this regulation can be accomplished only at a substantial price discount and this tends to depress the market for all sizes. Navel oranges failing to meet such requirements could be shipped to fresh export markets, left on trees to attain further growth, or utilized in processing. In the circumstances, elimination of sizes smaller than those specified is appropriate in the interest of growers and consumers.

Therefore, § 907.796 is added to read as follows (§ 907.796 expires January 1, 1981, and will not be published in the annual Code of Federal Regulations):

§ 907.796 Navel Orange Regulation 496.

(a) Except as otherwise provided in paragraph (b), during the period November 14, 1980, through January 1, 1981, no handler shall handle any navel oranges grown in District 1, 3, or 4 which are of a size smaller than 2.59 inches in diameter: *Provided,* That not to exceed 5 percent, by count, of the oranges in any container may measure smaller than 2.59 inches in diameter.

(b) During the period November 14 through 20, 1980, any handler may handle navel oranges grown in District 1, 3, or 4 which are of a size smaller than 2.59 inches in diameter: *Provided,* That such smaller oranges shall be not smaller than 2.45 inches in diameter, except not to exceed 5 percent, by count, of the oranges in any container of such oranges may measure smaller than 2.45 inches in diameter.

(c) As used in this section, "handler," "handle," "District 1," "District 3," and "District 4" mean the same as defined in the marketing order. Diameter shall mean the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit.

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

Dated: November 7, 1980 to become effective November 14, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-35534 Filed 11-13-80; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Part 910

[Lemon Regulation 279]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period November 16–22, 1980. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: November 16, 1980.

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

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

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

The committee met again publicly on November 10, 1980, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is steady.

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

Section 910.579 is added as follows:

§ 910.579 Lemon Regulation 279.

(a) The quantity of lemons grown in California and Arizona which may be handled during the period November 16, 1980, through November 22, 1980, is established at 225,000 cartons.

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

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

Dated: November 13, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-35852 Filed 11-13-80; 11:51 am]

BILLING CODE 3410-02-M

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7 CFR Part 989

Raisins Produced From Grapes Grown in California; Changes In Subparts—Supplementary Regulations and Conversion Factors

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action includes Golden Seedless and Dipped and Related Seedless raisins under a weight dockage system for immaturity, deletes obsolete provisions, and makes a needed conforming change in provisions prescribing conversion factors for computing weight lost in reconditioning raisins. It is based on a unanimous recommendation of the Raisin Administrative Committee. The Committee works with USDA in administering the Federal marketing order for California raisins.

EFFECTIVE DATE: November 14, 1980.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA Washington, D.C. 20250 (202) 447–5053. The Final Impact Statement describing the options considered in developing this action and the impact of-implementing each option is available on request from J. S. Miller.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "non-significant". Notice of this action was published in the October 16, 1980, issue of the **Federal Register** (45 FR 68659). Comments were invited until October 31, 1980. Two favorable comments were received.

It is found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553), in that: (1) Handlers are acquiring and processing 1980 crop Golden Seedless and Dipped and Related Seedless raisins and this action should be effective promptly to cover as many 1980 crop acquisitions as possible; (2) for several years handlers have been utilizing the weight dockage system in acquiring Natural (sun-dried) Seedless raisins and need no advance preparation to acquire Golden Seedless and Dipped and Related Seedless raisins in this manner; and (3) no useful purpose would be served by delaying the effective date of this action.

This action pertains to an amendment of the Subpart—Supplementary Regulations (7 CFR 989.202–989.233), and Subpart—Conversion Factors (7 CFR 989.601). The subparts are issued under the marketing agreement and Order No. 989, both as amended (7 CFR Part 989) regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment of Subpart—Supplementary Regulations would include Golden Seedless and Dipped and Related Seedless raisins under the weight dockage system for immaturity prescribed in § 989.210. Section 989.210 is authorized by § 989.58(a) of the order. The inclusion of these two varietal types of raisins under the dockage system would permit handlers of Golden Seedless and Dipped and Related Seedless raisins to acquire them as natural condition standard raisins even though the raisins have been determined to be off-grade because of an excess of immature raisins. The immature raisins usually can be removed from the lot of raisins by the handler during normal processing so the balance of the lot meets grade requirements. Currently, for Natural (sun-dried) Seedless raisins, the creditable weight of any such lot is computed by multiplying the net weight of the lot by a dockage factor. The factor would reduce the weight of the lot by an amount approximating the weight of the immature raisins needed to be removed

from the lot in order for the balance of the lot to meet grade requirements.

Although there is more control of maturity in selecting grapes for dehydration than in sun-drying, makers of Golden Seedless and Dipped and Related Seedless raisins encounter maturity problems, especially in a year of poor grade maturity. Permitting handlers to acquire low maturity Golden Seedless and Dipped and Related Seedless raisins as standard raisins under this system would speed up acquistions, would save inspection costs, and would save the makers of such raisins additional reconditioning costs.

The quality control provisions in § 989.202 of Subpart—Supplementary Regulations are obsolete and are deleted.

On August 1, 1980, the term "Dipped Seedless" was changed to "Dipped and Related Seedless". That change in terms appeared on page 64397 of the **Federal Register** (44 FR 64397) and necessitates a minor wording change in § 989.601 of Subpart—Conversion Factors.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Committee, and other available information, it is hereby further found that the changes in Subpart—Supplementary Regulations and Subpart—Conversion Factors, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, these two subparts are amended as follows:

Subpart—Supplementary Regulations

§ 989.202 [Deleted]

1. Section 989.202 is deleted.

2. In § 989.210, paragraphs (a) through (f) are revised to read:

§ 989.210 Handling of Natural [sun-dried] Seedless, Golden Seedless, and Dipped and Related Seedless raisins acquired pursuant to a weight dockage system.

(a) *General.* Subject to prior agreement between handler and tenderer, a handler may acquire as standard raisins any lot of Natural (sun-dried) Seedless, Golden Seedless, and Dipped and Related Seedless raisins containing more than 8 percent, by weight, of substandard raisins under a weight dockage system. The creditable weight of such lot acquired shall be that obtained by multiplying the net weight of the raisins in the lot by the applicable dockage factor from the dockage table prescribed in paragraph (g) of this section.

(b) *Free and reserve tonnage percentages.* Whenever free and reserve percentages are designated for Natural (sun-dried) Seedless, Golden Seedless, and Dipped and Related Seedless raisins for a crop year, such percentages shall be applicable to the creditable weight of any lot of such raisins acquired by a handler pursuant to a weight dockage system.

(c) *Reserve tonnage.* A handler may hold as reserve tonnage raisins any lot, or portion thereof, of Natural (sun-dried) Seedless, Golden Seedless, and Dipped and Related Seedless raisins acquired pursuant to a weight dockage system: *Provided,* That only the creditable weight of such lot, or portion thereof, may be applied by the Committee against the handler's reserve tonnage obligation.

(d) *Assessments.* Assessments on any lot of Natural (sun-dried) Seedless, Golden Seedless, and Dipped and Related Seedless raisins acquired by a handler pursuant to a weight dockage system shall be applicable to the free tonnage portion of the creditable weight of such lot.

(e) *Payments for services on reserve tonnage.* Payment to a handler for services performed by him with respect to reserve tonnage Natural (sun-dried) Seedless, Golden Seedless, and Dipped and Related Seedless raisins acquired pursuant to a weight dockage system shall be made on the basis of the creditable weight of such lot and at the applicable rate specified for such services in § 989.401 of Subpart—Schedule of Payments.

(f) *Identification.* Any lot of Natural (sun-dried) Seedless, Golden Seedless, and Dipped and Related Seedless raisins acquired by a handler pursuant to a weight dockage system shall be so identified by the inspection service affixing to one container on each pallet, or to each bin, in such lot, a prenumbered RAC control card (to be furnished by the Committee) which shall remain affixed to the container or bin until the raisins are processed or disposed of as natural condition raisins. The control card shall only be removed by, or under the supervision of an inspector of the inspection service, or authorized Committee personnel.

* * * * *

Subpart—Conversion Factors

§ 989.601 [Amended]

3. The conversion factor table in § 989.601 is revised by changing the term "Dipped seedless" to "Dipped and Related seedless".

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

Dated: November 10, 1980.

D.S. Kuryloski,

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

[FR Doc. 80-35611 Filed 11-13-80; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1250

Rules of Practice and Procedure Governing Proceedings to Formulate An Order Under Egg Research and Consumer Information Act

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: On June 17, 1980, the Egg Research and Consumer Information Act was amended to provide for an increase in the rate of assessment and the addition of two consumers to the Egg Board if approved by producers in a referendum. This document amends the rules of practice and procedure governing proceedings to formulate an order under the Egg Research and Consumer Information Act. This amendment revises the definition of the term "Act" and revises the section pertaining to ex parte communications.

EFFECTIVE DATE: November 14, 1980.

FOR FURTHER INFORMATION CONTACT: W. David Spalding, AMS, 202–447–2068.

SUPPLEMENTARY INFORMATION: The Egg Research and Consumer Information Act (7 U.S.C. 2701–2718) provides for formal rulemaking actions to be initiated for the purpose of formulating an Egg Research and Promotion Order. The rules of practice, first published in the **Federal Register** on March 25, 1975, are being amended for currency in light of the recent amendments to the Act. It has been determined that under the administrative procedure provisions in 5 U.S.C. 553, it is impractical and unnecessary to allow opportunity for public comment or to delay the effectiveness of these rules of practice until 30 days after publication in the **Federal Register** for the reasons that: (1) These amendments apply only to agency rules of practice;

(2) No substantive change of the rules in involved; and (3) The amendments are patterned directly after existing rules that have been effectively used in similar programs. Accordingly, Part 1250, Title 7, Code of Federal Regulations is amended as follows:

Authority: Secs. 2-21, 88 Stat. 1171 et. seq., (7 U.S.C. 2701 et seq.), as amended, Pub. L. 96–276, 94 Stat. 541.

Subpart—Rules of Practice and Procedure Governing Proceedings to Formulate an Order Under the Egg Research and Consumer Information Act

1. The table of contents is amended by revising it to read as follows:

Sec
1250.1 Words in the singular form.
1250.2 Definitions.
1250.3 Proposals.
1250.4 Institution of proceedings.
1250.5 Docket number.
1250.6 Judges.
1250.7 Motions and requests.
1250.8 Conduct of the hearing.
1250.9 Oral and written arguments.
1250.10 Certification of the transcript.
1250.11 Copies of the transcript.
1250.12 Administrator's recommended decision.
1250.13 Submission to Secretary.
1250.14 Decision by the Secretary.
1250.15 Execution of the order.
1250.16 Filing; extensions of time; effective date of filing; and computation of time.
1250.17 Ex parte communications.
1250.18 Additional documents to be filed with hearing clerk.
1250.19 Hearing before Secretary.

2. Section 1250.2 is amended by revising paragraph (a) to read as follows:

§ 1250.2 Definitions

* * * * *

(a) The term "Act" means the Egg Research and Consumer Information Act, as amended, Pub. L. 93–428, 88 Stat. 1171, et seq., 7 U.S.C. 2701–2718.

* * * * *

3. Section 1250.17 is amended by deleting the existing section and replacing it with a new section to read as follows:

§ 1250.17 Ex parte communications.

(a) At no stage of the proceeding following the issuance of a notice of a hearing and prior to the issuance of the Secretary's decision therein shall an employee of the Department who is or may reasonably be expected to be involved in the decision process of the proceeding discuss ex parte the merits of the proceeding with any person having an interest in the proceeding or with any representative of such person; *Provided,* That procedural matters and status reports shall not be included within this limitation: *And, provided further,* That an employee of the Department who is or may reasonably be expected to be involved in the decisional process of the proceeding may discuss the merits of the proceeding with such a person if all parties known to be interested in the proceeding have been given notice and an opportunity to participate. A memorandum of any such discussion shall be included in the record of the proceeding.

(b) No person interested in the proceeding shall make or knowingly cause to be made to an employee of the Department who is or may reasonably be expected to be involved in the decisional process of the proceeding an ex parte communication relevant to the merits of the proceeding except as provided in paragraph (a) of this section.

(c) If an employee of the Department who is or may reasonably be expected to be involved in the decisional process of the proceeding receives or makes a communication prohibited by this section, the Department shall place on the public record of the proceeding:

(1) All such written communications,

(2) Memoranda stating the substance of all such oral communications; and

(3) All written responses, and memoranda stating the substance of all oral responses thereto.

(d) Upon receipt of a communication knowingly made or knowingly caused to be made by a party in violation of this section, the Department may, to the extent consistent with the interest of justice and the policy of the underlying statute, take whatever steps are deemed necessary to nullify the effect of such communication.

(e) For the purposes of this section, "ex parte communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all interested parties is not given, but which shall not include requests for status reports (including requests on procedural matters) on a proceeding.

Done at Washington, D.C., on November 10, 1980.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 80–35609 Filed 11–13–80; 8:45 am]
BILLING CODE 3410–02–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 204

Petition To Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant; Revision of Requirements for Petitions Based on Adoptive Relationships

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations of the Immigration and Naturalization Service concerning filing a petition for classification as an immediate relative of a United States citizen on behalf of an alien orphan, submitting a request for advance processing of such a petition, and filing a relative petition based upon an adoptive relationship. These revisions clarify and add to existing regulations and establish uniform procedures within the Service.

EFFECTIVE DATE: December 15, 1980.

FOR FURTHER INFORMATION CONTACT:

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

For specific information—Alice Strickler, Immigration Examiner Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, D.C., 20536. Telephone: (202) 633–5015.

SUPPLEMENTARY INFORMATION: On August 28, 1980, at 45 FR 57432, the Service published a notice of proposed rulemaking in the **Federal Register** setting forth, §§ 204.1(b), 204.2(c)(7), 204.2(e), and 204.2(f) of Title 8 of the Code of Federal Regulations, new requirements and procedures regarding petitions for immigration benefits through adoptive and prospective adoptive relationships. The amendments were made to afford increased uniformity as well as increased flexibility in the filing and processing of orphan petitions and requests for advance processing of orphan petitions. Changes were also made to explain the existing requirements and procedures relating to immigration benefits resulting from adoptive and prospective adoptive relationships more clearly. In addition, editorial changes were made to improve readability through a clearer format.

An opportunity was provided to interested parties to submit written comments by October 27, 1980 to allow the Service to consider any suggestions or objections carefully and to amend the rules if warranted. Since there were no comments, the proposed rule will be adopted as published.

In view of the foregoing, Chapter I of Title 8 of the Code of Federal Regulations is amended as set forth below.

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

1. § 204.1(b) is revised to read as follows:

§ 204.1 Petition.

* * * * *

(b) *Orphan.*—(1) *Jurisdiction.*—(i) *Petitioner residing in the United States.* A petition in behalf of a child defined in § 101(b)(1)(F) of the Act or a request for advance processing of such a petition must be filed with the office of the Service having jurisdiction over the place where the petitioner is residing, if the petitioner is residing in the United States.

(ii) *Petitioner residing abroad.* If the petitioner resides outside of the United States, the petition or request for advance processing must be filed with the overseas or stateside office of the Service designated to act on the petition or request. This can be ascertained by consulting an American consul.

(iii) *Petitioner proceeding abroad when advance processing request is on file at a stateside office.* When a request for advance processing is already on file at a stateside office and the petitioner and/or spouse, if married, are/is traveling abroad to locate or adopt a child, the petition in behalf of the child may be filed at the stateside office if it will facilitate the processing of the petition. Otherwise it should be filed at the Service office which has jurisdiction over the place where the child is residing.

(iv) *Petitioner residing in Canada.* Since no Service office in Canada is designated for processing orphan cases, a petitioner residing in that country shall file an orphan petition or request for advance processing with the office of the Service having jurisdiction over the place of the child's intended residence in the United States.

(2) *Petition.*—(i) *Filing the petition.* A petition for a child as defined in § 101(b)(1)(F) of the Act must be filed on Form I–600 by a United States citizen. It must identify the child and must be accompanied by the fee required under § 103.7(b)(1) of this chapter. If the petitioner is married, the Form I–600 must also be signed by the petitioner's spouse. If unmarried, the petitioner must be at least twenty-five years of age at the time of the adoption and when the petition is filed.

(ii) *Decision.* The petitioner shall be notified of the decision. If the petition is denied, the petitioner shall be advised of the reasons for the denial and of the right to appeal in accordance with the provisions of Part 103 of this chapter. When the petition is denied, the fee will not be refunded.

(iii) *Child in the United States.* A child is in parole status and who has not been adopted in the United States is eligible for the benefits of an orphan petition and adjustment of status to permanent residence when all the requirements of §§ 101(b)(1)(F) and 204(e) of the Act have been met. A child in the United States either illegally or as a nonimmigrant, however, is ineligible for the benefits of an orphan petition and adjustment of status on that basis.

(3) *Advance processing request.*—(i) *Circumstances where advance processing request may be submitted.* A prospective petitioner may request advance processing of a petition for a child as defined in § 101(b)(1)(F) of the Act when—

(A) a prospective orphan has not been located and identified; or

(B) the prospective petitioner and/or spouse, if married, are/is going abroad to adopt or locate a child.

(ii) *Submitting the request.*

(A) *General.* A request for advance processing shall be submitted by a United States citizen on Form I–600 with block I and the affadavit of petitioner completed. It shall be accompanied by the fee specified in § 103.7(b)(1) of this chapter. If the petitioner is married, Form I–600 shall also be signed by the petitioner's spouse. If unmarried, the petitioner must be at least twenty-four years of age provided that he/she will be at least twenty-five at the time of the adoption and of filing the completed petition in behalf of a child.

(B) *Properly filed petition.* The petition in an advance processing case will not be regarded as properly filed until the orphan has been identified and the biographical information and documentary evidence concerning the child are furnished to this Service. When the child has been identified, a completed duplicate Form I–600 shall be submitted with all necessary documentary evidence relating to him/her.

(iii) *Disposition of the request for advance processing.* The petitioner will be informed that the request for advance processing will be retained for one year from the date of completion of all advance processing, that if a child is not identified to this Service within that year, the request will be considered abandoned, and that any further proceedings will require the filing of a new Form I–600. If the request for advance processing is considered abandoned, the fee will not be refunded.

2. Section 204.2(c)(7) is revised to read as follows. The following paragraphs (e) and (f) are added, and the former paragraphs (e) and (f) are redesignated as paragraphs (g) and (h) respectively. The new paragraphs read as follows:

§ 204.2 Documents.

* * * * *

(c) * * *

(7) *Relationship by adoption.* If the petitioner and the beneficiary are related to each other by adoption, a certified copy of the adoption decree must accompany the petition. Immigration benefits may be obtained under §§ 101(b)(1)(E) or 101(b)(2) of the Act by virtue of an adoptive relationship provided that the child was adopted while under the age of fourteen if the child has been in the legal custody of, and has resided with, the adopting parent or parents for at least two years. While the legal custody must be after the adoption, residence occurring prior to the adoption can satisfy the residence requirement.

* * * * *

(e) *Preliminary processing of orphan petition without full documentation or home study.* When a child has been identified but the documentary evidence relating to him/her or the home study is not yet available, an orphan petition may be filed without such evidence or home study. All other evidence and the fingerprints required in paragraph (d)(1) of this section, however, must be submitted. The petition will not be considered properly filed until complete documentary evidence relating to the child and the home study are furnished. If the necessary evidence and home study are not submitted within one year from the date of submission of the petition, the petition will be considered abandoned, and the fee will not be refunded. Any further proceedings will require the filing of a new petition.

(f) *Evidence and information to be furnished with request for advance processing of orphan petition.*—(1) *Evidence.* A request for advance processing of an orphan petition in behalf of a child who has not been identified made pursuant to § 204.1(b)(3) must be accompanied by—

(i) fingerprints on Form FD–258 of the United States citizen petitioner and spouse, if married;

(ii) documentary evidence relating to the petitioner and spouse, if married, as provided in paragraph (d)(1) of this section; and

(iii) a valid home study as described in paragraph (d)(2) of this section, if available. If not yet available, it shall be submitted within one year from the date of submission of the request for advance processing or the request shall be considered abandoned.

(2) *Information.* The petitioner must furnish the following information with a request for advance processing:

(i) Whether the child is coming to the United States for adoption after compliance with the preadoption requirements, if any, of the state of proposed residence or whether the child will be adopted abroad after having been personally seen and observed by the petitioner and spouse, if married.

(ii) Name and address of the organization or individual assisting the petitioner in locating or identifying an eligible orphan.

(iii) City, province or state and country of intended destination if the petitoner and/or spouse are/is proceeding abroad to locate or adopt a child.

(iv) Date of intended departure of the petitioner and/or spouse, if traveling abroad.

* * * * *

(Secs. 101(b)(1) (E) and (F), 103, 204; 8 U.S.C. 1101(b)(1) (E) and (F), 1103, 1154)

Dated: November 7, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80-35400 Filed 11-13-80; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 82

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

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to quarantine a portion of Fort Bend County in Texas because of the existence of exotic Newcastle disease and to release a portion of Klamath County in Oregon from the areas quarantined because of exotic Newcastle disease. Exotic Newcastle disease was confirmed in such portion of Fort Bend County, Texas, on November 3, 1980. Therefore, in order to prevent the dissemination of exotic Newcastle disease it is necessary to quarantine the affected area. Further surveillance activity indicates that exotic Newcastle disease no longer exists in the area quarantined.

EFFECTIVE DATE: November 7, 1980.

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

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

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

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

1. In § 82.3(a)(3)(i), is added to read:

§ 82.3 Areas quarantined.

(a) * * *

* * * * * *

(3) *Texas.* (i) The premises of Tim Beghard, 18 Windsor Court, Missouri City, Fort Bend County.

* * * * *

2. In § 82.3(a)(17), relating to the State of Oregon, paragraph (i) relating to the premises of White Whale Pet Shop, 2848 C. Jefferson Mall, Klamath Falls, Klamath County, is deleted.

* * * * *

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

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

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

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

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

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

Done at Washington, D.C., this 7th day of November 1980.

R. P. Jones,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 80-35536 Filed 11-13-80; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 82

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

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to release a portion of Volusia County in Florida, portions of Harris County and a portion of Fort Bend County in Texas, from areas quarantined because of exotic

Newcastle disease. Surveillance activity indicates that exotic Newcastle disease no longer exists in the areas quarantined.

EFFECTIVE DATE: November 7, 1980.

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

SUPPLEMENTARY INFORMATION: These amendments exclude a portion of Volusia County in Florida, portions of Harris County and a portion of Fort Bend County in Texas, from the areas quarantined because of exotic Newcastle disease under the regulations in 9 CFR Part 82, as amended. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the excluded areas.

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

§ 82.3 [Amended]

1. In § 82.3(a)(1), relating to the State of Florida, paragraph (iii) relating to the premises of Reef Imports (Garald Smith), Takoma Farms, Halifax Drive, Daytona Beach, Volusia County is deleted.

2. In § 82.3(a)(3), relating to the State of Texas, paragraphs (i), (iii), and (iv) relating to the following premises are deleted.

(i) Sam Wisialowski, 10206 Golden Sunshine Street, Houston, Harris County.

* * * * *

(iii) George A. Gamblin, 2911 Burning Tree Lane, Missouri City, Fort Bend County.

(iv) Clay Pot Nursery, (Phillip Baker), 207 Wahl, Crosby, Harris County.

* * * * *

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

These amendments relieve certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

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

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

Done at Washington, D.C. this 7th day of November 1980.

R. P. Jones,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 80-35535 Filed 11-13-80; 8:45 am]

BILLING CODE 3410-34-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 701 and 761

Share Draft Accounts and Procedures on Share Draft Operations for Federally Insured State Chartered Credit Unions

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: On July 17, 1980, the National Credit Union Administration (NCUA) published for public comment proposed rules on share draft accounts and procedures on share draft operations for federally insured state chartered credit unions (45 FR 47846). The period for comments expired on September 1, 1980. On June 10, 1980, NCUA published for public comment a proposed rule that would permit a grace period of up to 7 days on all share certificate accounts (45 FR 39279). The period for comments expired on July 23, 1980. On July 25, 1980, NCUA published for public comment a proposed rule that would set a maximum mandatory penalty for premature withdrawal from a share certificate account (45 FR 42628). The period for comments expired on August 18, 1980.

After reviewing and considering all comments received and views expressed, the NCUA Board has decided to:

1. Repeal present Section 701.34 of NCUA Rules and Regulations (12 CFR § 701.34—Share Draft Accounts) and integrate it into Section 701.35 (Share, Share Draft and Share Certificate Accounts).

2. Amend Section 701.35 to include various regulatory requirements concerning share draft accounts.

3. Adopt a new Part 761 (Operational Procedures for Share Draft Accounts; Federally Insured State Chartered Credit Unions).

4. Adopt, as proposed, the published rule concerning the authority for Federal credit unions to adopt grace periods of up to 7 days on all share certificate accounts. (See Section 701.35(d)(2)(ii)).

5. Defer consideration of the proposed rule concerning penalties for premature withdrawal from a share certificate account. The proposed rule is not adopted at this time. (See Section 701.35(e)).

The three proposals are being addressed together as they involve similar subject matter incorporated into the same regulation.

EFFECTIVE DATE: Effective November 10, 1980, except that the first clause in Section 701.35(l)(1)(iii) and Sections 701.35(l)(1) (viii) and (xi) are effective March 1, 1981.

ADDRESS: National Credit Union Administration, 1776 G St., N.W., Washington D.C. 20456.

FOR FURTHER INFORMATION CONTACT: James J. Engel, Assistant General Counsel or Todd A. Okun, Senior Attorney, both at the above address; telephone (202) 357–1030.

SUPPLEMENTARY INFORMATION: This discussion will track the order of the issues discussed in the proposed rules. Of the three separate publications, discussion is in the following order: share drafts, grace periods, share certificate penalties.

I. Share Draft Accounts

Of the approximately 50 comments received, all supported the change in the definition of "share draft account" that deletes the requirement that it be a "regular share account." Thus, the prohibition against minimum balance

requirements no longer applies to share draft accounts. The majority of commenters did, however, object to the proposed Section 701.35(b)(4) which would prohibit the conversion by a Federal credit union of a regular share account to any other type of account without the express authorization of the account holder. It was suggested that this authorization requirement not be mandated as it would be costly and inefficient to maintain certain types of accounts for a few members who do not give such authorization. Other commenters suggested that express member authorization simply diminishes credit union flexibility. The NCUA Board has determined that changes in member accounts should be a subject of negotiation between members and the credit union and, therefore, the prohibition has been deleted. The NCUA Board has, however, added a provision, § 701.35(l)(ix), requiring disclosure when an account is opened as to whether member approval of changes is required. Federal credit unions should recognize their potential liability in making unilateral changes, and that resolution of problems will be between the credit union and the member. In any event, reasonable notice should be provided to an account holder whenever any changes are made. In this regard, share draft accounts that currently meet the definition of regular share accounts may be converted without member approval to share draft accounts that do not qualify as regular share accounts, unless, of course, the agreement provides otherwise. Depending upon the nature of the change made, notice to the member may be required under § 701.35(l)(2). Even where notice is not required, the NCUA Board strongly recommends prior notification of any such change.

Truncation

Of the comments received on the subject of truncation, that is, the process whereby the original draft is not returned to the member, the majority, while agreeing that truncation is the most effective and most efficient method of implementing a share draft program, nonetheless objected to mandatory truncation as over-regulation. Some commenters also felt that mandatory truncation would cause competitive disadvantages for credit unions.

While the Board is of the opinion that deregulation is desirable in many areas, when evaluating a particular matter, the Board considers not only the interests of credit unions and their members, but also its own role as a regulatory agency and overall national policy. As credit unions become more involved in the national economy and financial marketplace, they become more and more subject to national policy considerations. Share draft programs entail an increased awareness by credit unions of their overall national impact and attendant responsibilities.

It must be remembered that truncation is not new for Federal credit unions. Truncation was an integral part of the experimental share draft programs approved in October of 1974 and was a requirement of the original share draft regulation, § 701.34. With the advent of direct deposit programs and electronic funds transfer technology, share drafts were seen as a method for members to more conveniently access share accounts and thus allow Federal credit unions to more effectively compete for direct deposit funds. The overall national concern for the increasing flow of paper through the payment process provided the impetus to the development of direct deposit and EFT programs. They in turn prompted the development of share draft programs, with the innovative process of truncation. Even truncation in its present form is only the first phase. It eventually will be introduced in the payment process at differing stages, the point of first deposit for instance, and will be utilized by other types of financial institutions, thereby increasing its cost efficiency and further reducing paper flow which is a goal in accord with national policy. Cost benefits can be realized by Federal credit unions through truncated systems and, because of their cooperative nature, these benefits flow to their members.

Comments opposing mandatory truncation provided no substantive basis for the NCUA Board to remove truncation as a regulatory requirement. At best, it was argued that such a requirement would cause competitive disadvantages for credit unions. However, that has not been supported by credit union experience. Federal credit union share draft programs have flourished and mandatory truncation has not been presented to the NCUA Board as causing problems in competition by those credit unions presently offering these programs. The NCUA Board is also concerned that by eliminating truncation now, credit unions could seriously endanger their future operations, in terms of cost and efficiency, as truncation is implemented by other financial institutions. Rather, credit unions should be directing their energies toward improved truncation systems, reducing paper flow and improving cost and efficiency benefits.

Therefore, in light of national policy, consumer benefits, the fact that truncation has been an existing requirement that has not been shown to cause competitive disadvantages, and that commenters offered no substantive basis for its deletion while agreeing to its desirability, the NCUA Board has retained truncation as a requirement as set forth in § 701.35(c)(1)(i).

Procedural requirements

The majority of commenters supported the minimal procedural requirements necessary for share draft accounts as described at Section 701.35(c)(1). Again, it is emphasized that in addition to these requirements, it is the responsibility of a board of directors to ensure that sound operational and control procedures are implemented to safeguard the integrity of a share draft program. The NCUA Board strongly advises that a credit union obtain a written opinion of counsel assuring that the particular program undertaken by any given credit union not only comports with Federal law and regulation, but also any state law requirements or other requirments, such as clearinghouse rules for those credit unions choosing to use their own routing and transit numbers.

While various commenters discussed the merits of the use of a credit union's own routing and transit number, that is, the "payable at" method, other commenters extolled the virtues of credit unions retaining the "payable through" method in the clearing process. All were agreed, however, that the choice of methods be left to the board of directors of an individual credit union. The relative costs and convenience of the two methods should be thoroughly investigated before a method is selected. Credit unions should be aware that use of their own routing and transit numbers will result in certain responsibilities for the credit union. The NCUA Board recommends that prior to implementing a "payable at" system, a credit union assure itself that it can effectively undertake such a program, that it is aware of any liabilities that might arise, and that it is familiar with appropriate clearinghouse rules common to the payment mechanism system and applicable to all financial institutions.

The majority of commenters supported the requirement of surety bond coverage. Surety bond coverage is already required under §§ 701.20 and 741.1. It is restated here in § 701.35(c)(1)(ii) to assure that the board of directors reviews the adequacy of coverage and that the operational aspects of its share draft program do not jeopardize coverage. Also fully

supported were the requirements of a full, complete and detailed share draft agreement delineating the duties, responsibilities and possible liabilities of both the credit union and member and of a required written document developed by the credit union that sets forth the operational and program specifications of the share draft program to be implemented. These requirements are set forth in Section 701.35(c)(1)(iii). The requirement that copies of paid orders be retained for five years or as required by state law, whichever is greater, by any method that does not jeopardize the ability to properly authenticate a document was not generally commented upon. However, credit unions may use any type of photo reproduction to meet this requirement. This has been added to the regulation at Section 701.35(c)(1)(iv).

Fees

Very few commenters expressed opinions concerning fees for share draft use except to indicate that the statement in the preamble that reasonable fees could be charged for overdrafts, stop payment orders and failure to maintain required balances should not be read to limit fees just to those eventualities. Comments were evenly split on limiting other fees to costs incurred by the credit union. While some agreed to the principle of not permitting fees to exceed cost, others felt that in difficult economic times a minimal amount of overhead or profit should be permitted and that, generally, fees should be dictated by the marketplace.

It is the view of the NCUA Board, in the spirit of deregulation and in recognition of the difficulty of establishing with certainty what constitutes actual cost, that fee structures should be within the purview of the board of directors of a credit union implementing a share draft program and should reflect both equity and the spirit of cooperative principles. While it is still hoped that fees will approximate cost, the NCUA Board believes that the ultimate success of a share draft program may well depend on the reasonableness of fees imposed for which a board of directors will ultimately have to answer. The NCUA Board is also cognizant of the fact, for example, that a small fee for overdrafts may not discourage overdrafts as much as a larger fee not directly tied to the cost of providing overdraft protection. It is absolutely necessary that *all* fees be disclosed to members prior to signing a share draft agreement so that all members are aware of their rights and responsibilities. The authority to provide for fees is set forth in Section 701.35(c)(2)(i).

Experimental Programs

Commenters generally concurred in the availability of a one year experimental share draft program that would serve as a barometer for a continuing program available to the membership as a whole. The ability to designate a limited group of members, including board members and officials, has been maintained, as well as the requirement that all required disclosures and advertising requirements remain in force during the experimental period. Some commenters expressed concern over the requirement that, during the experimental period, the dividend rate paid on share draft accounts could not exceed the rate paid on regular share accounts. The purpose of an experimental program, however, is to test operational feasibility for the credit union, *not* to provide a monetary benefit to a select group of members. Of course, in share draft programs *not* in an experimental phase, this dividend limitation is *not* a requirement. Those involved in experimental programs may be notified that once a program is no longer experimental, the dividend rate may become higher. The experimental program authority is set forth in Section 701.35(c)(2)(ii).

Disapproval Criteria

The majority of commenters professed confusion at the discussion in the preamble of disapproval criteria. The preamble indicated that criteria relating to credit history and previous loan delinquency would generally be acceptable, but that standards tending to eliminate from share draft participation a group of persons (women, low wage earners, persons living in one part of town) would be impermissibly discriminatory. While all commenters agreed that discrimination among members should be prohibited, they suggested that it would be futile for the NCUA Board to establish meaningful guidelines because of the geographic and membership diversity among credit unions. For example, a military credit union with branches overseas might find that the use of share drafts by its overseas members would make a share draft program impractical or costly to implement. However, the declaration in the preamble that disapproval criteria would be impermissible if their *effect* would be to discriminate against a class of members was, in the view of most commenters, too broad and lacking in effective guidance.

It remains the view of the NCUA Board that disapproval criteria should generally be based upon past credit history, loan delinquencies, bad check history, overdrafts and the like; that is, factors that specifically relate to operational feasibility and cost efficiency. Groups or classes of the membership should normally not be excluded from an important service. Thus, criteria that result in exclusion of an identifiable class of persons will be considered violative of the regulation unless extenuating circumstances exist. Generally, extenuating circumstances are those that impact on the operational feasibility of a share draft program, such as cost effectiveness in a geographically disparate credit union. Criteria for disapproval should involve aspects of creditworthiness, operational feasibility and cost efficiency and should be equitable and reflect the spirit of cooperative principles. Such criteria must be kept on file at the credit union and be available to NCUA on request. Section 701.35(b)(2) has been modified accordingly.

Guarantees

All commenters stressed the need to permit credit unions to guarantee share drafts through the issuance of guarantee cards without the cumbersome guarantee procedure for each share draft currently delineated at Section 701.34(g). That provision prohibits a Federal credit union from waiving its right to require notice of withdrawal pursuant to Article III, Section 5(a) of the Federal Credit Union Bylaws and, hence, permits share draft guarantees for each individual share draft only if authorized by the Federal credit union and the share draft account is immediately earmarked to prevent withdrawal of shares needed to pay that particular share draft. Commenters suggested, however, that share drafts cannot be competitive and effective instruments for third party payments, if, when presented to a merchant, for example, a share draft must be guaranteed through the procedure previously described, e.g., initiated by a telephone inquiry to the credit union to verify sufficient funds in the share draft account. The potential problems are obvious, especially when the credit union is not open for business. The effectiveness of the ability to guarantee share drafts pursuant to Section 701.34(g) is flawed and may not serve as an effective and "on-the-spot" guarantee necessary in today's marketplace.

The crux of the problem lies in Article III, Section 5(a) of the Federal Credit Union Bylaws which gives Federal credit unions the right to require up to 60 days notice of intent to withdraw. That particular bylaw provision effectively

precludes an absolute guarantee of a share draft by a Federal credit union if the bylaw were to be invoked prior to payment of the draft.

The NCUA Board believes that share drafts must compete equally with instruments issued by other financial institutions. When the practice of other financial institutions in the local market place so requires, Federal credit unions must be in a position to guarantee share drafts through the use of a guarantee card or other method, in such a manner that third parties, without a cumbersome and sometimes unsuccessful process, may be immediately satisfied that a share draft accepted as payment is guaranteed.

The Consumer Checking Account Equity Act of 1980 amended Section 205 of the Federal Credit Union Act to give all insured credit unions the express power to issue share draft accounts in accordance with regulations issued by the NCUA Board. This, in effect, has authorized the establishment of a new kind of account, separate and distinct from other types of accounts. The NCUA Board has determined that the establishment of an account that represents shares redeemable upon demand is now permissible under the Federal Credit Union Act and in recognition of share drafts as third party payment instruments, Federal credit unions will be permitted to adopt an amendment to Article III, Section 5(a) of the Federal Credit Union Bylaws that will remove the right of the board of directors to impose a notice of withdrawal on share draft accounts. Assuming adoption of an amendment to Article III, Section 5(a) of the Federal Credit Union Bylaws, a Federal credit union may issue guarantee cards which, on presentment to a third party, will assure payment of the share draft. A Federal credit union should, however, determine that the use of a guarantee is competitively necessary and the amount of the guarantee is reasonable. Of course, when a Federal credit union binds itself to pay the draft, it should be assured, through a proper share draft agreement with its member, that the rights and liabilities of each member are clearly delineated, especially in the area of overdrafts, accessing lines of credit, and ultimate liability on guaranteed share drafts.

Use of Share Drafts

Several commenters expressed confusion over the mandate of Section 205(f) of the Federal Credit Union Act that authorizes the establishment of share draft accounts for use by an organization which is operated "primarily for religious, philanthropic, charitable, educational, or other similar purposes and which is not operated for profits." Essentially, the language in Section 205(f) parallels the provision regarding NOW accounts for other depository institutions in the Consumer Checking Account Equity Act of 1980. The impact of the above quoted language will have only a minimal effect on Federal credit unions. All individuals or corporations that are members of any credit union, *regardless* of whether or not those corporations are non-profit or operated primarily for religious, philanthropic, charitable, educational or other similar purposes, are eligible for share draft accounts. This would include "organizations of such persons" as such organizations are members. This would not permit establishment of a share draft account in the name of a corporation or business owned by a member unless that business or corporation became a member. It should be pointed out, however, that the impact of the statutory language may be felt by those credit unions designated as "low income" credit unions. That is, while those designated credit unions may permit the purchase of shares by various entities within the community, those entities are not considered members of that credit union. Hence, they may not establish share draft accounts unless they are organizations operated primarily for "religious, philanthropic, charitable, educational, or other similar purposes and [are] not operated for profit."

It is noted that Section 107(6) of the Federal Credit Union Act specifically delineates who may make payments on share draft accounts while referencing Section 205(f). Section 205(f) merely defines the scope of share draft authority and was not intended to expand the field from which Federal credit unions could accept payment on share draft accounts. Thus, the language of Section 205(f) does *not* permit organizations meeting the requirements therein to establish share draft accounts unless they are members or are otherwise authorized to purchase shares.

As stated in the premable to the proposed rule, Federal credit unions that are members of corporate centrals would be eligible for share draft accounts offered by corporate centrals because of their membership status.

Credit Union Share Draft Accounts

A majority of commenters indicated that Federal credit unions should be permitted to establish their own internal share draft accounts as this would enhance internal disbursement procedures. It is the view of the NCUA Board that a Federal credit union may not establish its own share draft account. It may, however, draw drafts upon itself as already outlined in the *Accounting Manual for Federal Credit Unions* (NCUA Pub. No. 8022) at pages 5–55 *et seq.* The particular type of draft permissible would be the functional equivalent of a cashier's check which is a draft drawn by a bank against itself. The bank is both the drawer and the drawee of the instrument. It becomes the bank's primary obligation and constitutes its written promise to pay on demand. It has previously been the position of NCUA that a Federal credit union could not issue cashier's checks because it could not provide checking services. However, Federal credit unions may issue what might be termed "treasurer's drafts" to enable Federal credit unions to make payments. Proper accounting procedures must be used and the Federal credit union must maintain its ability to honor such drafts.

The ability of the Federal credit union to draw drafts on itself differs significantly from the ability to set up its own internal share draft account. While commenters requested authority for Federal credit unions to establish internal share draft accounts, it appears that they were actually requesting the above mentioned "treasurer's draft" authority. The existence of a share draft account *presupposes* the existence of an account representing an equity or ownership interest in the credit union. In effect, a Federal credit union would be redeeming its own shares by using a share draft account, i.e., reducing its ownership interest in itself. Instead, what is actually desired is the ability of a Federal credit union to issue drafts drawn against its assets.

Therefore, while a Federal credit union may draw drafts on itself, assuming proper accounting procedures and an awareness of any liability that may be incurred by doing so, it may not have its own internal share draft account.

Overdrafts

Comment was solicited on both the method and timing of overdraft notices. All commenters supported the NCUA Board's position that overdrafts may be cleared by a transfer of shares from another account, by accessing a line of credit, special loan plan or any other arrangement established with the member whether they be preauthorized or contingent upon member approval at the time an overdraft occurs. All commenters also agreed that overdraft notices must be provided in any reasonable form that advises the member of any overdraft and actions

taken to cover it. Differences among commenters centered around the frequency of overdrafts. A few commenters felt that the interests of the members are best served by immediate notification. Others believed that urgency of notification is lessened where preauthorized overdraft arrangements have already been established. A majority of the commenters urged the NCUA Board to consider the benefit of notice to members given separate from periodic statements when weighed against the rising costs to credit unions of providing such notice.

Taking all factors into consideration, the NCUA Board has determined that the method and timing of notice is properly left to the discretion of the board of directors of each credit union (except for certain plastic debit card orders that will be subject to the Federal Reserve Board's Regulation E notice requirements). The NCUA Board suggests that such notice occur no less frequently than monthly.

Disclosures and Advertising

All comments presented a basic issue concerning disclosures: What is the benefit of any given disclosure to a member and is that disclosure of such importance that it justifies the cost to the credit union of providing it? The NCUA Board has analyzed each proposed disclosure for clarity and necessity with this issue in mind. The NCUA Board is dismayed, however, at the suggestion of some commenters that while certain existing disclosure requirements could certainly be made clearer, such clarification would only result in an unwillingness to place funds in the credit union. The NCUA Board rejects the notion that disclosures that cannot be construed as clear should be *deliberately* left as they are based on the premise that if members were to clearly understand the terms and conditions of any given account, establishment of such account by a member might become less likely.

The proposed regulation suggested as a required disclosure a statement of applicable grace periods, if any (i.e., periods, such as the first ten days of a dividend period, during which funds deposited at any time will receive dividends from the start of the dividend period). The majority of commenters believed that the existence of grace periods is a material condition of any account and that its disclosure enables a member to plan for the establishment of, additions to and disposition of, any account to which grace periods are relevant. The NCUA Board agrees that the existence of a grace period is of material benefit to a member and should be disclosed. Therefore, Section 701.35(l)(1)(viii) has been adopted as proposed, but its effective date has been delayed until March 1, 1981, to permit the drawing down of existing stock of disclosure forms.

It should be noted that the required disclosure involves not only a delineation of the dividend earning ability of funds deposited during a grace period, but also of funds deposited *after* the grace period. Comments were evenly split on this latter requirement. Many commenters felt that common sense dictated that if a consumer is told that funds deposited during a grace period earn dividends for that period, funds deposited *after* that grace period would not earn dividends for that period. Other commenters indicated that it was just as logical to conclude that the grace period was a consumer benefit to help earn dividends during a grace period and that it had no effect on dividend earning once the grace period expired. It is the view of the NCUA Board that as long as some confusion appears to exist on this subject, full disclosure of all pertinent material facts surrounding the earning of dividends should be clearly disclosed. As stated earlier, Section 701.35(l)(1)(viii) has been amended to include disclosure of grace periods and their "terms and conditions" which would include an explanation on the dividend earning capacity of funds deposited during *and* after any grace period. Again, the effective date for this disclosure will be March 1, 1981 in order for credit unions to draw down existing stock of disclosure forms.

Also proposed was a disclosure of the possibility of the imposition of up to sixty days notice of withdrawal pursuant to the Federal Credit Union Bylaws. Comments received were overwhelming against the requirement of such a disclosure. The commenters felt that while the possibility of imposition of this bylaw certainly exists, the frequency of its use was quite rare and the circumstances of its use were during a liquidity crisis or when the credit union was on the brink of insolvency or liquidation. Therefore, the commenters felt that this particular disclosure of a remote possibility would be unduly and unnecessarily alarming to members who might tend to believe that the very fact of disclosure indicated poor financial condition, the ultimate result being a lack of confidence in, or lingering misgivings about, the credit union. The benefit of this disclosure to the member was viewed as minimal while the possible detriment to the credit union would be great. The NCUA Board views this disclosure as necessary for a full appreciation of all of the possibilities attendant to a Federal credit union account. It is incumbent upon the Federal credit union to inform its members of the purpose, frequency and likelihood of such imposition if it feels that simple disclosure of this material aspect of Federal credit union accounts will have a deleterious effect upon the membership. The requirement is noted at Section 701.35(l)(1)(xi) but it will not become effective until March 1, 1981, to allow the use of existing stock.

Comment was solicited on the possibility of modifying the required disclosure that "Federal regulations prohibit payment of dividends in excess of available earnings" to "Dividends are not guaranteed" in order to clarify the possibility that *no* dividend may be paid during a given dividend period. The vast majority did not support this proposed change. It was felt that the present disclosure was clear on its face and that the possibility that *no* dividend would be paid was too remote to require that this possibility constitute the thrust of the disclosure. Commenters indicated that members are aware that dividends are dependent upon earnings and that no earnings will result in *no* dividends. The NCUA Board is nonetheless persuaded that the present disclosure may not be clear and generally understood because of the fact that, on its face, it is subject to more than one interpretation. Therefore, taking all factors into account, the NCUA Board is adopting a new required advertising statement that will state:

"NOTICE: Dividends are based on the credit union's earnings at the end of a dividend period and thus cannot be guaranteed."

This information must also be included in the disclosure statement under § 701.35(l)(1)(iii) but the effective date will be March 1, 1981 to allow the use of existing stock.

Many comments were received on the possiblility of requiring disclosure of the actual effective dividend yield on share draft accounts after an appropriate dividend has expired. While most commenters admitted that the actual effective yield differed from any specified rate, they were constrained to point out that it is generally understood that specified yield will be modified downward by the amount of funds *not* remaining in an account for an entire dividend period. This fact, and the reality that this disclosure would be costly because of the necessity of computer reprogramming and the fact that each member has unique transactions during a given dividend period, would, according to the

comments, render this disclosure difficult, costly and not beneficial to a decision on whether or not to open an account. The NCUA Board believes that while a member should know exactly what effective dividend yield was received, it is not necessary to make this a requirement. It is well to keep in mind that the cost of computer reprogramming would be quite high for most credit unions (perhaps resulting in an even lower effective yield) and, for those credit unions *not* on computer, the labor involved for each account holder would be great. The NCUA Board believes that every credit union should make effective yield known to its members. However, if all other required disclosures are made correctly, members should understand that the effective yield for any given dividend period will likely be less than the specified rate depending upon the activity in the account and the amount left in the account during an entire dividend period. Accordingly, the NCUA Board is not adopting the proposed disclosure as a requirement but strongly encourages that boards of directors consider adopting such a disclosure voluntarily. In advertising and disclosing share draft account dividend rates, however, it *must* be clearly and conspicuously stated, if applicable, that such a yield will probably be less than stated and that it is applicable only to funds remaining in the account during a dividend period or whatever computation method is used. To simply state a rate, without further explanation, would be especially misleading to the membership and the public in what is designed as a high activity transaction account. Any disclosure on share draft accounts that does not explain the basis upon which dividend rates are based will violate the regulation as will any share draft advertising that does not make that disclosure. These requirements are at Section 701.35(k)(1)(i) and 701.35(l)(1)(xii), and are effective without delay.

Some comments were received concerning the advertising of share draft programs. The preamble to the proposed regulation reminded the public that NCUA regulations do not permit misleading advertising. Therefore, it was suggested that while credit unions could use the word "chek" or "cheque" or even "check" in advertising a share draft program, any statement that a share draft is, in fact, a check is technically incorrect and impermissible as it is a bank instrument only pursuant to Section 3–104 of the Uniform Commercial Code. Nearly all commenters agreed but some indicated that the requirement that if words like "chek," "cheque," or "check" are used, it must be stated with equal prominence that the program is a share draft program would tend to leave less room for effective promotional advertising. Nonetheless, the NCUA Board continues to believe that the policy stated in the preamble ensures truthful and accurate advertising and it will continue to be the NCUA policy.

Accounting and Operational Procedures

The NCUA Board solicited comments on twelve separate accounting and operation issues involving share draft accounts. The issue of a credit union using its own routing and transit number has been dealt with earlier. Only two commenters discussed the other items mentioned including posting, overdraft accounting, stop payment requirements, storage of paid drafts, posting exceptions and return items, forgeries and unauthorized drafts, settlement accounts, separate general ledger accounts and trial balances for individual share draft ledgers, and monetary reserve reporting (dependent on Federal Reserve Board action). Each commenter believed that the handling of each of these items must be considered by any credit union prior to implementing a share draft program but that the needs and peculiarities of each individual credit union would generally dictate which specific procedures are to be implemented. The NCUA Board concurs in this assessment and urges credit unions to obtain assistance of counsel in determining how their particular procedures, tailored to their own needs, effect their legal rights and liabilities. However, each commenter believed that the requirement that copies of paid drafts be retained could be accomplished through the use of photo reproduction copies. As stated earlier, the NCUA Board concurs and Section 701.35(c)(1)(iv) has been modified accordingly.

II. Part 761—Operational Procedures for Share Draft Programs; Federally Insured State Chartered Credit Unions

Three comments were received concerning proposed Part 761. One commenter suggested that the proposed regulation did not take into account the fact that some states may authorize the equivalent of share draft accounts but under differing names such as, for example, share deposit accounts. It should be noted that Part 761.1(a) specifically defines share draft account to include equivalent accounts under state law.

A significantly larger question, however, has been raised by two state credit union leagues which indicated that, in their states, share draft authority had been in existence before the promulgation of the Consumer Checking Account Equity Act of 1980, that neither state has promulgated implementing regulations, and that each state questions the authority of the NCUA Board to mandate the adherence of state chartered federally insured credit unions in their states to the strictures of Section 701.35.

It is the opinion of the staff of the Office of General Counsel that Title 305 of the Consumer Checking Account Equity Act of 1980, which added Section 205(f) to the Federal Credit Union Act (12 U.S.C. 1785(f)), clearly gives the NCUA Board the requisite authority, if necessary or desirable, to pre-empt state regulation of share drafts. Section 205(f)(1) now says, in pertinent part:

> Every insured credit union is authorized to maintain . . . share draft accounts in accordance with rules and regulations prescribed by the [NCUA] Board.

The NCUA Board, however, chooses not to exercise the totality of the pre-emptive power bestowed upon it by Section 205(f)(1). Rather, it shall be the policy of the NCUA Board that those state chartered federally insured credit unions offering share drafts that derive such authority solely from Section 205(f)(1) of the Federal Credit Union Act, and this would include those credit unions operating under state conformity or "wild card" statutes, must implement that authority pursuant to Section 701.35 of the NCUA Rules and Regulations. However, those state chartered federally insured credit unions deriving their share draft authority from state statutes, regulations or judicial interpretation (all encompassed in the word "law" at Section 761.2(b)) need not comply with Section 701.35 of NCUA Rules and Regulations. The NCUA Board believes that this policy gives state authorities the widest latitude in regulating the entities they charter. It is noted, however, that the NCUA Board, as the ultimate insurer of all federally insured credit unions, has a strong interest in the safety and soundness of all federally insured credit unions and reserves the right at some future date to exercise to a greater extent the authority granted to it pursuant to Section 205(f) of the Federal Credit Union Act, should conditions so warrant.

Miscellaneous Comments

The NCUA Board invited comments on the entirety of Section 701.35. The following is a discussion of significant comments not addressed above.

1. Many commenters suggested that Federal credit unions should have the

authority to offer share certificate accounts with maturities of 14 days. This would give them authority already available to banks that are Federal Reserve members. Because the NCUA Board believes that Federal credit unions must have the tools to compete on equal footing with other financial institutions, Section 701.35(d)(1) has been amended to permit issuance of share certificates of at least 14 days maturity.

2. One commenter indicated that the requirement of retaining paid share drafts was ambiguously drawn in that it appeared to subject Federal credit unions to state law and require a retention period of greater than five years. Section 701.35(c)(1)(iv) provides for a minimum retention period of five years. Where state law requires more, the regulation adopts the state law period. It does not subject Federal credit unions to the state law itself.

3. One commenter pointed out that since the definition of share draft account goes beyond the actual share draft itself to include access by telephone transfer, ACH, debit card and other "orders," the retention requirement becomes problematical if no physical paper is generated. Every transaction accessing a share draft account must have an appropriate record noting the pertinent aspects (date, amount, etc.) of the transaction. In the case of actual drafts, copies or photo reproductions are required. For other types of orders, the actual method of so noting is left to the discretion of the board of each individual credit union. As long as the information is available, even if stored in a computer, for example, the retention requirement will be satisfied.

4. The preamble to the proposed regulation indicated that a credit union service corporation would not be eligible for share draft accounts. This was inadvertently overstated. If a credit union service corporation is a member of a credit union or, if not a member, is nonetheless permitted to purchase shares in a low income credit union *and*, by the services it offers, fits the criteria in Section 205(f)(2) of the Federal Credit Union Act, it could qualify for a share draft account.

5. Comment was also solicited on deleting the requirement that a regular share account qualify for a dividend. The NCUA Board is not unmindful of the thrust of many comments received which indicated that excessive activity in a low balance regular share account involves costs to a Federal credit union that are not outweighed by the Federal credit union's use of the shares remaining in the regular share account. However, the profitability of any given account or service provided to the membership is not the sole barometer by which any given account characteristic or service should be judged. The cornerstone of credit unions remains the saver of modest means. A large portion of credit union members maintain low balance accounts and may actively use such accounts. The NCUA Board believes, in the absence of compelling reasons otherwise, that permitting the non-payment of a dividend on a regular share account, the only account a Federal credit union is required to offer, would be to turn its back on the small saver and to permit a Federal credit union to act simply as a "safe keeper" of the funds of those persons needing dividend assistance most. It should be remembered that within this mandate, a board of directors has wide latitude. That is, the amount of the required dividend is not mandated and, based upon costs in any particular Federal credit union, a low dividend could be declared. However, it is the hope of the NCUA Board that increasing Federal credit union expenses will not result in the use of a remedy that will inordinately burden those members who can least afford it.

6. Although not contained in the proposed regulation, a new subparagraph 701.35(b)(1)(ii) has been added. It does not impose a new requirement but instead clarifies what is already required, i.e., dividends cannot be paid unless sufficient earnings are available. Similar language was inadvertently omitted from Section 701.35(f) when the section was amended in May, 1979. It is the substantive provision to which Sections 701.35(k)(1)(ii) and 701.35(l)(1)(iii) relate.

III. Grace Periods

On June 10, 1980, the National Credit Union Administration invited public comment on a proposed rule concerning grace periods of share certificate accounts (45 FR 39279). This proposal dealt with a dividend earning period *after* the maturity date of a share certificate, not to be confused with the previous discussion of grace periods at the beginning of a dividend period. The period for receipt of comments expired on July 23, 1980. After consideration of the comments and views expressed, the Administration has decided to amend Section 701.35(d)(2)(ii) of the National Credit Union Administration's Rules and Regulations (12 C.F.R. § 701.35(d)(2)(ii)) to provide for a voluntary grace period on all share certificate accounts of up to 7 days. Previously, the 7 day grace period was applicable only to money market share certificates.

In response to the notice of proposed rulemaking, 14 written comments were received. Seven commenters expressed support for the proposed regulation that would give Federal credit unions authority to institute up to a 7 day grace period on share certificate accounts. This proposal complements a final regulation authorized on May 15, 1980, that permits a 7 day grace period on 26 week money market share certificates where previously no grace period on such certificates was permitted. Prior to the proposed regulation discussed herein, non-money market share certificates could have been subject to a voluntary grace period determined by the individual Federal credit union. This proposal was issued for comment to parallel a uniform rule already adopted by the Depository Institutions Deregulation Committee (Committee) that is now applicable to commercial banks, mutual savings banks and savings and loan associations.

Those commenters opposing the proposed amendment generally felt that limiting share certificate grace periods to 7 days where previously no limit had existed impaired the flexibility that had been available to each individual Federal credit union to tailor a grace period program to fit its own needs. In addition, these commenters suggested that the rule adopted by the Committee did not reflect its mandate to deregulate and that, in any event, NCUA's desire for uniformity in this regard did not provide a proper basis for placing a new restriction on Federal credit unions. One commenter agreed with the concept of a uniform grace period but felt that 10 days, rather than 7, would be the appropriate period.

Grace periods are permitted to allow for unexpected problems that may arise where a member cannot notify the Federal credit union of his or her intention of what should be done with funds in a share certificate account on the maturity date. Grace periods are *not* designed to allow for an extension of a certificate maturity date. Therefore, the NCUA Board continues to believe that a voluntary grace period of up to 7 days should be adopted as proposed. The 7 day limit will ensure that grace periods are not used to extend maturities. In addition, since money market share certificates, already subject to up to a 7 day grace period, are simply share certificates of a certain maturity and amount, the dividend rate of which is based upon a special standard (the discount rate), the NCUA Board finds no justification for imposing a guideline on money market share certificates, applicable to all financial institutions,

and not on other share certificates. Indeed, one commenter indicated that confusion among his members existed over this type of dichotomous treatment. All share certificates should be subject to the same grace period. In this manner, all members will have uniform knowledge of the nature and terms of their accounts.

In addition, since Federal credit unions are required to notify members of an approaching maturity date 10 days prior to maturity even for automatic renewals under Section 701.35(d)(2)(i), the NCUA Board finds that such a 10 day period and a possible additional 7 days provides ample time in which a member can decide what course of action to instruct the Federal credit union to take with his funds.

The NCUA Board also notes the voluntary nature of grace periods. They need not be implemented. If they are, however, this rule simply prohibits them from being open-ended. The NCUA Board does not find the rule to be burdensome to Federal credit unions or to present troublesome inflexibility. Yet, it does promise to ensure that members will be aware of a uniform time period in which decisions can be made and that its purpose is for emergency or unexpected situations and not for the purpose of extending maturities. Accordingly, the NCUA Board adopts Section 701.35(d)(2)(ii) as proposed.

IV. Penalty Provisions

On June 25, 1980, comment was invited on a proposed rule concerning penalties for premature withdrawal of share certificate accounts (45 FR 42628). The period for receipt of comments expired on August 18, 1980. After consideration of the comments and views expressed, the NCUA Board has decided at this time not to amend Section 701.35(e) of NCUA Rules and Regulations (12 CFR § 701.35(e)) to set a maximum penalty that may be imposed for premature withdrawal.

The rule proposed also would have superseded the present penalty rule. It would have required, as a *mandatory* penalty, a forfeiture of an amount equal to three months of dividends on the funds withdrawn where the share certificate has an original maturity of between 90 days and one year, and six months of dividends on the funds withdrawn where the share certificate has an original maturity of more than one year, regardless of the length of time funds have remained on deposit. In the case of share certificates of maturities of less than ninety days, the proposed premature withdrawal penalty was to be an amount equal to all dividends that *could have been earned* had the share certificate been held to maturity. The proposal would authorize, under certain circumstances, a penalty resulting in an invasion of principal.

The forty five comments received ran two to one against its implementation as a *mandatory* penalty. Many commenters felt that there is not sufficient data available to indicate that credit unions are experiencing sufficient premature withdrawals to conclude that the present penalty provisions are not serving as an adequate deterrent. In any event, many commenters noted that the present penalty provisions are only a minimum penalty thus allowing any Federal credit union to counter premature withdrawals by establishing any penalty it deems fit, as long as the principal amount is not invaded. Hence, such a harsh new mandatory penalty would be unjustified. Many commenters indicated a strong theoretical objection to invading principal under *any* circumstances in a cooperative like a credit union.

Of those supporting the proposal, some indicated that a harsh and mandatory penalty is entirely appropriate for persons breaking the contract between themselves and their credit unions. Others indicated that even if abuses did not now exist, a harsh deterrent would assure future compliance. However, approximately half of those supporting the proposal indicated that their support was based upon the granting of the bare authority to invade principal and would have no objection to having the mandatory minimum of the present regulation remain in force as long as it was coupled with authority to invade principal.

The NCUA Board has decided to retain the existing penalty provisions at this time. Of course, if it becomes evident that premature withdrawals are becoming a widespread problem, the NCUA Board stands ready to review its position.

While the decision does not follow penalty provisions adopted for other financial institutions by the Depository Institutions Deregulation Committee, it is the understanding of the NCUA Board that those penalty provisions mandated for other financial institutions may be subject to review. Therefore, the NCUA Board has decided to retain its current penalty provisions and review its proposed rule in this area at a later date.

Rosemary Brady,

Secretary to the Board, National Credit Union Administration.

November 6, 1980.

Authority: Sec. 107, 94 Stat. 132 (12 U.S.C. § 1757); Sec. 120, 73 Stat. 635 (12 U.S.C. § 1766); Sec. 205, 94 Stat. 132 (12 U.S.C. § 1785); and Sec. 209, 84 Stat. 1104 (12 U.S.C. § 1789).

PART 701—ORGANIZATION AND OPERATIONS OF FEDERAL CREDIT UNIONS

§ 701.34 [Removed]

1. 12 CFR Part 701 is amended by removing § 701.34 and by revising § 701.35 to read as follows:

§ 701.35 Share, share draft and share certificate accounts.

(a) Definitions—as used in this section:

(1) Share Account means:

(i) Regular Share Account—an account which does not require the holder to maintain a balance greater than the par value of a share or to give notice of intent to withdraw, except as may be imposed in accordance with the Federal Credit Union Bylaws, and that qualifies for a dividend; or

(ii) Any other account that is not, by definition, either a regular share, share draft or share certificate account.

(2) Share Draft Account means an account from which the holder is authorized to withdraw shares by means of a negotiable or transferable instrument or other order.

(3) Share Certificate Account means:

(i) An account that will earn dividends at a particular rate if held to maturity and on which a penalty shall be assessed for any premature withdrawal. Additions shall reset the maturity of the entire account for a term equal to the original qualifying period; or

(ii) An account that will earn dividends at a particular rate provided:

(A) A notice of a minimum of 90 days of intent to withdraw on a specified date is required;

(B) A penalty is assessed for failure to provide a minimum of 90 days notice; and

(C) Regular additions are made to the account for the duration of the qualifying period pursuant to a written contract or savings plan. Additions to this type of account shall not reset the maturity of the entire account for a term equal to the original qualifying period.

(4) Premature Withdrawal means:

(i) The withdrawal of all or any portion of the principal amount prior to maturity, or

(ii) The withdrawal of all or any portion of the principal amount prior to providing any required notice.

(5) Truncation means the original negotiable or transferrable instrument is not returned to the drawer.

(b) *Issuance of Share, Share Draft and Share Certificate Accounts.* (1) The board of directors, by resolution, may

establish share and share draft accounts with different dividend rates and share certificate accounts with different dividend rates and maturities in conformance with the following:

(i) Any terms and conditions prescribed by the board of directors concerning the issuance and maintenance of share, share draft and share certificate accounts must be consistent with the requirements of this section;

(ii) No dividend may be paid unless sufficient earnings are available at the end of the dividend period; and

(iii) A regular share account as defined in paragraph (a)(1)(i) must be available to all members, either as a separate account or in combination with other account features adopted by the Board.

(2) Share and share certificate accounts offered shall be made available to all members on an equal basis. Share draft accounts shall be made available to members subject to operational feasibility and reasonable disapproval criteria as described in written board policy. Special share certificate accounts may be established for funds deposited to the credit of, or in which the entire beneficial interest is held by, an individual pursuant to an Individual Retirement Account agreement or Keogh Plan as provided for by Section 721.4. Such special share certificate accounts shall be made available on an equal basis to all members who qualify. No officer, director, member of the credit or supervisory committees, employee, or other official appointed or elected, shall be holder of a share, share draft or any type of share certificate account unless all qualifying members of the credit union are given an equal opportunity to become holders of such accounts.

(3) Share, share draft and share certificate accounts shall be subject to any notice which may be imposed pursuant to the Federal Credit Union Bylaws.

(c) *Share Draft Accounts.* (1) In addition to the general requirements set forth in this Section applicable to the establishment and maintenance of share draft accounts the board of directors shall provide for:

(i) Truncation;

(ii) Surety bond coverage;

(iii) Establishing a share draft account agreement with each member that outlines both credit union and member responsibilities;

(iv) Retaining copies or photo reproductions of paid share drafts or other evidence of paid orders of withdrawal on file for a period of five years or as required by applicable state law, whichever is greater; and

(v) Written operational and program specifications on file at the credit union's principal office.

(2) The board of directors may provide for:

(i) Fees to be assessed for share draft account usage;

(ii) An experimental share draft program with terms and conditions that restrict the number of share draft accounts and are otherwise not inconsistent with the requirements of this section for a period not to exceed one year; except, however, the advertising and disclosure requirements shall not be waived and the maximum dividend rate for share draft accounts shall not exceed the rate paid on its regular share account; and

(iii) Participation in guarantee arrangements, provided, however, that a Federal credit union participating in a guarantee arrangement adopts an appropriate amendment to Article III, Section 5(a) of the Federal Credit Union Bylaws.

(d) *Limitations on Share Certificate Accounts.* (1) Qualifying periods shall not be less than 14 days nor more than 6 years.

(2)(i) Upon maturity, share certificate accounts may be automatically renewed at the same terms and conditions as initially issued, or as may be otherwise provided for in accordance with a written agreement between the holder and the credit union. Notice of any such renewal, changes in the terms and conditions, or expiration of the qualifying period (in addition to the disclosure requirements set forth in subsection (1)) shall be provided at least 10 days prior to the expiration of the qualifying period, except accounts with qualifying periods of less than 90 days.

(ii) The share certificate account agreement may provide for the payment of dividends on withdrawals made not more than 7 days after the maturity date. The agreement may specify that the dividends will be paid at the originally specified dividend rate or at a lower rate but in no event may the rate specified be less than the current rate paid on regular share accounts.

(3)(i) In case of a premature withdrawal of the principal amount which reduces the balance below any required minimum amount, the account shall be cancelled and a penalty pursuant to subsection (e) of this section shall be imposed upon the entire amount evidenced by the share certificate account. If the required minimum amount continues to be met, a penalty pursuant to subsection (e) of this section shall be imposed upon the amount withdrawn (and not upon the remaining balance) and either:

(1) An appropriate notation may be made on the account indicating the amount and date of the withdrawal and the remaining balance, or

(2) The account may be cancelled and a new account issued.

(ii) A share certificate account holder may withdraw any and all dividends previously paid on a share certificate account during its current qualifying period without incurring a penalty. If the share certificate account is automatically renewed at the same terms and conditions (including the same dividend rate), a Federal credit union may permit a share certificate account holder to withdraw dividends paid during the preceding qualifying period or periods at any time during the renewal period without penalty, unless the share certificate agreement provides otherwise. If any term or condition of the renewal certificate is different, dividends in the account at the commencement of the renewal period shall be treated as principal and subject to the penalty provisions for early withdrawal. Any amendment to a share certificate account that results in an increase in the dividend rate or a reduction in the qualifying period constitutes a payment of the account before maturity.

(e) *Penalty provisions.* (1) Penalties imposed shall be on the actual dividends earned, and shall not be imposed on the principal amount held in a share account or share certificate account. In assessing any applicable penalty, however, the amount of the penalty may be deducted from the principal amount if the dividends upon which the penalty is assessed have been previously withdrawn.

(2) The board of directors may establish a penalty to be imposed for failure to comply with any terms or conditions of a share account, other than a regular share account, and a share certificate account.

(3) The board of directors shall establish a penalty to be imposed for premature withdrawal from a share certificate account. The penalty established shall, at a minimum, require:

(i) If the qualifying period is one year or less the member shall forfeit an amount equal to the lesser of:

(A) All dividends for 90 days on the amount withdrawn, or

(B) All dividends on the amount withdrawn since the date of issuance or renewal.

(ii) If the qualifying period is greater than one year, the member shall forfeit an amount equal to the lesser of:

(A) All dividends for 180 days on the amount withdrawn, or

(B) All dividends on the amount withdrawn since the date of issuance or renewal.

(f) Exceptions to the Penalties—Penalties shall not be applied if:

(1) The withdrawal is made subsequent to the death of any owner of the share, share draft or share certificate account or is made pursuant to Article III, Section 5(e) of the Federal Credit Union Bylaws;

(2) The share or share certificate account is part of a pension plan which qualifies or qualified for specific tax treatment under Section 401(d) or 408 of the Internal Revenue Code and withdrawal is made following the participant's death or disability (as determined under 26 U.S.C. 72(m)(7)) or upon attaining not less than 59½ years of age; or

(3) Such withdrawal is made as a result of the voluntary or involuntary liquidation of the Federal credit union issuing the account.

(g) *Rate Specified or Contracted For In Advance.* (1) If specified or contracted for in advance, the dividend rate shall:

(i) For regular share accounts, be expressed as either a single dividend rate or for regular share accounts that earn differing rates for differing balances, each rate shall be expressed; and

(ii) For the remaining types of share, share draft and share certificate accounts, be expressed as

(A) A percentage above or below the dividend rate declared for regular share accounts, or

(B) A single dividend rate.

(h) *Maximum Dividend Rate.* A Federal credit union may pay a maximum dividend, expressed as an annual rate, as follows:

(1) 7% on a share or share draft account;

(2) On a share certificate account, except as otherwise provided in this subsection, that is issued on or after Thursday of every other week up to the greater of (1) 9½%, or (2) the lesser of 12% or the average 2½-year yield for United States Treasury securities, as determined and announced by the United States Department of Treasury immediately prior to such Thursday;

(3) On a share certificate account, except as otherwise provided in this subsection, which represents an investment of retirement account funds pursuant to Section 721.4 or of public unit funds pursuant to Section 701.32, that is issued on or after Thursday of every other week, up to the greater of (1) 9½, or (2) the lesser of 12% or the average 2½-year yield for United States Treasury securities, as determined and announced by the United States Department of Treasury immediately prior to such Thursday;

(4) A rate determined by money market conditions on a share certificate account of $100,000 or more: or

(5) In the case of a share certificate account of $10,000 or more having a fixed term or qualifying period of 26 weeks, the maximum dividend rate, which may be rounded off only by rounding down, shall be the greater of the rate authorized in paragraph (2) of this subsection or one quarter of one percent above the discount rate (auction average on a discount basis) for 26 weeks United States Treasury bills issued on or immediately prior to the date of purchase of the share certificate. If such dividend rate is based upon the discount rate, no compounding of dividends is permitted.

(i) *Dividend Periods.* The board of directors may vary dividend periods for differing share, share draft and share certificate accounts. Share certificate accounts which mature between dividend periods shall be entitled to dividends at the rate declared for that type of certificate at the close of the last dividend period before maturity.

(j) *Dividends Calculated on Par Value or Actual Value.* A Federal credit union may calculate dividends to be paid on share, share draft and share certificate accounts either upon the par value of shares or upon the actual value held in the accounts.

(k) *Advertising.* In addition to the advertising requirements established in Part 740 of the Rules and Regulations (12 CFR Part 740) and elsewhere in this section, the following rules shall apply to every advertisement, announcement, or solicitation relating to share, share draft, and share certificate accounts.

(1) Where a dividend rate is specified or contracted for in advance:

(i) Any terms and conditions necessary to earn that dividend at that rate shall be stated, including, for share draft accounts, a clear and conspicuous statement that effective yield may be less than the rate stated depending upon account activity or the actual amount of shares upon which dividends will be paid;

(ii) A clear and conspicuous notice shall be included indicating that the specified or contracted rate shall not be paid if available earnings are insufficient. Such notice shall state "NOTICE: Dividends are based on the credit union's earnings at the end of a dividend period and cannot be guaranteed.";

(iii) The basis upon which dividends will be paid;

(iv) A clear and conspicuous notice stating that Federal regulations prohibit the compounding of dividends during the qualifying period shall be included in the case of share certificates issued pursuant to paragraph (h)(5) which are based upon the discount rate.

(2) Where a penalty will be imposed for failure to comply with any term or condition, a clear and conspicuous notice shall be included. Such notice may state "A substantial penalty is required for failure to comply with these requirements."

(3) Where a percentage yield achieved by compounding dividends during one year is stated, the annual rate of dividends without the effect of compounding shall be stated with equal prominence, together with a reference to the basis of compounding and the basis for calculating dividends (either on par value or actual value). The percentage yield based on the effect of grace periods shall not be stated.

(l) *Disclosures.* (1) At the time that a Federal credit union issues any share, share draft or share certificate account, the holder of the account shall be individually provided, to the extent applicable, with a written statement setting forth the following which shall be in addition to any other disclosures required by law or regulation:

(i) Any terms or conditions which must be met for the share, share draft or share certificate account to earn dividends at a particular rate, including the fact that shares withdrawn before the end of a dividend period may not earn dividends for that entire dividend period;

(ii) The basis of compounding, the basis upon which dividends will be paid and the effect of premature withdrawal;

(iii) That Federal regulations prohibit the guarantee of dividends as dividends are based upon available earnings at the end of a dividend period, and in the case of share certificates issued pursuant to paragraph (h)(5) which are based upon the discount rate, the Federal regulations prohibit the compounding of dividends during the qualifying period;

(iv) Any penalty imposed for the failure to comply with any terms and conditions;

(v) Any provisions relating to automatic renewal of share certificate accounts;

(vi) The disposition of the funds in a share certificate account if it is not renewed;

(vii) Membership in the Federal credit union will terminate upon maturity of a share certificate account, unless renewed, if the holder does not have or

establish a share, share draft or share certificate account in addition to the share certificate account which is maturing;

(viii) Applicable grace period, if any, and its terms and conditions, including the fact that shares purchased during a grace period will earn dividends for the entire grace period and, if applicable, that shares purchased after the grace period will receive no dividends for a specified period.

(ix) Whether or not changes in accounts require member approval and the time in which a member must be notified of any changes in account.

(x) Any fees that may be imposed for use of a share draft account.

(xi) Federal Credit Union Bylaws give the Federal credit union the authority to impose a notice of up to 60 days for withdrawal of shares.

(xii) For share draft accounts, a clear and conspicuous statement that a specified dividend rate may result in a lower effective yield based upon either account activity or the actual amount of shares on which dividends will be paid.

(2) A Federal credit union need not provide a written disclosure statement in connection with the renewal of an existing account. Notice must be sent to affected account holders of any change in any provision required to be disclosed.

(3) A copy of a standard disclosure statement for each class or type of account offered by a Federal credit union shall be provided upon request. If accounts other than regular share accounts are offered, a listing of the accounts available shall be prominently displayed in the Federal credit union's offices and shall indicate that a copy of a standard disclosure statement for each class or type of account is available upon request.

2. A new Part 761 is established to read as follows:

PART 761—OPERATIONAL PROCEDURES FOR SHARE DRAFT PROGRAMS; FEDERALLY INSURED STATE CHARTERED CREDIT UNIONS

Sec.

761.0 Scope.

761.1 Definitions.

761.2 Authority.

Authority: Sec. 205, 94 Stat. 132 (12 U.S.C. § 1785).

§ 761.0 Scope.

This Part sets forth the procedures necessary for insured credit unions to implement and operate share draft programs.

§ 761.1 Definitions.

(a) Share draft account means an account from which the holder is authorized to withdraw shares by means of a negotiable or transferable instrument or other order or the equivalent of such account, under state law, as determined by the Board.

(b) Insured credit union means any federally insured state chartered credit union.

§ 761.2 Authority.

(a) Insured credit unions may offer share draft accounts consistent with the requirements of this Part.

(b) Any insured credit union that offers share draft accounts must comply with applicable substantive and procedural rules governing the implementation and operation of such accounts as may be promulgated by the State. In the absence of State law authorizing share draft accounts, § 701.35 of this Charter is applicable, to the extent it involves share draft accounts, except to the extent that any requirement set forth in § 701.35 conflicts with State law.

[FR Doc. 80-35421 Filed 11-13-80; 8:45 am]

BILLING CODE 7535-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3047]

The Mentholatum Co., Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Buffalo, N.Y. producer of denture cushions to use advertisements which are consistent with labeling information included with the product concerning health, safety or efficacy; to disclose, in those instances where the firm makes claims of duration of use, such labeling warnings in a clear and conspicuous manner; and, further, to affirmatively state that its product is intended for short-term use only.

DATES: Complaint and order issued Oct. 22, 1980.[1]

FOR FURTHER INFORMATION CONTACT: FTC/P, Albert H. Kramer, Washington, D.C. 20580. (202) 523-3727.

[1] Copies of the Complaint and the Decision and Order filed with the original document.

SUPPLEMENTARY INFORMATION: On Tuesday, July 29, 1980, there was published in the **Federal; Register,** 45 FR 50357, a proposed consent agreement with analysis In the Matter of The Mentholatum Company, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.170 Qualities or properties of product or service; 13.170–30 Durability or permanence; § 13.195 Safety; 13.195–60 Product; § 13.205 Scientific or other relevant facts. Subpart—Corrective Actions and/or Requirements. § 13.533 Corrective Actions and/or requirements; 13.533–20 Disclosures. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1710 Qualities or properties; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, Unfairly or Deceptively, to Make Material Disclosure: § 13.1863 Limitations of product; § 13.1890 Safety; § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

Carol M. Thomas,

Secretary.

[FR Doc. 80-35674 Filed 11-13-80; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. 9046]

SKF Industries, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modified order.

SUMMARY: In accordance with the settlement agreement reached by respondents and Commission counsel without adjudication, and filed with the Court of Appeals for the Second Circuit on July 23, 1980, this modified order revises the "final order" issued by the Commission on July 5, 1979 (44 FR 47926, 94 F.T.C. 6), by changing, among other things, the amount of TRB that SKF may sell to Federal Mogul and the

requirements for publishing the provisions of the order.

DATES: Decision issued July 5, 1979. Modified order issued Oct. 21, 1980.

FOR FURTHER INFORMATION CONTACT: FTC/CS 2, K Keith Thurman, Washington, D.C. 20580. (202) 254–8854.

SUPPLEMENTARY INFORMATION: In the Matter of SKF Industries, Inc., a corporation; Aktiebolaget SKF, a corporation; and Federal-Mogul Corporation, a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13 and appearing at 44 FR 47926, remain unchanged.

The Modified Order to Cease and Desist, including further order requiring report of compliance therewith, is as follows:

Respondents SKF Industries, Inc. ("SKF"), and Federal-Mogul Corporation ("FM") having filed in the United States Court of Appeals for the Second Circuit petitions for review of the Commission's "Final Order" herein dated July 5, 1979; and a stipulation dated July 23, 1980, by and among SKF, FM and counsel for the Commission having been entered into and filed with the Court of Appeals, pursuant to which the parties agreed and consented to entry by the Court of Appeals, without adjudication of any issue of law or fact, of an order modifying said "Final Order" in accordance with said stipulation and directing that said "Final Order," as so modified, be enforced; and the Court of Appeals having thereupon entered an Order, dated August 25, 1980, remanding the proceeding to the Commission with directions to modify said "Final Order" in accordance with said stipulation:

Now, therefore, it is hereby ordered that the aforesaid "Final Order" be, and hereby is, modified in accordance with the order of the Court of Appeals to read as follows:

Final Order

I

This Order shall be deemed to be final as of December 31, 1979, and be binding on Federal-Mogul Corporation ("FM"), SKF Industries, Inc. ("SKF"), their subsidiaries or any person under the control of FM or SKF, their successors and assigns, and their officers, agents, representatives and employees.

II

It is ordered that the agreement signed by SKF and FM on December 17, 1974, and any similar arrangements between or among respondents, including the understandings reflected in the exchange of documents on January 27, 1972, shall be cancelled as of the date as of which this Order becomes final.

III

It is ordered that, for purposes of this Order, the following definitions shall be applicable:

(i) 0″–4″ TRB—tapered roller bearings having an outside diameter of zero to four inches.

(ii) Automotive Aftermarket—the domestic replacement market, including all intermediate suppliers to such market (but excluding FM and the manufacturers of original equipment who purchase 0″–4″ TRB for distribution to service customers through their dealers and franchisees), for 0″–4″ TRB for use in passenger cars, light and heavy trucks, buses, trailers, tractors, self-propelled agricultural equipment and vehicles, such as trailers, and agricultural equipment pulled by self-propelled vehicles.

(iii) FM TRB Requirements—the total dollar value of purchases of 0″–4″ TRB by FM from all sources (including sources owned or controlled by FM) for distribution in the United States. The Value of purchases of 0″–4″ TRB by FM from sources which it owns or controls shall be either cost to FM or the fair market value, whichever is less.

(iv) FM TRB Purchases from SKF—the total dollar value of direct or indirect purchases by FM of 0″–4″ TRB from SKF, Aktiebolaget SKF ("AB SKF"), or any person under the control of SKF or AB SKF for distribution in the United States, which shall include (A) purchases by FM or 0″–4″ TRB manufactured by SKF, AB SKF, or any person under the control of SKF or AB SKF, and (B) purchases by FM under the arrangement to which SKF, AB SKF, or any person under the control of SKF or AB SKF is a party or from a supplier in which SKF, AB SKF, or any person under the control of SKF or AB SKF has an interest.

(v) TRB Units—0″–4″ TRB as purchased by Automotive Aftermarket customers of SKF. Purchases may be (i) an assembled TRB, (ii) a TRB outer ring (cup), or (iii) a TRB inner ring (cone), each being a single TRB unit.

(vi) SKF Net Aggregate Sales to the Automotive Aftermarket—that number of TRB Units which is the difference between (i) the aggregate number of TRB Units sold by SKF to the Automotive Aftermarket and (ii) the number of TRB Units, if any, which must be subtracted therefrom so that of the resulting number of TRB Units sold by SKF to the Automotive Aftermarket no more than 15% represents TRB Units sold by SKF to or through any national organization of independent warehouse distributors by or through which, as of the effective date of this Order, all the members of such organization secure all of their needs of 0″–4″ TRB from the same single source, other than SKF.

IV

With respect to FM TRB Purchases from SKF, IT IS ORDERED that the following limitations shall apply during the periods described below:

(i) The time period covered by any given purchase order or related agreement concerning FM TRB Purchases from SKF shall not exceed twelve (12) months.

(ii) The aggregate dollar value of any FM TRB Purchases from SKF during the first thirty-six (36) month period following the date as of which this Order becomes final (calendar years 1980, 1981 and 1982) shall not exceed 60% of the FM TRB Requirements during that period. The allowable percentage under this subparagraph shall include any 0″–4″ TRB purchased, but not sold, by FM from SKF, AB SKF, or any person under the control of SKF or AB SKF prior to the date as of which this Order becomes final.

(iii) The aggregate dollar value of any FM TRB Purchases from SKF during the second thirty-six (36) month period following the date as of which this Order becomes final (calendar years 1983, 1984 and 1985) shall not exceed 50% of the aggregate FM TRB Requirements during that period.

(iv) The aggregate dollar value of any FM TRB Purchases from SKF during the third thirty-six (36) month period following the date as of which this Order becomes final (calendar years 1986, 1987 and 1988) shall not exceed 40% of the aggregate FM TRB Requirements during that period: *Provided, however,* that if the SKF Net Aggregate Sales to the Automotive Aftermarket shall have been 1,250,000 or more TRB units during the second thirty-six (36) month period following the date as of which this Order becomes final (calendar years 1983, 1984 and 1985), the aggregate value of any FM TRB Purchases from SKF shall not exceed 50% of the aggregate FM TRB Requirements during the third thirty-six (36) month period (calendar years 1986, 1987 and 1988).

(v) The aggregate dollar value of any FM TRB Purchases from SKF during the fourth thirty-six (36) month period following the date as of which this Order becomes final (calendar years 1989, 1990 and 1991) shall not exceed 40% of the aggregate FM TRB Requirements during that period: *Provided, however,* that if the SKF Net Aggregate Sales to the Automotive

Aftermarket shall have been 1,250,000 or more TRB Units during the third thirty-six (36) month period following the date as of which this Order becomes final (calendar years 1986, 1987 and 1988), the aggregate value of any FM TRB Purchases from SKF shall not exceed 50% of the aggregate FM TRB Requirements during the fourth thirty-six (36) month period (calendar years 1989, 1990 and 1991).

(vi) This Order shall automatically terminate as of December 31, 1991.

V

It is further ordered that each respondent shall notify all persons having sales and policy responsibilities in its organization of the terms of this Order, and respondents together shall publish same in a major trade journal or periodical within six months following the conclusion of the first twelve (12) month period (calendar year 1980) and again within six months following the conclusion of the second twelve (12) month period (calendar year 1981) following the date as of which this Order becomes final: *Provided, however,* that if during either such twelve (12) month period (calendar year 1980 or 1981) the aggregate dollar value of any FM TRB Purchases from SKF shall not have exceeded 50% of the aggregate FM TRB Requirements during that period, then such publication following the conclusion of that period may be omitted.

VI

It is further ordered that each respondent shall notify the Commission at least thirty (30) days prior to any proposed change in said respondent which may affect compliance obligations arising out of this Order, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or the creation or dissolution of subsidiaries or joint ventures.

VII

It is further ordered that within sixty (60) days after the date of issuance of this Order, and within sixty (60) days after the end of each calendar year during which this Order is effective, each respondent shall file with the Federal Trade Commission a written report setting forth in detail the manner and form of its compliance with this Order.

VIII

It is further ordered that after the end of calendar year 1984, after the end of each quarter during calendar year 1985, and after the end of calendar year 1985, respondent SKF shall report to the Commission the SKF Net Aggregate Sales to the Automotive Aftermarket during the period beginning January 1, 1983, to and including the effective date of the report. These reports shall be filed within forty-five (45) days after the end of the respective reporting periods and shall be made available to respondent FM at the time they are filed with the Commission. This reporting obligation shall automatically terminate upon the filing by SKF of such a report indicating that the SKF Net Aggregate Sales to the Automotive Aftermarket have equalled or exceeded 1,250,000 TRB Units during such period.

IX

It is further ordered that after the end of calendar year 1987, after the end of each quarter during calendar year 1988, and after the end of calendar year 1988, respondent SKF shall report to the Commission the SKF Net Aggregate Sales to the Automotive Aftermarket during the period beginning January 1, 1986, to and including the effective date of the report. These reports shall be filed within forty-five (45) days after the end of the respective reporting periods and shall be made available to respondent FM at the time they are filed with the Commission. This reporting obligation shall automatically terminate upon the filing by SKF of such a report indicating that the SKF Net Aggregate Sales to the Automotive Aftermarket have equalled or exceeded 1,250,000 TRB Units during such period.

Carol M. Thomas,

Secretary.

[FR Doc. 80-35649 Filed 11-13-80; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[Docket No. C-2908]

Zayre Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the order issued against the firm on October 27, 1977 (42 FR 60138, 90 F.T.C. 329), in connection with the availability and pricing of advertised specials. In conformity with the modification allowed on April 9, 1980 to the order issued against Pay'N Pak Stores, Inc., Docket C-2780, the order requires only a limited disclosure of availability where closeout merchandise is involved (merchandise whose entire inventory is being disposed of at a reduced price and which is not planned to be restocked).

DATES: Decision issued Oct. 27, 1977. Modifying order issued Oct. 8, 1980.

FOR FURTHER INFORMATION CONTACT: Lois G. Pines, Director, 2R, Boston Regional Office, Federal Trade Commission, 150 Causeway St., Room 1301, Boston, Mass. 02114. (617) 223-6621.

SUPPLEMENTARY INFORMATION: In the Matter of Zayre Corp., a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13 and appearing at 42 FR 60138, remain unaltered.

The Order Reopening the Proceeding and Modifying Decision and Order is as follows:

On October 27, 1977, the Commission issued a Decision and Order against Zayre Corp. in connection with the availability and pricing of advertised specials. The Order includes a provision to prevent Zayre from representing in its advertisements that merchandise is available at its stores at any price unless each advertised item is readily available for sale at or below the advertised price and that each advertised item is properly marked. There are certain exceptions to the availability and pricing requirements of the Order.

On July 18, 1980, Zayre Corp. petitioned the Commission pursuant to Section 5(b) of the Federal Trade Commission Act, as amended on May 28, 1980, and § 2.51 of the Commission's Organization, Procedures and Rules of Practice, 16 CFR 2.51, to reopen the proceeding for the limited purpose of modifying the consent order in conformity with the modification allowed on April 9, 1980, to the Order issued against *Pay'N Pak Stores, Inc.*, Docket C-2780, dealing with "closeout" merchandise. On August 15, 1980, Zayre filed supplemental papers with respect to its petition.

"Closeout" merchandise was defined in the modified Pay'N Pak order as merchandise whose entire inventory is being disposed of at a reduced price and which is not planned to be restocked. Zayre's proposal embodies the same definition. It would, as the Pay'N Pak order, require only a limited disclosure of availability where closeout merchandise is involved.

After due consideration, the Commission believes that the public interest will be served by modifying the Zayre Corp. Decision and Order to allow a general availability limitation on "closeout" merchandise.

It is ordered, That the proceeding is reopened.

It is further ordered, That Zayre Corp. Decision and Order issued on October 27, 1977, is modified as follows:

The following paragraph is to be inserted after the first subparagraph in Section 2(b) of the Order which concludes with the words "rain check.":

"For closeout items, in instances where an advertisement is for more than one store, the quantity limitation will be deemed to be complied with by disclosures that the items are closeout items and that the 'quantities are limited to stock on hand'. Closeout designation is only appropriate for items where Zayre both is disposing of the entire inventory of an item at a reduced price and is not planning on restocking the item."

By the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-35650 Filed 11-13-80; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 239

[Release No. 33-6256; File No. S7-863]

Adoption of Interim Notice-of-Sales Form for Transactions Pursuant to Section 4(6)

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of interim form.

SUMMARY: The Commission is adopting, on an interim basis, a notice-of-sales form to be used by issuers that sell their securities in reliance upon new Section 4(6) of the Securities Act of 1933. Section 4(6) provides an exemption from registration under the Securities Act of 1933 for offers and sales of securities by any issuer solely to one or more "accredited investors" if the aggregate offering price does not exceed the amount allowed under Section 3(b) of that Act. The exemption requires the issuer to file a notice of such sales with the Commission on such forms as the Commission shall prescribe. The form adopted today is in response to the legislative amendments included in the Small Business Investment Incentive Act of 1980. The Commission is also soliciting public comment on whether the interim form should be adopted as the final form.

EFFECTIVE DATE: November 14, 1980. Comments on the interim form must be received on or before December 31, 1980.

ADDRESSES: All communications on the matters discussed in the release should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File No. S7-863 and will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Paula Chester (202/272-2644), Office of Small Business Policy, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced that it is adopting, on an interim basis, Form 4(6), a notice-of-sales form to be used by issuers that sell their securities in reliance upon Section 4(6) [1] of the Securities Act of 1933 (the "Securities Act") [15 U.S.C. 77a et seq.]. Section 4(6) was included in the Securities Act pursuant to the recently enacted Small Business Investment Incentive Act of 1980 (the "Act") [Pub. L. No. 96-477 (October 21, 1980)]. It provides an exemption from the registration provisions of the Securities Act for transactions involving offers and sales of securities by an issuer solely to one or more "accredited investors" [2] if the aggregate offering price does not exceed the amount allowed under Section 3(b) of that Act.[3] No advertising or public solicitation is permitted in connection with such transactions, and the issuer is required to file a notice of such sales with the Commission on such forms as the Commission shall prescribe. In order to permit issuers immediately to utilize Section 4(6), the Commission is adopting Form 4(6) on an interim basis and seeking public comment with respect to the form and content of a final notice.

The enactment of Section 4(6) is intended to reflect Congressional concern that small businesses should have an adequate market to raise capital.[4] In this regard, the new statutory exemption conforms in many respects to the Commission's recently adopted Rule 242 [17 CFR 230.242].[5] Rule 242, promulgated under Section 3(b) of the Securities Act, provides an exemption from registration for sales of securities by domestic or Canadian corporate issuers to an unlimited number of accredited persons as defined in the rule, and to 35 non-accredited persons.

Similar to the adoption of the accredited investor concept in Rule 242, the rationale underlying the adoption of Section 4(6) is that financial institutions and other sophisticated investors purchasing securities in a small private offering are able to "fend for themselves." Consequently, as in Rule 242, Section 4(6) does not specify what information the issuer must furnish to accredited investors. However, any issuer relying on the exemption must file a notice of such sales with the Commission. The primary purpose of the notice requirement is to elicit information which the Commission expects will be necessary in assessing the effectiveness of the exemption as a capital raising device for small business in a manner that is consistent with the public interest and the protection of investors.[6]

Form 4(6) is substantially similar to Form 242 [17 CFR 239.242] except certain information has been deleted that would be inapplicable to a Section 4(6)

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[1] The provisions of Section 4 of the Securities Act provide in pertinent part:

The provisions of Section 5 shall not apply to—

(6) transactions involving offers or sales by an issuer solely to one or more accredited investors, if the aggregate offering price of an issue of securities offered in reliance on this paragraph does not exceed the amount allowed under section 3(b) of this title, if there is no advertising or public solicitation in connection with the transaction by the issuer or anyone acting on the issuer's behalf, and if the issuer files such notice with the Commission as the Commission shall prescribe.

[2] New Section 2(15) of the Securities Act provides:

(15) the term "accredited investor" shall mean—

(i) a bank as defined in section 3(a)(21) of the Act whether acting in its individual or fiduciary capacity; an insurance company as defined in section 2(13) of the Act; an investment company registered under the Investment Company Act of 1940 or a business development company as defined in section 2(a)(48) of that Act; a Small Business Investment Company licensed by the Small Business Administration; or an employee benefit plan, including an individual retirement account, which is subject to the provisions of the Employee Retirement Income Securities Act of 1974, if the investment decision is made by a plan fiduciary, as defined in section 3(21) of such Act, which is either a bank, insurance company, or registered investment adviser; or

(ii) any person who, on the basis of such factors as financial sophistication, net worth, knowledge, and experience in financial matters, or amount of assets, under management qualifies as an accredited investor under rules and regulations which the Commission shall prescribe.

[3] As amended by Section 302 of the Small Business Act, the ceiling amount of Section 3(b) is increased to $5,000,000.

[4] S. Rep. No. 958, 96th Cong., 2d Sess. at 45 (1980).

[5] Securities Act Release No. 6180 (January 17, 1980) [45 FR 6362].

[6] In its report on S. 2990, which proposed Section 4(6) as finally adopted by the House, the Senate Committee on Banking, Housing and Urban Affairs stated that it ". . . anticipates that the Commission will monitor the effectiveness of the exemption to evaluate whether it is consistent with the underlying objectives of the federal securities laws to protect the integrity of the securities markets and fosters investor confidence in the capital formation process." S. Rep. No. 958, *supra* note 4, at 45.

offering. For example, Item 2 under Section D in Form 242 has been modified to eliminate the reference to sales to nonaccredited persons since those investors are not permitted to purchase securities in Section 4(6) transactions. In addition, Item 3 under Section D of Rule 242, which elicits information about the type and dollar amount of other Section 3(b) exemptive offerings within the preceding six months, has also been eliminated, since such information was designed to elicit information regarding the somewhat complex calculation of the aggregate dollar limit that is permitted to be sold under the Rule.[7] Finally, the undertaking in Section E of Form 242 to furnish to the Commission, upon the written request of its staff, the information furnished by the issuer to any non-accredited person has been deleted since non-accredited persons may not purchase in a Section 4(6) offering. Other technical amendments have been made relating primarily to the identification of the form.

Form 4(6) must be filed by the issuer no later than 10 days after the first sale of securities is made in reliance on the exemption. The issuer must also make a final filing no later than 10 days after the completion date of the issue. If, however, the issue is completed within 10 days after the first sale, a single notice may be filed. The issuer must also file periodic updates every six months until a final notice is filed. Copies of the form may be obtained from the Commission's regional offices or the Commission's headquarters at 500 North Capitol Street, Washington, D.C. 20549.

Form 4(6) will be effective until December 31, 1981 absent further action by the Commission. The Commission is soliciting comment on the efficacy of Form 4(6) before it adopts a final form. Specific comment is requested as to whether the information called for by the form is necessary or appropriate for implementing an effective monitoring program.

Procedural Matters

For the reasons stated above, the Commission believes that it is appropriate to adopt interim Form 4(6), effective until December 31, 1981, in view of the enactment of the Small Business Investment Incentive Act of 1980. Accordingly, the Commission, pursuant to Section 553(d) of the Administrative Procedures Act ("APA"), 5 U.S.C. 553(b), for good cause finds that prior notice and comment are not required, and that to provide for prior notice and comment is unnecessary and contrary to the public interest. In addition, the Commission, pursuant to Section 553(d) of the APA, 5 U.S.C. 553(d) finds good cause to adopt the foregoing interim Form effective immediately, in view of the recent enactment of the Small Business Investment Incentive Act, since any delay in such action by the Commission would, in the Commission's view, frustrate the intent of Congress to provide a vehicle by which small businesses may raise capital.

In view of the foregoing Part 239 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding § 239.246 to read as follows:

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

§ 239.246 Form 4(6), notice of sales of securities pursuant to section 4(6) of the Securities Act of 1933.

(a) Five copies of a notice on this form shall be filed with the Commission:

(1) No later than 10 days after the first sale of securities in any issue is made in reliance on section 4(6) of the Securities Act of 1933.

(2) No later than 10 days after the completion date of the offering of such issue; *Provided, however,* That only one notice need be filed if the offering of the issue is completed within the 10-day period described in paragraph (a)(1) of this section and this form is filed not later than at the conclusion of that period but subsequent to the completion of the offering of the issue; and

(3) Every six months after the first sale of securities in the issue made in reliance on section 4(6) unless the final notice required by paragraph (a)(2) of this section has been filed.

(b) If more than one notice is required to be filed as to any issue of securities offered in reliance on section 4(6), notices other than the original notice need only report the issuer's name and the information in response to Part D and any material changes in Parts A through C from the facts previously reported.

(c) A notice on this form shall be deemed to be filed with the Commission:

(1) As of the date on which it is received at the Commission's principal office in Washington, D.C., or

(2) If the notice is delivered to the Commission after the date on which it is required to be filed, as of the date on which the notice is mailed by means of United States registered or certified mail to the Commission's Office of Small Business Policy, Division of Corporation Finance, at the Commission's principal office in Washington, D.C.

EFFECTIVE DATE: Form 4(6) is effective November 14, 1980 and will expire on December 31, 1981, absent further action by the Commission.

Authority: The Commission hereby adopts Form 4(6) pursuant to Sections 4(6) and 19(a) of the Securities Act of 1933. [Sec. 602, Pub. L. No. 96-477; Sec. 19(a), 48 Stat. 85; Sec. 209, 48 Stat. 908; Sec. 308(a)(2), 90 Stat. 57; 15 U.S.C. 77s(a).]

By the Commission.

George A. Fitzsimmons,

Secretary.

November 7, 1980.

BILLING CODE 8010-01-M

[7] Paragraph (c) of Rule 242 limits the amount of each issue of securities sold pursuant to the rule to $2,000,000. For purposes of calculating the dollar limit, an issuer must include the aggregate gross proceeds for all Section 3(b) sales, other than Regulation A sales under an employee plan, in the six months preceding the commencement of and during the Rule 242 issue.

FORM 4(6)

U. S. SECURITIES AND EXCHANGE COMMISSION
Washington, D. C. 20549

NOTICE OF SALES OF SECURITIES PURSUANT TO SECTION 4(6) OF THE SECURITIES ACT OF 1933

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SEC USE ONLY

Nature of this filing with respect to this issue.

INSTRUCTION: Circle "N" for a new filing or "A" for an amended filing.

ORIGINAL 1 N A COMBINED ORIGINAL AND FINAL 2 N A SIX-MONTH UPDATE 3 N A FINAL 4 N A

INSTRUCTIONS: Five copies of this notice are to be filed with the Commission: (a) no later than 10 days after the first sale of securities in any issue is made in reliance on Section 4(6) (original); (b) no later than 10 days after the completion date of the offering of such issue (final), *except that only one notice need be filed if the offering of the issue is completed within the 10-day period described in "(a)" above and this notice is filed no later than at the conclusion of that period but subsequently to the completion of the issue* (combined original and final); and (c) every six months after the first sale of securities in the issue is made in reliance on Section 4(6), unless a final notice has been filed in accordance with "(b)" above (6-month up-date). If more than one notice is required to be filed as to any issue of securities offered in reliance on the exemption notices other than the original notice need only report the issuer's name and information in response to Part D and any material changes from the facts previously reported in Parts A through C. This notice shall be deemed to be filed with the Commission for purposes of the exemption as of the date on which the notice is received by the Commission, or, if delivered to the Commission after the date on which it is due, as of the date on which it is mailed by means of United States registered or certified mail to the Commission's Office of Small Business Policy, Division of Corporation Finance, at the Commission's principal office at 500 North Capitol Street, Washington, D.C. 20549.

INSTRUCTION: State the address of the issuer's executive offices and, if different, the address at which the issuer's principal business operations are conducted or proposed to be conducted.

NAME		
ADDRESS OF EXECUTIVE OFFICES		
CITY	STATE	ZIP
AREA CODE TELEPHONE NUMBER		
ADDRESS OF PRINCIPAL BUSINESS OPERATIONS		
CITY	STATE	ZIP
AREA CODE TELEPHONE NUMBER		

GENERAL INSTRUCTIONS: Please check the box(es) for the appropriate response(s) to each item or fill in the blanks. Please answer all items. If additional space is required, indicate the answer on the attached continuation sheet.

A. Basic Identification of Issuer.

1. Has the issuer filed any periodic reports pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934? YES ☐ NO ☐

   If yes, please indicate the file number of the docket in which the periodic reports are filed. _____

2. Please indicate the issuer's IRS employer identification number. If an application for such number is pending, please enter "00-0000000." ☐☐-☐☐☐☐☐☐☐

SEC 1831 (11-80)

FORM 4(6) NOTICE OF SALES OF SECURITIES PURSUANT TO SECTION 4(6)

3. Has the issuer been assigned a CUSIP number for its securities? YES ☐ NO ☐ ◀3

If yes, please specify the first six (6) digits. If no, please enter "000000." ☐☐☐☐☐☐

4. Please check the appropriate box for each exchange or market, if any, where the issuer's securities are traded.

American Stock Exchange . . . . . a. ☐
Boston Stock Exchange . . . . . b. ☐
Cincinnati Stock Exchange . . . . . c. ☐
Midwest Stock Exchange . . . . . d. ☐
Over-the-Counter (including
National Association of Securities Dealers Automated Quotations System) . . e. ☐
New York Stock Exchange . . . . . f. ☐
Philadelphia Stock Exchange . . . . . g. ☐
Pacific Stock Exchange . . . . . h. ☐

Other *Please Specify* . . . . . i. ☐

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_____ ☐☐☐☐

_____ ☐☐☐☐

None . . . . . j. ☐

5. Please indicate the issuer's Standard Industrial Classification (SIC) at the 3 or 4 digit level. If the issuer has more than one SIC, please enter the issuer's primary SIC. If a 3 digit SIC is given, enter "X" in the left-most box. ☐☐☐☐

B. Statistical Information About the Issuer

INSTRUCTION: Please enter the letter for the appropriate response to each item in Part B in the box indicated. If the issuer's first fiscal year has not yet ended, furnish the requested information as of a date, or as to a period ending on a date, no more than 90 days prior to the first sale of securities in this issue.

1. What were the issuer's gross revenues for its most recently ended fiscal year? ☐

a. Less than $500,000 b. $500,001 – $1,000,000 c. $1,000,001 – $3,000,000
d. $3,000,001 – $5,000,000 e. $5,000,001 – $10,000,000 f. $10,000,001 – $25,000,000
g. $25,000,001 – $100,000,000 h. Over $100,000,000

2. What were the issuer's total consolidated assets as of the end of its latest fiscal year? ☐

a. Less than $50,000 b. $50,000 – $250,000 c. $250,001 – $500,000
d. $500,001 – $1,000,000 e. $1,000,001 – $3,000,000 f. $3,000,001 – $5,000,000
g. $5,000,001 – $10,000,000 h. Over $10,000,000

3. What was the issuer's net income for its most recently ended fiscal year? ☐

a. None or net loss b. $1 – $50,000 c. $50,000 – $250,000 d. $250,001 – $500,000
e. $500,001 – $1,000,000 f. $1,000,001 – $3,000,000 g. $3,000,001 – $5,000,000
h. $5,000,001 – $10,000,000 i. Over $10,000,000

4. What was the issuer's shareholders' equity at the end of its latest fiscal year? ☐

a. Less than $25,000 b. $25,000 – $125,000 c. $125,001 – 250,000
d. $250,001 – $500,000 e. $500,001 – $1,000,000 f. $1,000,001 – $3,000,000
g. $3,000,001 – $5,000,000 h. $5,000,001 – $10,000,000 i. Over $10,000,000

FORM 4(6) NOTICE OF SALES OF SECURITIES PURSUANT TO SECTION 4(6) **Page 3**

5. How many shareholders did the issuer have at the end of its latest fiscal year? ☐

a. 0 – 10 b. 11 – 25 c. 26 – 50 d. 51 – 99 e. 100 – 199
f. 200 – 299 g. 300 – 399 h. 400 – 499 i. 500 or more

6. How many shares were held by non-affiliated shareholders at the end of the issuer's latest fiscal year? ☐

a. Less than 500,000 b. 500,001 – 1,500,000 c. 1,500,001 – 2,500,000
d. 2,500,001 – 3,500,000 e. 3,500,001 – 5,000,000 f. Over 5,000,000

7. How many shares were outstanding at the end of the issuer's latest fiscal year? ☐

a. Less than 500,000 b. 500,001 – 1,500,000 c. 1,500,001 – 2,500,000
d. 2,500,001 – 3,500,000 e. 3,500,001 – 5,000,000 f. Over 5,000,000

8. How many full-time employees did the issuer have at the end of its latest fiscal year? ☐
a. 0 b. 1 – 5 c. 6 – 10 d. 11 – 20 e. 21 – 30 f. 31 – 40
g. 41 – 50 h. 51 – 100 i. 101 – 250 j. 251 – 500 k. 501 – 750 l. Over 750

9. How many part-time employees did the issuer have at the end of its latest fiscal year? ☐

a. 0 b. 1 – 5 c. 6 – 10 d. 11 – 20 e. 21 – 30 f. 31 – 40
g. 41 – 50 h. Over 50

C. Brief Narrative Information About the Issuer.

1. In what year was the issuer incorporated; or organized? ☐☐☐☐

2. In what state is the issuer incorporated or organized? Please enter the standard two-letter U.S. Postal Service abbreviation. Enter "CN" if the issuer is organized in Canada. ☐☐

3. Please briefly describe the issuer's business.

_____

_____

_____

_____

4. Please list the full name and address of the following persons: each promoter of the issuer involved in the offering of securities as to which sales pursuant to Section 4(6) are reported on this notice, the issuer's chief executive officer, and each of the issuer's affiliates. Indicate the status of each person named by placing an "X" in the applicable box(es) opposite such person's name. The term "promoter" includes

(a) Any person who, acting alone or in conjunction with one or more other persons, directly or indirectly takes the initiative in founding and organizing the business or enterprise of an issuer; or

(b) Any person who, in connection with the founding or organizing of the business or enterprise of an issuer, directly or indirectly receives in consideration of services or property, or both services and property, 10 percent or more or any class of securities of the issuer or 10 percent or more of the proceeds from the sale of any class of securities. However, a person who receives such securities or proceeds either solely as brokerage commissions or solely in consideration of property shall not be deemed a promoter within the meaning of this paragraph if such person does not otherwise take part in founding and organizing the enterprise.

FORM 4(6) NOTICE OF SALES OF SECURITIES PURSUANT TO SECTION 4(6) **Page 4**

NAME			
ADDRESS	CITY	STATE	ZIP
NAME			
ADDRESS	CITY	STATE	ZIP

CEO	Aff	Pro

CEO	Aff	Pro

5. Please list the full name and address of each person who has been or will be paid or given directly or indirectly any commission or similar remuneration for solicitation of purchasers in connection with sales of securities in any offering pursuant to Section 4(6).

NAME			
ADDRESS	CITY	STATE	ZIP
NAME			
ADDRESS	CITY	STATE	ZIP

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D. Section 3(b) Sales Limit and Other Information About the Offering

INSTRUCTION: If a response to any item is "none" or "zero," please enter zero ("0") in the corresponding space.

1. Type and aggregate offering price of securities intended to be sold pursuant to Section 4(6) in this issue.

   a. Debt . . . . . $ _____

   b. Equity . . . . . $ _____

   c. Convertible . . . . . $ _____

	Number of Purchasers (A)	Aggregate Dollar Amount (B)
2. Number of accredited persons who have purchased securities in this issue in transactions in reliance on Section 4(6) and aggregate dollar amounts of their purchases to date.	_____	$ _____

FORM 4(6) NOTICE OF SALES OF SECURITIES PURSUANT TO SECTION 4(6) **Page 5**

3. Furnish a reasonably itemized statement of all expenses in connection with the issuance and distribution of the securities being offered in this issue. Insofar as practicable, give amounts for the categories listed below. The information may be given as subject to future contingencies. If the expenditure in any category is not known, furnish an estimate and place an "X" in the box to the left of the amount given.

a.	Blue Sky Fees and Expenses	$ ☐
b.	Transfer Agents' Fees	☐
c.	Printing and Engraving Costs	☐ ◀5
d.	Legal Fees	☐
e.	Accounting Fees	☐
f.	Engineering Fees	☐
g.	Sales Commissions *(including Finders' Fees)*	☐
h.	Other Expenses *(Identify)*	
	_____	☐ ◀6
	_____	☐
	Total	$ ☐

4. Indicate below the amount of the gross proceeds to the issuer *(other than amounts specified in Item D.4 above)* proposed to be used or used for each of the purposes listed below. If the amount to be used for any purpose is not known, furnish an estimate and place an "X" in the box to the left of the amount given.

		Payments to officers, directors and affiliates (A)	Payments to others (B)
a.	Salaries and fees	$ ☐	$ ☐
b.	Purchase of real estate	☐	☐ ◀7
c.	Purchase and installation of machinery and equipment	☐	☐
d.	Construction of plant building and facilities	☐	☐
e.	Development expense *(product development, research, patent costs, etc.)*	☐	☐ ◀8
f.	Purchase of raw materials, inventories, supplies, etc.	☐	☐
g.	Selling, advertising, and other sales promotion	☐	☐
h.	Acquisition of other businesses	☐	☐ ◀9
i.	Repayment of loans	☐	☐
j.	Working capital	☐	☐
	Other – please specify		
k.	_____	☐	☐ ◀10
l.	_____	☐	☐
m.	_____	☐	☐
n.	_____	☐	☐ ◀11
	Total	$ ☐	$ ☐

FORM 4(6) NOTICE OF SALES OF SECURITIES PURSUANT TO SECTION 4(6) Page 6

The issuer has duly caused this notice to be signed on its behalf by the undersigned duly authorized officer or person acting in a similar capacity.

DATE OF NOTICE

_____

ISSUER _____

SIGNATURE _____

NAME _____

TITLE _____

INSTRUCTION: Print the name and title of the signing representative under his signature. At lease one copy of the notice filed with the Commission's principal office in Washington, D.C. shall be manually signed. Any copies not manually signed shall bear typed or printed signatures.

ATTENTION

Intentional misstatements or omissions of fact constitute Federal Criminal Violations (See 18 U.S.C. 1001).

FORM 4(6) Continuation Sheet

NOTICE OF SALES OF SECURITIES PURSUANT TO SECTION 4(6)

Page 7

Item of Form (identify)	Answer

FORM 4(6) Continuation Sheet

NOTICE OF SALES OF SECURITIES PURSUANT TO SECTION 4(6)

Page 8

Item of Form (identify)	Answer

[FR Doc. 80-35713 Filed 11-13-80; 8:45 am]
BILLING CODE 8010-01-C

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 260

Interim Rule Revising Annual Report of Gas Supply for Certain Natural Gas Pipelines; Form No. 15

Issued November 6, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Interim rule.

SUMMARY: By this interim rule, the Federal Energy Regulatory Commission amends Form No. 15, Annual Report of Gas Supply for Certain Natural Gas Pipelines, to eliminate reporting requirements which the Commission no longer needs to carry out its regulatory functions. This interim rule will be effective for reports covering calendar year 1980 and subsequent calendar years, until certain issues relating to proposed further changes in the content, format and instructions of Form No. 15, are resolved. The changes are a product of the Commission's ongoing effort to eliminate unnecessary reporting burdens and to update its forms.

EFFECTIVE DATE: November 6, 1980.

FOR FURTHER INFORMATION CONTACT: Wayne Thompson, Chief, Gas Supply Branch, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 4402-B, Washington, D.C. 20426, (202) 357-9077.

A. Background

Form No. 15, Annual Report of Gas Supply for Certain Natural Gas Pipelines, was instituted to obtain an annual report of the total gas supply of each pipeline company under the jurisdiction of the Federal Power Commission (Commission).[1] This gas supply reporting requirement—which continues today under this Commission's authority—covers each interstate pipeline company's owned reserves, producer contracts for which the producer has received a certificate to sell the gas to the pipeline,[2] gas purchase contracts with other jurisdictional pipelines,[3] purchases of gas from foreign suppliers, purchases of Liquefied Natural Gas (LNG), Synthetic Natural Gas (SNG),[4] and short-term or other purchases over which the Commission has regulatory authority.

Form No. 15 provides the Commission with information needed to address gas supply issues in certificate applications, to perform depreciation analyses in rate cases, and to make determinations concerning new or increased sales, the extension of facilities, or the abandonment of services.

On August 7, 1980, the Commission issued a Notice of Proposed Rulemaking to revise Form No. 15 (45 FR 54082, August 14, 1980), as part of its program to review the collection of data which the Commission uses for making decisions in the regulatory process. The rulemaking proposed to amend the content, format, and instructions of Form No. 15 in order to make the form more concise, better facilitate its use, and reduce unnecessary respondent reporting burdens. The schedules were to be redesignated to better facilitate completion by hand, and definitions and data requests were to be standardized and made to conform with changes resulting from passage of the Natural Gas Policy Act (NGPA). The changes were proposed to be implemented in time for the report due on April 1, 1981, which covers gas supplies during the 1980 calendar year period.

B. Analysis of Comments.

In response to the Notice of Proposed Rulemaking, the Commission received fourteen comments from sixteen parties.[5] Of these, twelve were from interstate pipelines which are required to file the form,[6] one was from a natural gas user, and one was from an industry association.

1. *Format Revisions*

In general, the commenters supported the Commission's intention to reduce reporting burdens through the deletion of certain data items in Form No. 15.[7] However, the reaction was almost universal that the revised format, content, and instructions would actually result, initially, in an *increased* burden to respondents. Among the specific complaints was that the Commission indicated that it would prefer that respondents file a magnetic tape (computer copy) of the form in the current format, as well as a "hard copy" (computer printout) in the proposed format. Commenters argued that this "dual system" would be duplicative and that it would be expensive to devise and maintain. Furthermore, it would be impossible to reprogram computers pursuant to the new format, instructions and contents in time for the April 1, 1981 filing.

A suggestion was made to simply retain Form No. 15 with its present format and instructions because that would be less burdensome than the proposal. Another proposed that a revised form should become effective in time to be filed by April 1, 1982.

Comments also alleged that revisions in the instructions as a result of clarifications and changes to conform with recently-passed legislation, created greater reporting requirement—in conflict with the Commission's purpose to lessen the reporting burden. Some commenters also alleged that certain of the definitions were inconsistent with each other as a result of the proposed revisions.

Because various problems arose with respect to the proposed format changes to Form No. 15, the Commission has determined that extensive revision of Form No. 15 would be inappropriate at this time. However, the Commission is satisfied that certain information described below, should be eliminated immediately. Therefore, for the present, Form No. 15 is revised only insofar as those items originally proposed for deletion will be eliminated; no new instructions, clarifications, reformating or other requirements are imposed by

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[1] Form No. 15 was initially promulgated in 1964: Order No. 279, Docket No. R-239, 29 FR 4874 (April 7, 1964). It has undergone four revisions since that date: Order No. 337, Docket No. R-308, 32 FR 3292 (February 25, 1967), revised the form to allow companies with comparatively small volumes of reserves to file an abbreviated report, and made certain conforming amendments; Order No. 399, Docket No. R-308, 35 FR 6962 (May 1, 1970), amended the form to require respondents to submit estimates of productive capacity Mcf/day, maximum daily quantity Mcf/day for each source of gas supply, and gas reserves by independent producer rate schedules, and made other minor changes; Order No. 476, Docket No. R-308, 38 FR 6810 (March 13, 1973), amended the form with reference to the reserves report; and Order No. 546, Docket No. R-308, 41 FR 9868 (March 8, 1976), revised the form to require that respondents disclose gas reserves filings with other Federal agencies.

[2] Pursuant to the Natural Gas Policy Act (NGPA), producers are no longer required to obtain certificates in certain instances. (*See* sections 302, 312, and 601 of the NGPA.)

[3] We note that pursuant to the NGPA, pipelines are also permitted to purchase gas from intrastate pipeline companies. (*See* sections 302, 303, 311, and 601 of the NPGA.)

[4] Also known as "Substitute" Natural Gas.

[5] Columbia Gas Transmission Corporation, El Paso Natural Gas Company, Michigan Wisconsin Pipe Line Company, Natural Gas Pipeline Company of America, Northern Natural Gas Company, Panhandle Eastern Pipe Line Company and Trunkline Gas Company, Southern Natural Gas Company, Tennessee Gas Pipeline Company, Texas Eastern Transmission Corporation and Transwestern Pipeline Company, Texas Gas Transmission Corporation, Transcontinental Gas Pipe Line Corporation, United Gas Pipe Line Company, General Motors Corporation and Interstate Natural Gas Association of America.

[6] A total of 93 interstate gas pipelines are currently required to file Form No. 15.

[7] Most comments were in agreement with respect to the Commission's proposed deletions of data items.

these amendments.[8] Further changes will be considered in the near future. At time further public comment will be solicited.

2. *Deletion of Reporting Requirements.*

General Motors Corporation (GM) opposed the deletion of reporting requirements in Form No. 15. In general, GM noted the importance of the Commission's collecting and considering reliable data on future gas supplies and deliveries. GM urged that no important information be omitted, that clarification of data be provided where necessary and that new information be collected where it would be useful. Specifically, GM suggested that the 20 year annual projection of total pipeline system gas requirements (Schedule 1) be retained instead of the one year of requirements data to be reported under the proposed rule. In addition, the proposed elimination of curtailment data for the current report year was, according to GM, unexplained and undesirable. Finally, GM suggested several additional reporting requirements for the form.

The Commission believes that the 20 year annual projection of total pipeline system gas requirements should not be retained. Because of gas shortages, effects of conservation, fuel switching and fluctuations in the weather, total annual requirements are rarely fulfilled; therefore, the direct relevance of the reporting of annual requirements has become limited. In addition, the long-term projection of requirements data tends to be inaccurate. Finally, pipeline system requirements data are now reported in Schedule I of FERC Form No. 16 (*see* 18 CFR § 260.12), and the requirements profile of jurisdictional companies has been developed in the "Omnibus" proceedings (Docket No. TC80-60, *et al.*, September, 1980). The Commission considers this information to be sufficient to evaluate jurisdictional company requirements.

Finally, the Commission has eliminated the requirement to report curtailment data during the report year in Schedule No. 1 of Form No. 15 because this information is available in greater detail in the Commission's Form No. 16 (revised May 30, 1980. Order No. 88, RM80-20, 45 *FR* 37812, June 5, 1980).

3. *Informal Conferences.*

Commentors generally suggested that the Commission should not make extensive changes to the format or instructions to Form No. 15 until informal conferences have been held between interested members of the public and the Commission to discuss problems regarding contemplated changes. As noted above, the amendments made in this interim rule do not include any of the proposed changes to the format. The Commission does intend to further consider such changes in the forthcoming weeks. Interested persons are invited to a series of conference meetings with Commission staff beginning in early December in order to discuss and revise Form No. 15 in the light of legal, regulatory and industry considerations. An announcement specifying the dates and times of these meetings will be issued in the near future.

A final rule, to further amend Form No. 15, will be issued subsequent to the above-mentioned conference meetings.

C. Revisions to Form 15.

Form 15 is revised by deleting the following requirements:

General. The requirement to report "Class Code" on each statement and schedule is deleted. Also eliminated is the requirement to file individual reservoir area outline maps.

Statements. In the first substantive statement, "Synopsis of Pipeline Company Gas Supply" (p. 0047), items 04 through 10 which pertain to information from the last certificate application are deleted because they are available elsewhere.

Schedules. The following items in Schedule Nos. 1 through 4 are deleted:

Schedule No. 1, "System Deliverability Summary".

Entry Nos. 104–122—Annual Requirements Curtailments.
Entry No. 123—Total Volumes Scheduled (Annual Requirements)*
Entry No. 125—Firm Gas Sales Interruptible Gas Sales Other use Gas Reserve Life Index.

Schedule No. 2, "Reservoir Data and Dedicated Remaining Recoverable Salable Reserves".

Line No. 1—FPC Natural Gas Area.
Line No. 2—Type Calculation, Total-Producing Completions, Total Net Completions, Dedicated Percentage of Sellers Reserves, Decline Factor MMcf Per PSI, Cumulative Wet Gas Production at Current Pressure, Current Z Value, Terminal Z Value, Depth Classification, Basic Lithology.
Line No. 4—Recovery Factor, Productive Area—Acres, Average Net Thickness—Feet Reservoir Volume—Acre/Feet, Porosity, Porosity By (How porosity is determined), Connate Water, Connate Water By (How connate water is determined), Initial Z Value, Yield, Barrels Per MMcf, Mole Percent H_2S, Mole Percent N_2, Mole Percent CO_2, Initial Formation Volume Factor (FVF).

Schedule No. 3, "Deliverability Estimate For Each Supply Source".

Line No. 2—All Data Elements
Line No. 3—Pc (Shut-in pressure), Pt (Flowing pressure), Pf (Formation pressure), Ps (Sandface pressure), C (Coefficient C in back pressure equation), n (value of slope n), Q (rate of flow), Duration Flow, Wellhead Open Flow, Absolute Open Flow, Daily Productive Capacity—Non-Associated Gas, Daily Productive Capacty—Associated and Solution Gas, Gas Volume Not Scheduled*
Line No. 4—Net Completions*

Schedule No. 4, "Committed Reserves and Deliverability Estimates for Other Supply Sources".

Line No. 1—FPC Natural Gas Area.
Line No. 2—Pipeline Code*, Seller Code*, Daily Productive Capacity for Undesignated Gas, Daily Productive Capacity for Non-Associated Gas, Daily Productive Capacity for Associated and Solution Gas, Volume Curtailed, MMcf*
Line No. 3—Gas Volume Not Scheduled.

The form, as revised by this Interim Rule, shall be filed on or before April 1 for each calendar year ending December 31 of the previous year as is currently required, beginning with April 1, 1981.

In addition, the Commission has sent a memorandum to the Energy Information Administration (EIA) (*see*, Attachment B to the document) [9] regarding clarification of the instructions for Form No. 15.

D. Public Procedure and Effective Date.

The Commission has complied with 5 U.S.C. § 553 by having provided the public with notice and an opportunity to participate in this rulemaking. Immediate adoption of the revisions to Form No. 15 will promote an expeditious reduction of unnecessary reporting burdens. Therefore, under 5 U.S.C. § 553(d), the Commission is making these changes effective immediately for reports covering calendar year 1980, to be filed on or before April 1, 1981.

(Administrative Procedure Act, 5 U.S.C. § 553; Natural Gas Act, 15 U.S.C. §§ 717–717w; Department of Energy Organization Act, 42 U.S.C. §§ 7101–7352; E.O. 12009, 42 FR 46267; Natural Gas Policy Act of 1978, 15 U.S.C. §§ 3301–3432.)

[8] Companies filing computerized versions of the Form No. 15 may submit it in the current format, retaining the items deleted herein to alleviate the burden of reprogramming.

* Item inadvertently omitted from the Preamble to the Notice of Proposed Rulemaking—deletion of this item was noted in the schedule attached to the notice.

* Items inadvertently omitted in the Preamble to the Notice of Proposed Rulemaking—deletion of these items was noted in the schedules attached to the Notice.

[9] The memorandum sent to EIA and revised Form No. 15 (Attachment A) are not being printed by the **Federal Regester.** Copies are available in the Commission's Office of Public Information.

For the foregoing reasons, FPC Form No. 15, is revised as set forth in Attachment A to this Interim Rule, and Part 260 of Chapter I, Title 18 of the Code of Federal Regulations is amended as set forth below, effective immediately as an interim rule.

By the Commission.

Kenneth F. Plumb,

Secretary.

Section 260.7 is amended in the note following the text by adding at the end thereto the following:

§ 260.7 Form No. 15, Annual report of gas supply for certain natural gas pipelines

* * * * *

Note.— * * * Docket No. RM80-69, 45 FR, Nov. 14, 1980.

[FR Doc. 80-35424 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 430, 431, 436, 450

[Docket No. 80N-0293]

Antibiotic Drugs; Daunorubicin Hydrochloride

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration amends the antibiotic drug regulations to provide for the certification of a new antibiotic drug, daunorubicin hydrochloride. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective November 14, 1980; comments by December 15, 1980.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to providing for the certification of a new antibiotic drug, daunorubicin hydrochloride. The agency concludes that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended in Parts 430, 431, 436, and 450 (21 CFR Parts 430, 431, 436, and 450) to provide for its certification.

The agency has determined pursuant to 21 CFRF 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Parts 430, 431, 436, and 450 are amended to read as follows:

PART 430—ANTIBIOTIC DRUGS; GENERAL

1. Part 430 is amended:

a. In § 430.4 by adding paragraph (a)(46), to read as follows:

§ 430.4 Definitions of antibiotic substances.

(a) * * *

(46) *Daunorubicin.* Each of the antibiotic substances produced by the growth of *Streptomyces coeruleorubidus* and each of the same substances produced by any other means is a kind of daunorubicin.

b. In § 430.5 by adding paragraphs (a)(68) and (b)(68) to read as follows:

§ 430.5 Definitions of master and working standards.

(a) * * *

(68) *Daunorubicin.* The term "daunorubicin master standard" means a specific lot of daunorubicin that is designated by the Commissioner as the standard of comparison in determining the potency of the daunorubicin working standard.

(b) * * *

(68) *Daunorubiciin.* The term "daunorubicin working standard" means a specific lot of a homogeneous preparation of daunorubicin.

c. In § 430.6 by adding paragraph (b)(70) to read as follows:

§ 430.6 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

* * * * *

(b) * * *

(70) *Daunorubicin.* The term "microgram" applied to daunorubicin means the daunorubicin activity (potency) contained in 1.0965 micrograms of the daunorubicin master standard.

* * * * *

PART 431—CERTIFICATION OF ANTIBIOTIC DRUGS

2. Part 431 is amended in § 431.53 by alphabetically inserting a new item in the fee schedule in paragraph (b)(1) to read as follows:

§ 431.53 Fees.

* * * * *

(b) * * *

(1) * * *

Test	Chargeable fee per test
* * * * *	
Daunorubicin potency (special turbidimetric)	19.00
* * * * *	

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

3. Part 436 is amended:

a. In § 436.35(c) by alphabetically inserting a new item in the table to read as follows:

§ 436.35 Histamine test.

* * * * *

(c) * * *

Antibiotic	Diluent (diluent number as listed in § 436.31(b))	Concentration of test solution (milligrams of activity per milliliter)	Volume of test solution to be injected (milliliters per kilogram of body weight)
* * * * *			
Daunorubicin hydrochloride	4	1.5	1.0
* * * * *			

* * * * *

b. In § 436.101 by adding paragraph (a)(18) to read as follows:

§ 436.101 Solutions.

(a) * * *

(18) *Solution 18 (0.054M sodium phosphate buffer, pH 6.9).*

Sodium dihydrogen phosphate monohydrate: 3.97 gm.

Disodium hydrogen phosphate anhydrous: 3.55 gm.

Distilled water, q.s.: 1,000.0 mL.

PART 450—ANTITUMOR ANTIBIOTIC DRUGS

4. Part 450 is amended:

a. In Subpart A by adding new § 450.22 to read as follows:

§ 450.22 Daunorubicin hydrochloride.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Daunorubicin hydrochloride is the monohydrochloride salt of (1*s*,3*s*)-3-acetyl-1,2,3,4,6,11-hexahydro-3,5,12-trihydroxy-10-methoxy-6,11-dioxo-1-naphthacenyl-3-amino-2,3,6-trideoxy-α-L-*lyxo*-hexopyranoside. It is a red-orange, hygroscopic powder. It is so purified and dried that:

(i) Its potency is not less than 842 micrograms and not more than 1,030 micrograms of daunorubicin per milligram.

(ii) Its moisture content is not more than 3.0 percent.

(iii) Its pH in an aqueous solution containing 5 milligrams per milliliter is not less than 4.5 and not more than 6.5.

(iv) It is crystalline.

(v) It passes the identity test for daunorubicin.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each request shall contain:

(i) Results of tests and assays on the batch for potency, moisture, pH, crystallinity, and identity.

(ii) Samples required: 14 packages, each containing approximately 40 milligrams.

(b) *Tests and methods of assay.* Daunorubicin hydrochloride is toxic. It must be handled with care in the laboratory. Transfer all dry powders in a suitable hood. Wear rubber gloves, protective gowns, head coverings, and protective eye goggles when handling dry powders. Avoid inhaling fine particles of powder. Solutions should not be pipetted by mouth. If the substance contacts the skin, promptly wash with soap and water. Dispose of all waste material by dilution with large volumes of sodium hypochlorite solution.

(1) *Potency.* Use either of the following methods; however, the results obtained from the high-pressure liquid chromatograph shall be conclusive.

(i) *High-pressure liquid chromatography.* Proceed as directed in § 436.322 of this chapter, except in lieu of the mobile phase and pH described in paragraph (b)(2) of that section, use a mixture of water: acetonitrile (62:38) adjusted to pH 2.2 ± 0.2 with phosphoric acid. Prepare the sample and standard solutions and calculate the daunorubicin content as follows:

(*a*) *Preparation of sample and working standard solutions.* Accurately weigh approximately 25 milligrams of the sample and of the daunorubicin working standard and dissolve each in 25 milliliters of the internal standard solution prepared as directed in § 436.322(b)(3) of this chapter.

(*b*) *Calculations.* Calculate the daunorubicin content as follows:

$$\text{Micrograms of daunorubicin per milligram} = \frac{\frac{R_u}{-} \times \frac{W_s}{-} \times \frac{P}{-} \times 100}{\frac{R_s}{-} \times \frac{W_u}{-} \times (100 - \underline{M})}$$

where:

R_u = Area of the daunorubicin sample peak/Area of the internal standard peak;

R_s = Area of the daunorubicin standard peak/Area of the internal standard peak;

W_s = Weight of the daunorubicin working standard in milligrams;

W_u = Weight of the sample in milligrams;

M = Moisture content of the sample in percent;

P = Potency of the daunorubicin working standard in micrograms per milligram.

(ii) *Microbiological turbidimetric assay for daunorubicin*—(*a*) *Preparation of working standard stock solutions and standard response line concentrations.* Dissolve an acurately weighed portion of the working standard with sufficient 0.054*M* sodium phosphate buffer, pH 6.9 (solution 18), as described in § 436.101(a)(18) of this chapter, to obtain a stock solution containing 1 milligram of daunorubicin activity per milliliter. The working standard stock solution may be stored under refrigeration for 1 week. Further dilute an aliquot of the stock solution with solution 18 to obtain standard response line concentrations of 4, 8, and 16 micrograms of daunorubicin activity per milliliter. The 8-micrograms-per-milliliter concentration is the reference concentration of the assay.

(*b*) *Preparation of sample solution.* Dissolve an accurately weighed portion of the sample with sufficient 0.054*M* sodium phosphate buffer, pH 6.9 (solution 18), as described in § 436.101(a)(18) of this chapter, to obtain a stock solution containing 1 milligram of daunorubicin activity per milliliter (estimated). Further dilute an aliquot of the stock solution with solution 18 to the reference concentration of 8 micrograms of daunorubicin activity per milliliter (estimated).

(c) *Procedure for assay.* Place 1.0 milliliter of each concentration of the standard response line and of the sample solution in each set of replicate tubes (as described in § 436.100(b)(1) of this chapter). Eighteen tubes are used for the three-point standard response line and six for each sample. To each tube, add 9 milliliters of medium 3 (as listed in § 436.102(b)(3) of this chapter), inoculated with 2 milliliters of a suspension of test organism I per liter of medium 3. The suspension of test organism I is prepared as described in § 436.103 of this chapter, except incubate the slants and Roux bottle for 16 to 18 hours at 37° C. Place the inoculated tubes immediately in a water bath at 37° C for approximately 3 hours. The absorbance value for the growth control should be approximately 0.70–0.75 and the absorbance values for the 16 and 4 micrograms per milliliter standard doses should be approximately 0.25–0.35 and 0.55–065, respectively. An adjustment of the inoculum may be necessary in order to obtain absorbance values to these approximate levels in a 3-hour time period. Remove the tubes from the water bath and add 0.5 milliliter of a 12-percent formaldehyde solution to each tube. Determine the absorbance value of each tube in a suitable spectrophotometer, at a wavelength of 530 nanometers. Set the instrument at zero absorbance with an uninoculated blank composed of the same amounts of medium 3, solution 18, and formaldehyde used in the assay.

(d) *Estimation of potency.* Estimate the potency of the sample as follows: Using the three x values and the three corresponding y values, calculate Σx, Σx^2, $(\Sigma x)^2$, Σy and Σxy. Calculate b, the slope (regression coefficient), and a, the Y-intercept of the standard response line by the following equations:

$$b = \frac{n\Sigma xy - (\Sigma x)(\Sigma y)}{n\Sigma x^2 - (\Sigma x)^2}$$

$$a = \frac{\Sigma y - b\Sigma x}{n}$$

where:

n = Number of standard doses;
x = Logarithm of the concentration in micrograms per milliliter of each dose of the standard curve;
y = Mean response of the six absorbance values for each dose of the standard.

Calculate the concentration of the sample solution X corresponding to the observed mean response of the sample solution Y by the following equation:

$$X = \text{antilog } \frac{Y - a}{b}$$

where:

X = The concentration of the sample solution in micrograms per milliliter;
Y = The mean response of the six absorbance values for reference concentration sample solutions.

Calculate the potency of the daunorubicin sample as follows:

$$\text{Potency of daunorubicin sample in micrograms per milligram} = \frac{(X)\,(F)}{W}$$

where:

F = 125, the appropriate dilution factor of the daunorubicin sample;
W = Weight of sample in milligrams.

The following example illustrates the mathematical calculations of the potency of a sample solution:

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Standard doses (micrograms per milliliter)	16.0	8.0	4.0	n	=	3
Log doses (x)	1.20412	0.90309	0.60206	Σx	=	2.70927
				$(\Sigma x)^2$	=	7.34014
x^2	1.4499	0.81557	0.36248	Σx^2	=	2.62795
Absorbance readings:	0.247	0.483	0.583			
	0.236	0.414	0.584			
	0.241	0.446	0.574			
	0.236	0.423	0.555			
	0.233	0.416	0.578			
	0.243	0.413	0.559			
Mean responses (y)	0.239	0.433	0.572	Σy	=	1.244
xy	0.28778	0.39104	0.34438	Σxy	=	1.0232

$$b = \frac{3(1.0232) - (2.70927)(1.244)}{3(2.62795) - 7.34014} = -0.553$$

$$a = \frac{1.244 - (-0.553)(2.70927)}{3} = 0.914$$

Mean response, Y, of sample solution = 0.405

Calculated concentration, X, sample solution =

$$\text{antilog } \frac{0.405 - 0.914}{-0.553} = 8.32 \text{ micrograms per milliliter}$$

BILLING CODE 4110-03-C

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 5 milligrams per milliliter.

(4) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

(5) *Identity.* The high-pressure liquid chromatogram of the sample determined as directed in paragraph (b)(1)(i) of this section compares qualitatively to that of the daunorubicin working standard.

b. In Subpart B by adding new § 450.222 to read as follows:

§ 450.222 Daunorubicin hydrochloride for injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Daunorubicin hydrochloride for injection is a freeze-dried powder whose components are daunorubicin hydrochloride mannitol. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of daunorubicin that it is represented to contain. It is sterile. It is nonpyrogenic. It contains no histamine nor histamine-like substances. Its moisture content is not more than 3.0 percent. When reconstituted as directed in the labeling, its pH is not less than 4.5 and not more than 6.5. It passes the identity test. The daunorubicin hydrochloride used conforms to the standards prescribed by § 450.22(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The daunorubicin hydrochloride used in making the batch for potency, moisture, pH, crystallinity, and identity.

(*b*) The batch for potency, sterility, pyrogens, histamine, moisture, pH, and identity.

(ii) Samples required:

(*a*) The daunorubicin hydrochloride used in making the batch: 14 packages, each containing approximately 40 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 34 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay.* Daunorubicin hydrochloride is toxic. It must be handled with care in the laboratory. Solutions should not be pipetted by mouth. Transfer all dry powders in a suitable hood. Wear rubber gloves, protective gowns, head coverings, and protective eye goggles when handling dry powders. If the substance contacts the skin, wash with soap and water. Dispose of all waste material by dilution with larger volumes of sodium hypochlorite solution.

(1) *Daunorubicin content (high-pressure liquid chromatography).* Proceed as directed in § 436.322 of this chapter, preparing the sample and standard solutions and calculating the daunorubicin content as follows:

(i) *Preparation of working standard solution.* Accurately weigh approximately 25 milligrams of the daunorubicin working standard and dissolve in 25 milliliters of the internal standard solution prepared as directed in § 436.322(b)(3) of this chapter.

(ii) *Preparation of sample solution.* Prepare the sample solution by rinsing the contents of the vial into an appropriate-sized volumetric flask with a sufficient amount of internal standard solution prepared as directed in § 436.322(b)(3) of this chapter, to obtain a concentration of 1.0 milligram of daunorubicin per milliliter.

(iii) *Calculations.* Calculate the daunorubicin content as follows:

$$\text{Daunorubicin content per vial in milligrams} = \frac{\frac{R_u}{R_s} \times W_s \times V \times P}{\frac{R_s}{} \times 25 \times 1{,}000}$$

where:

R_u = Area of the daunorubicin sample peak/Area of the internal standard peak;

R_s = Area of the daunorubicin standard peak/Area of the internal standard peak;

W_s = Weight of the daunorubicin working standard in milligrams;

V = Volume in milliliters of the internal standard solution added to the vials;

P = Potency of the daunorubicin working standard in micrograms per milligram.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 2.25 milligrams of daunorubicin per milliliter.

(4) *Histamine.* Proceed as directed in § 436.35 of this chapter.

(5) *Moisture.* Proceed as directed in § 436.201 of this chapter, using the sample preparation method described in paragraph (d)(4) of that section.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using the sample obtained after reconstituting the drug as directed in the labeling.

(7) *Identity.* The high-pressure liquid chromatogram of the sample determined as directed in paragraph (b)(1) of this section compares qualitatively to that of the daunorubicin working standard.

Because the conditions that must be met prior to providing for certification of this drug have been complied with and because the matter is noncontroversial, the Food and Drug Administration finds that notice and public procedure and delayed effective date are unnecessary, and that the amendment may become effective upon the date of publication in the **Federal Register.** However, interested persons may, or or before December 15, 1980, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this regulation. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before December 15, 1980, a written notice of participation and request for hearing, and (2) on or before January 13, 1981, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for a hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order must be filed in four copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch, between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective November 14, 1980.

(Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357))

Dated: October 31, 1980.

Mary A. McEniry,

Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 80–35286 Filed 11–13–80; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 520

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

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Ralston Purina Co. providing for safe and effective use of iron dextran oral suspension for preventing iron deficiency anemia in baby pigs.

EFFECTIVE DATE: November 14, 1980.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV–136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5247.

SUPPLEMENTARY INFORMATION: Ralston Purina Co., Checkerboard Square, St. Louis, MO 63188, filed an NADA (113–748) providing for orally administering iron dextran complex to baby pigs for preventing iron deficiency anemia.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Docket's Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended by adding new § 520.1182 to read as follows:

§ 520.1182 Iron dextran oral suspension.

(a) *Specifications.* Each 1.8 milliliter contains 100 milligrams of elemental iron as ferric hydroxide in complex with a low molecular weight dextran and 0.2 percent phenol as a preservative.

(b) *Sponsor.* See 017800 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount.* 100 milligrams of elemental iron to each pig.

(2) *Indications for use.* Prevention of iron deficiency anemia in baby pigs.

(3) *Limitations.* Treat each pig within 24 hours of farrowing. Administer 1.8 milliliters orally by automatic dose dispenser.

Effective date. This regulation is effective November 14, 1980.

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

Dated: November 3, 1980.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 80–35646 Filed 11–13–80; 8:45 am]

BILLING CODE 4110–03–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 31g

Education Personnel; Leave System

October 31, 1980.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Indian Affairs is publishing a final rule which (1) corrects a typographical error in § 31g.12(a)(2)(v) concerning restoration of sick leave in order to comply with the requirements of 5 CFR 630.502; and (2) amends § 31g.12(d) by changing the requirements from holding of annual leave credited to an employee to permitting the employee to use leave transferred.

EFFECTIVE DATE: November 14, 1980.

FOR FURTHER INFORMATION CONTACT: Philip S. DeLoria, Deputy Assistant Secretary for Indian Affairs, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240, (202) 343–7163.

SUPPLEMENTARY INFORMATION: The authority to issue regulations is vested in the Secretary of the Interior and has been redelegated to the Assistant Secretary—Indian Affairs by 209 DM 8.

On November 8, 1979 (44 FR 65008), the Bureau of Indian Affairs published a final rule to add a new Part 31g, Education Personnel, to Subchapter E, Chapter I, Title 25 of the Code of Federal Regulations. Section 12(a)(2)(v) contained a typographical error concerning the termination of sick leave. The previous erroneous time limit of 5 years is hereby corrected to read 3 years. Section 12(d) contained erroneous information concerning the "banking" of annual leave to the credit of an employee who is converted or appointed under the contract personnel system. This requirement does not comply with the requirements of 5 U.S.C. 5551. Section 12(d) is hereby amended to comply with 5 U.S.C. 5551.

The Bureau of Indian Affairs is waiving pursuant to 5 U.S.C. 553(b)(B) the proposed rulemaking requirements of Section (b) of 5 U.S.C. 553 because of the minor effect of this document and the compliance factor involved with the Pub. L. 95–561 and 5 U.S.C. 5551 heretofore not complied with. Since this rulemaking document corrects previously published material, the 30 days deferred effective date is dispensed with under the provisions of 5 U.S.C. 53(d)(3). Accordingly, these regulations will become effective November 14, 1980.

The primary author of this document is Pattie Fulgham, Chief, Staffing and Manpower Branch, Bureau of Indian Affairs, telephone number 202–343–9306.

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.

Section 31g.12 of Subchapter E, of Chapter I, Title 25 of the Code of Federal Regulations, Part 31g, Education

Personnel is hereby amended by revising paragraphs (a)(2)(V) and (d) as follows:

§ 31g.12 Leave system for education personnel.

(a) * * *

(2) * * *

(v) An employee, who terminates his/her contract with sick leave to his/her credit, will have such sick leave restored to his/her credit upon reemployment within 3 years.

* * * * *

(d) *Leave transferred in.* Annual leave credited to an employee's balance immediately before conversion or appointment under this part will be carried over and made available to the employee. Sick leave credited to an employee's balance immediately before conversion or appointment under this part shall be credited to the employee's sick leave account under the system in § 31g.12(a)(2) and (b)(2).

Philip S. Deloria,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 80-35551 Filed 11-13-80; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 11

[T.D. 7733]

Income Tax; Taxable Years Beginning After December 31, 1953; Minimum Funding Standards for Pension Plans

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the determination of actuarial costs under the minimum funding standards for defined benefit pension plans. These regulations implement provisions of the Employee Retirement Income Security Act of 1974. The regulations provide necessary guidance to the public for compliance with that Act, and affect many employers with collectively bargained defined benefit plans.

DATES: The regulations are effective generally for plan years beginning after 1975, but earlier (or later) in the case of some plans as provided by the Employee Retirement Income Security Act of 1974.

FOR FURTHER INFORMATION CONTACT: Jonathan P. Marget of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3651) (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On August 4, 1977, the Internal Revenue Service published in the **Federal Register** (42 FR 39382) temporary regulations amending the Temporary Income Tax Regulations under the Employee Retirement Income Security Act of 1974 (ERISA) (26 CFR Part 11). These temporary regulations also served as proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 412(c)(1) of the Internal Revenue Code of 1954. No public hearing was held regarding the proposals.

After consideration of all the comments received regarding the proposed amendments, those amendments are adopted, as revised, by this Treasury decision. These final regulations conform the Income Tax Regulations to section 1013 of ERISA (88 Stat. 914). They also apply for purposes of section 302 of ERISA.

The final regulations under this document supersede the temporary regulations that served as proposed amendments to the Income Tax Regulations (26 CFR 11.412(c)(1)-1 and 11.412(c)(1)-2).

Explanation of Provisions in General

Section 412 of the Internal Revenue Code of 1954, contained in section 1013 of ERISA, provides minimum funding requirements with respect to certain pension plans. These requirements include the maintenance of a minimum funding standard account, to which the normal cost of the plan and certain amortization amounts are charged, and contributions to the plan and certain other amortization amounts are credited for each plan year.

In the conference report accompanying ERISA, the conferees noted that, in the case of many collectively bargained plans, annual contributions were negotiated in terms of a specified amount per hour of service or some other unit of production. The conferees expressed the belief that in those cases employers generally must be allowed to base their contributions on the bargained and agreed-upon basis during the period to which the agreement relates. H.R. Rep. No. 93-1280, 93d Cong., 2d Sess. 285 (1974), 1974-3 C.B. 446.

In general, in order to reflect the intent of the conferees, these regulations contain detailed rules which allow collectively bargained plans to use a special method termed the "shortfall method" for computing the charges to the funding standard account. Under the shortfall method, the charge is computed on the basis of an estimated number of units of service or production (for which a certain amount per unit is to be charged). The difference between the net amount charged or credited under this method and the net amount that otherwise would have been charged or credited under section 412 for the same period is termed a "shortfall gain or loss" and is to be amortized during certain subsequent plan years.

Provisions Changed in Final Regulations: Reasonable Funding Method References

The final regulation contains references to principles applicable to funding methods in general. These principles are to be published at a future date as part of a regulation describing a reasonable funding method.

Descriptive Language Changes

In response to the comments, the final regulation has been clarified by changes in two descriptive terms introduced in the proposal.

The "net charge" under the shortfall method is now referred to as the "net shortfall charge." This change eliminates ambiguous references in the proposal where it was not clear whether the net charge was computed under the shortfall method, or under section 412 without regard to the shortfall method.

Also, the final regulation changes the term "anticipated annual charge" under the proposals to "annual computation charge." This change in descriptive language eliminates confusion regarding the time when a computation is to be made. The source of confusion was the use of the word "anticipated."

Eligibility For Use Of Shortfall

The final regulation revises the provision describing a plan that may elect to use shortfall. It makes it clear that the use of shortfall applies only to plans with a contractually binding contribution rate. Also, as suggested in the comments, the regulations extend eligibility for using shortfall to the plans of some tax-exempt labor organizations.

Estimated Base Units

The proposed regulations listed hours, days, and tons as examples of estimated base units. The final regulations add dollars of compensation to this illustrative list.

Plans With More Than One Contribution Rate, Contract, Employer, or Benefit Level

Under the proposed regulations, if a single plan maintained by more than one employer had more than one contribution rate, the plan could compute a separate net charge for each employer or each benefit level, provided that the specific method of computation of the net charge was reasonable under the facts and circumstances. (Even so, only one actuarial valuation would be made for the single plan on each actuarial valuation date.)

The final regulations broaden this option somewhat to permit a plan to compute a separate net shortfall charge for each contract, each contribution rate, each employer, or each benefit level. However, under the final regulations a plan so computing a separate net shortfall charge must determine the base unit estimation date without regard to any collectively bargained agreement that does not relate to the contract, contribution rate, employer, or contract level for which the net shortfall charge is separately computed. This new restriction has a deferred effective date.

Single Employer Plans

The comments urged that the final regulation treat single employer plans the same as plans maintained by more than one employer. The final regulation does this by modifying provisions for single employer plans relating to the base unit estimation date and to the deferral of shortfall and experience gains and losses.

Base Unit Estimate Date

The final regulation changes the base unit estimation date rules.

As previously announced by the Internal Revenue Service in Announcement 77–142, 1977–38, I.R.B. 47, the final rules do not contain a special transition rule of the proposal, under which the base unit estimation date could not be earlier than the last valuation date of the plan occurring on or before January 1, 1976.

Also, the final regulation describes the circumstances under which expectations will be found to be unreasonable when used to estimate base units. Generally, these expectations will be unreasonable if, for example, they do not reflect a consistent pattern of substantial decline or growth in actual base units that has occurred over a period of years from sources which are likely to recur after the base unit estimation date.

It is anticipated that, when regulations under section 412(c)(9) are proposed, they may require an actuarial valuation of plan liabilities more frequently than once every three years. Among the approaches being considered for the proposed regulations are (1) a rule requiring annual valuations for all plans using the shortfall method and (2) a rule requiring a valuation whenever expected base units exceed actual base units by more than 20 percent.

The final regulation does not follow the suggestion of the comments that one year be added to the earliest permissible base unit estimation date. The suggested rule would have unnecessarily increased the already lengthy period between the time for determining estimated base units and the current plan year for which charges are being determined under the shortfall method.

Amortization Period

In addition to treating single employer plans the same as plans maintained by more than one employer, the final regulation changes the proposed regulation with respect to the amortization period for shortfall and experience gains and losses in two significant ways.

First, the final regulation eliminates the discretion of administrators to select a starting date for amortization. Some comments suggested that such flexibility would be desirable. However, the final regulation reflects the view that such flexibility would create a potential for abuse by manipulating the deferral of gains and losses.

Second, the final regulation shortens the deferral period in the case of some plans maintained by more than one employer. Under the final regulation, amortization must begin in the first year beginning after the latest scheduled expiration date of any contract in effect when the gain or loss occurred, or, if earlier, in the fifth plan year after the gain or loss occurred.

These two rules apply to gains and losses arising in plan years beginning after December 31, 1980. For gains and losses arising in plan years beginning before 1981, plans may use the amortization starting date and deferral options of the temporary regulations.

Shortfall Gain or Loss

The final regulation clarifies the provision for amortizing shortfall gains or losses by stating that the amortization requirement applies to all types of funding methods, including those that do not amortize experience gains or losses by establishing separate bases.

The final regulation also adjusts the numbers in the example illustrating the computations under the shortfall method. The example shows interest adjustments over a period of five years, not four as under the proposed amendments.

Experience Gain or Loss

The final regulation clarifies the provisions for amortizing experience gains or losses. The regulation provides that this amortization requirement applies only to plans using a funding method that normally amortizes experience gains and losses by establishing separate bases. A plan that uses a funding method that spreads experience gains and losses over future normal costs is not required to amortize the experience gains or losses merely because it uses the shortfall method.

It is also clear under the final regulation that the normal cost portion of the annual computation charge is used in determining experience gains or losses when the shortfall method is used.

Finally, the final regulation contains an example illustrating the computation of experience gains or losses under a plan using the shortfall method.

Drafting Information

The principal author of these regulations was Thomas F. Rogan of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Adoption of Amendments to the Regulations

Accordingly:

PART 11—TEMPORARY INCOME TAX REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

§§ 11.412(c)(1)–1 and 11.412(c)(1)–2 [Deleted]

1. The Temporary Income Tax Regulations Under the Employee Retirement Income Security Act of 1974 (26 CFR Part 11) are amended by deleting §§ 11.412(c)(1)–1 and 11.412(c)(1)–2, which are superseded by the regulations adopted below.

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

2. The Income Tax Regulations, 26 CFR Part 1, are amended by the addition of the following new sections 1.412(c)(1)–1 and 1.412(c)(1)–2 immediately after § 1.412(b)–5:

§ 1.412(c)(1)–1 Determinations to be made under funding method—terms defined.

(a) *Actuarial cost method and funding method.* Section 3 (31) of the Employee Retirement Income Security Act of 1974 ("ERISA") provides certain acceptable (and unacceptable) actuarial cost methods which may (or may not) be used by employee plans. The term "funding method" when used in section 412 has the same meaning as the term "actuarial cost method" in section 3 (31) of ERISA. For shortfall method for certain collectively bargained plans, see § 1.412(c)(1)–2; for principles applicable to funding methods in general, see regulations under section 412(c)(3).

(b) *Computations included in funding method.* The funding method of a plan includes not only the overall funding method used by the plan but also each specific method of computation used in applying the overall method. However, the choice of which actuarial assumptions are appropriate to the overall method or to the specific method of computation is not a part of the funding method. For example, the decision to use or not to use a mortality factor in the funding method of a plan is not a part of such funding method. Similarly, the specific mortality rate determined to be applicable to a particular plan year is not part of the funding method. See section 412(c)(5) for the requirement of approval to change the funding method used by a plan.

§ 1.412(c)(1)–2 Shortfall method.

(a) *In general*—(1) *Shortfall method.* The shortfall method is a funding method that adapts a plan's underlying funding method for purposes of section 412. As such, the use of the shortfall method is subject to section 412(c)(3). A plan described in paragraph (a)(2) of this section may elect to determine the charges to the funding standard account required by section 412(b) under the shortfall method. These charges are computed on the basis of an estimated number of units of service or production (for which a certain amount per unit is to be charged). The difference between the net amount charged under this method and the net amount that otherwise would have been charged under section 412 for the same period is a shortfall loss (gain) and is to be amortized over certain subsequent plan years.

(2) *Eligibility for use of shortfall.* No plan may use the shortfall method unless—

(i) The plan is a collectively bargained plan described in section 413(a), and

(ii) Contributions to the plan are made at a rate specified under the terms of a legally binding agreement applicable to the plan.

For purposes of this section, a plan maintained by a labor organization which is exempt from tax under section 501(c)(5) is treated as a collectively bargained plan and the governing rules of the organization (such as its constitution, bylaws, or other document that can be altered only through action of a convention of the organization) are treated as a collectively bargained agreement.

(b) *Computation and effect of net shortfall charge*—(1) *In general.* The "net shortfall charge" to the funding standard account under the shortfall method is the product of (i) the estimated unit charge described in paragraph (c) of this section that applies for a particular plan year, multiplied by (ii) the actual number of base units (for example, units of service or production) which occurred during that plan year. When the shortfall method is used, the net shortfall charge is a substitute for the specific charges and credits to the funding standard account described in section 412 (b)(2) and (3)(B).

(2) *Example.* Paragraph (b)(1) of this section may be illustrated by the following example:

Example. A pension plan uses the calendar year as the plan year and the shortfall method. Its estimated unit charge applicable to 1980 is 80 cents per hour of covered employment. During 1980, there were 125,000 hours of covered employment. The net shortfall charge for the plan year is $100,000, (*i.e.*, 125,000 × $.80) regardless of the amount which would be charged and credited to the funding standard account under section 412 (b)(2) and (3)(B) had the shortfall method not applied. The funding standard account for 1980 will be separately credited for the amount considered contributed for the plan year under section 412 (b)(3)(A). The other items which may be credited, if applicable, are a waived funding deficiency and the alternative minimum funding standard credit adjustment under section 412(b)(3)(C) and (D) because these items are not credits under section 412(b)(3)(B).

(3) *Plans with more than one contract, contribution rate, employer, or benefit level*—(i) *General rule.* A single plan with more than one contract, contribution rate, employer, or benefit level may compute a separate net shortfall charge for each contract, contribution rate, each employer, or each benefit level. The sum of these charges is the plan's total net shortfall charge. under § 1.412(c)(1)–1(b), the use of separate computations would be a specific method of computation used in applying the overall funding method. See also paragraph (f)(5) of this section.

(ii) *Single valuation.* Only one actuarial valuation shall be made for the single plan on each actuarial valuation date.

(iii) *Reasonableness test.* The specific method of computation of the net shortfall charge must be reasonable, determined in the light of the facts and circumstances.

(c) *Estimated unit charge.* The estimated unit charge is the annual computation charge described in paragraph (d) of this section divided by the estimated base units of service or production described in paragraph (e) of this section.

(d) *Annual computation charge.* The annual computation charge for a plan year is the sum of the following amounts:

(1) The net charges and credits which, but for using the shortfall method, would be made under section 412 (b)(2) and (b)(3)(B).

(2) The amount described in paragraph (g)(3) of this section, if applicable, for amortization of shortfall gain or loss.

(e) *Estimated base units*—(1) *In general.* The estimated base units are the expected units of service or production for a plan year (hours, days, tons, dollars of compensation, etc.), determined as of the base unit estimation date for that plan year under paragraph (f) of this section. This estimate must be based on the past experience of the plan and the reasonable expectations of the plan for the plan year. The specific type of unit used must be described in the statement of funding method for the plan year. (See paragraph (i)(3) of this section for reporting requirements.)

(2) *Reasonable expectations.* The reasonableness of expectations used under paragraph (e)(1) of this section is determined under the facts and circumstances of the plan for each plan year as of the relevant base unit estimation date. Expectations will be considered unreasonable if, for example, they do not reflect a consistent and substantial decline or growth in actual base units that has occurred over the course of recent years and that is likely to continue beyond the base unit estimation date. This determination of reasonableness is independent of determinations made under section 412(c)(3) of the reasonableness of actuarial assumptions.

(f) *Base unit estimation date*—(1) *In general.* The base unit estimation date for the current plan year is determined under this paragraph (f). This date shall be an actuarial valuation date no earlier than the last actuarial valuation date occurring at least one year before the earliest date any current collectively

bargained agreement in existence during the plan year came into effect.

(2) *Four-month rule.* For purposes of this paragraph (f), a current collectively bargained agreement is one in effect during at least four months of the current plan year.

(3) *Effective date of agreement.* For purposes of this paragraph (f), a collectively bargained agreement shall be deemed to have come into effect on the effective date of the agreement containing the currently effective provision for contributions to the plan or the benefits provided under the plan.

(4) *Long-term contract rule.* The effective date of a collectively bargained agreement shall be deemed not to occur prior to the first day of the third plan year preceding the current year.

(5) *Special rule for plans computing separate net shortfall charge.* A plan that computes a separate net shortfall charge for each contract, contribution rate, employer, or benefit level under paragraph (b)(3) of this section shall determine the base unit estimation date for each separate charge without regard to any collectively bargained agreement that does not relate to that contract, contribution rate, employer, or benefit level. If a collective bargaining agreement requiring contributions by a certain employer, or prescribing a certain benefit level, is in effect on December 31, 1980, the preceding sentence shall not apply to the computation of a separate net shortfall charge for that employer or benefit level until the earlier of—

(i) The first plan year beginning after the date on which expires the collective bargaining agreement requiring contributions by that employer (or the last collective bargaining agreement relating to that benefit level), or

(ii) The first plan year beginning after December 31, 1983.

(6) *Example.* The rules contained in paragraph (f) of this section are illustrated by the following table. In the table, "V" signifies actuarial valuation date (January 1 in each case shown); "B" signifies beginning of a contract; and "E" signifies end of a contract. The table shows the resulting earliest base unit estimation date with respect to the following assumed items:

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COMPUTATION OF EARLIEST BASE UNIT ESTIMATION DATE

Example

Plan year (calendar year basis)

	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984
Plan A	V			V			V			V		
Contract 1			E/B			E/B		E/B				E/B
Base unit estimation date 1/				1973	1973	1973	1976	1976	1979	1979	1979	1979
Plan B	V			V			V			V		
Contract 2		No Contract		B*		E/B				E/B*		
Contract 3	E/B			E/B*			E/B*			E/B		
Base unit estimation date 1/				1973	1973	1973	1976	1976	1976	1976	1979	1979
Plan C	V	V	V	V	V	V	V	V	V	V	V	V
Contract 4			E/B			E/B*				E/B		
Contract 5			E/B			E/B*					E/B	
Base unit estimation date 1/				1974	1974	1977	1977	1977	1977	1978	1979	1981

1/ The base unit estimation date may be on or any time after the actuarial valuation date in the year indicated on this line.

* Denotes that a prior contract ends and a new contract begins prior to the fifth month of a plan year.

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(g) *Amortization of shortfall gain or loss*—(1) *Definition.* The shortfall gain for a plan is the excess for the plan year of—

(i) The net shortfall charge computed under paragraph (b) of this section over

(ii) The annual computation charge described in paragraph (d) of this section.

The shortfall loss for a plan is the excess for the plan year of the annual computation charge over the net shortfall charge.

(2) *Shortfall amortization period*—(i) *First year.* The plan year in which the amortization of a shortfall gain or loss must begin is the earlier of two years: the fifth plan year following the plan year in which the shortfall gain or loss arose, or the first plan year beginning after the latest scheduled expiration date of a collectively bargained agreement in effect with respect to the plan during the plan year in which the shortfall gain or loss arose. For purposes of this subparagraph, a contract expiring on the last day of a plan year shall be deemed to be renewed on such last day for the same period of years as the contract that succeeds the expiring contract.

(ii) *Last year.* The plan year in which the amortization of a shortfall gain or loss must end is the 15th plan year following the plan year in which the shortfall gain or loss arose. For a multiemployer plan described in section 414(f), the amortization must end with the 20th plan year instead of the 15th.

(3) *Annual amortization amount.* The shortfall gain or loss must be amortized in equal annual installments. The total amount to be amortized must be adjusted for interest at the rate used for determining the plan's normal cost.

(4) *Shortfall gain or loss under spread gain type of funding method*—(i) *In general.* A spread gain type of funding method spreads experience gains and losses over future periods as part of a plan's normal cost. (Examples of spread gain types of funding methods are the aggregate cost method, the frozen initial liability method, and the attained age normal method.) However, a shortfall gain or loss is not an experience gain or loss. Therefore, a plan using a spread gain type of funding method together with the shortfall method must amortize shortfall gains and losses and otherwise meet the requirements of paragraph (g) of this section.

(ii) *Asset adjustment for aggregate method.* A plan using the shortfall method with the aggregate cost method of funding must adjust its plan assets for a shortfall gain or loss in calculating normal cost. The unamortized portion of any shortfall gain is subtracted from plan assets. The unamortized portion of any shortfall loss is added to plan assets.

(5) *Reconciliation of shortfall gain or loss with funding standard account.* At the beginning of each year, the actual unfunded liability under the method used by the plan must equal the outstanding balance of all amortization bases, including bases for shortfall gains and losses, less the credit balance under the funding standard account at the end of the prior year.

(6) *Example.* This paragraph is illustrated by the following examples:

Example (1). A multiemployer plan described in section 414 (f) is maintained with the calendar year as the plan year and uses the shortfall method. The plan uses the frozen initial liability funding method. A five percent interest assumption is used by the plan, with payments computed as of the first day of each plan year for all items. The expiration dates of contracts in effect during plan years 1976, 1977, and 1978 are such that the amortization of gains or losses for each year must begin in the fifth following plan year. The assumed plan costs and estimated base units for selected years, and the computations under this section which follow from such assumptions are shown in the following table. In the table, "*" denotes an assumed item. The remaining figures have been calculated on the basis of these assumptions.

(a) Computation of net shortfall charge and shortfall gain or loss

Plan year	1976	1977	1978
1. Normal cost*	$100,000	$100,000	$100,000
2. Amortization of unfunded liability*	50,000	50,000	50,000
3. Total annual computation charges	$150,000	$150,000	$150,000
4. Estimated base units*	100,000	100,000	100,000
5. Estimated unit charge (line 3÷line 4)	$1.50	$1.50	$1.50
6. Actual units during year*	80,000	90,000	110,000
7. Net shortfall charge for year (line 5×line 6)	$120,000	$135,000	$165,000
8. Shortfall (gain) or loss (line 3−line 7)	$30,000	$15,000	($15,000)

(b) Annual amortization amount

9. Year of shortfall gain or loss	1976	1977	1978
10. First year of amortization	1981	1982	1983
11. Last year of amortization	1996	1997	1998
12. (Gain) or loss adjusted for interest to year amortization begins (1-1-76 to 1-1-81, etc.)	$38,288	$19,144	($19,144)
13. Annual amortization (16 years)	$3,364	$1,682	($1,682)

(c) Computation of net shortfall charges for selected years (including shortfall amortization)

Plan year	1981	1982	1983
14. Normal cost*	$120,000	$125,000	$130,000
15. Amortization of unfunded liability*	50,000	50,000	50,000
16. Shortfall amortization (see line 13) from:			
1976	3,364	3,364	3,364
1977		1,682	1,682
1978			(1,682)
17. Total annual computation charges	$173,364	$180,046	$183,364
18. Estimated base units*	110,000	110,000	110,000
19. Estimated unit charge (line 17÷line 18)	$1.576	$1.637	$1.667
20. Actual units during year*	105,000	110,000	105,000
21. Net shortfall charge for year (line 19×line 20)	$165,480	$180,070	$175,035
22. Shortfall (gain) loss (line 17−line 21)	$7,884	($24)	$8,329

The amounts in line 22 will be amortized beginning 1986, 1987, and 1988, respectively. The $24 gain in 1982 results from rounding the estimated unit charge.

Example (2). Assume the facts in Example (1). Also assume that the plan uses the frozen initial liability funding method, that the unfunded liability as of January 1, 1976 (corresponding to a 40-year charge of $50,000 due at the beginning of the year) is $900,850, and that actual contributions at the rate of $1.75 per unit are paid at mid-year in 1976.

(a) Computation of the Unfunded Liability as of December 31, 1976

1. Unfunded liability as of 1/1/76	$900,850
2. Normal cost (that used in the calculation of the total annual computation charges)	100,000
3. Interest at 5% due on items 1 and 2	50,043
4. Contribution with interest: $1.75×80,000×1.025 (actual contribution rate times acutal base units times interest adjustment from mid-year)	143,500
5. Unfunded liability as of 12/31/76: item 1+item 2+item 3 −item 4	907,393

(b) Computation of the Outstanding Balance of the Bases as of December 31, 1976

1. Original base: ($900,850−$50,000)×1.05	$893,393
2. Shortfall loss $30,000×1.05	31,500
3. Total	924,893

(c) Computation of the Credit Balance as of December 31, 1976

1. Net shortfall charge (§ 1.412 (c) (1)-2 (b)) adjusted for interest: $120,000×1.05	$126,000
2. Actual contributions with interest	143,500
3. Credit balance as of 12/31/76: item 2−item 1	17,500

(d) *Reconciliation of computations.* As of January 1, 1977, the unfunded liability ($907,393) equals the outstanding balance of the bases minus the credit balance ($924,893−$17,500=$907,393).

(h) *Amortization of experience gain or loss*—(1) *General rule.* In the case of a plan using an immediate gain type of funding method, an experience gain or loss shall be amortized pursuant to

section 412 (b)(2)(B)(iv) or (b)(3)(B)(ii). (Examples of the immediate gain type of funding method are the unit credit method, the entry age normal cost method, and the individual level premium cost method.) For purposes of this section, a shortfall gain or loss is not an experience gain or loss. The amount of the experience gain or loss must be adjusted for interest at the rate used for determining the plan's normal cost.

(2) *Experience amortization period under shortfall method*—(i) *First year.* The plan year in which the amortization of an experience gain or loss must begin in the case of a plan using the shortfall method is the earlier of two years: the fifth plan year following the plan year in which the experience gain or loss arose, or the first plan year beginning after the last scheduled expiration date of a contract in effect during the plan year in which the experience gain or loss arose. For purposes of this subparagraph a contract expiring on the last day of the plan year shall be deemed to be renewed on such last day for the same period of years as the contract that succeeds the expiring contract.

(ii) *Last year.* The plan year in which the amortization of an experience gain or loss must end in the case of a plan using the shortfall method is the 15th plan year following the plan year in which the experience gain or loss arose. For a multi-employer plan described in section 414 (f), the amortization must end with the 20th plan year instead of the 15th.

(3) *Use of annual computation charge in determining experience gain or loss.* In the case of a plan using an immediate gain type of funding method, an experience gain or loss is the difference between the expected unfunded liability and the actual unfunded liability under the plan. The expected unfunded liability as of the end of a plan year equals the actual unfunded liability as of the beginning of the year plus normal cost, minus contributions, all adjusted for interest. If the plan adopts the shortfall method, the expected unfunded liability is computed by using the normal cost applicable for the plan year in determining the annual computation charge under paragraph (d) of this section. The same normal cost is used in computing the unfunded liability under the frozen initial liability funding method.

(4) *Example.* This paragraph is illustrated by the following example:

Example. Assume the facts in Example (2) from paragraph (g) (6) of this section, except that the entry age normal funding method is used. Also assume that as of December 31, 1976, the actual unfunded liability is $900,000.

(a) Computation of Expected Unfunded Liability

1. Actual unfunded liability as of 1-1-76	$900,850
2. Normal cost portion of annual computation charge as of 1-1-76	100,000
3. Interest at 5% due on items 1 and 2	50,043
4. Contribution received with interest: $1.75 × 80,000 × 1.025 (actual contribution rate times actual base units times interest adjustment at mid-year)	143,500
5. Expected unfunded liability as of 12-31-76 (item 1 + item 2 + item 3 − item 4)	907,393

(b) Computation of Gain or Loss

1. Expected unfunded liability as of 12-31-76	$907,393
2. Actual unfunded liability as of 12-31-76	900,000
3. Gain (or loss) (item 1 − item 2)	7,393

(i) *Election procedure—(1) In general.* To elect the shortfall method, a collectively bargained plan must attach a statement to the annual report required under section 6058 (a) for the first plan year to which it is applied. The statement shall state that the shortfall method is adopted, beginning with the plan year covered by such report. Advance approval from the Internal Revenue Service is not required if the shortfall method is first adopted on or before the later of—

(i) The first plan year to which section 412 applies or

(ii) The last plan year commencing before December 31, 1981.

However, approval must be received pursuant to section 412(c)(5) prior to the adoption of the shortfall method at a later time, or the discontinuance of such method, once adopted.

(2) *Use of specific computation method.* A specific method of computation under the shortfall method is described in paragraph (b)(3) of this section, regarding the treatment of more than one contract, employer, or benefit level under the plan. This specific method may be adopted with respect to any plan year to which the shortfall method applies. Approval from the Commissioner must be received under section 412(c)(5) prior to the adoption of this specific computation method for a plan year subsequent to the first plan year to which the shortfall method applies, or prior to the discontinuance of a specific computation method, once adopted.

(3) *Reporting requirements.* Each annual report required by section 6058(a) and periodic report of the actuary required by section 6059 must include all additional information relevant to the use of the shortfall method as may be required by the applicable forms and the instructions for such forms.

(j) *Transitional rule.* In lieu of paragraphs (g)(2) and (h)(2) of this section relating to the amortization period for shortfall and experience gains and losses, for gains and losses arising in plan years beginning before January 1, 1981, a plan may rely on the prior published position of the Internal Revenue Service with respect to the amortization period for shortfall and experience gains and losses.

(k) *Supersession.* This section and § 1.412 (c) (1)–1 supersede §§ 11.412 (c) (1)–1 and (c) (1)–2 of the Temporary Income Tax Regulations Under the Employee Retirement Income Security Act of 1974.

(Secs. 412, 7805, Internal Revenue Code of 1954 (88 Stat. 914 and 68A Stat. 917; (26 U.S.C. 412 and 7805)), and sec. 3 (31) of the Employee Retirement Income Security Act of 1974 (88 Stat. 837; (29 U.S.C. 1002)).)

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: October 17, 1980.

Donald C. Lubick,

Assistant Secretary of the Treasury.

[FR Doc. 80-35065 Filed 11-13-80; 8:45 am]

BILLING CODE 4830-01-M

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26 CFR Part 150

[T.D. 7738]

Crude Oil Windfall Profit Tax Act of 1980; Temporary Excise Tax; Clarification of Rules Relating to Base Prices of Tier 2 and Tier 3 Oil

AGENCY: Internal Revenue Service, Treasury.

ACTION: Amendment of temporary regulations.

SUMMARY: This document amends temporary excise tax regulations previously published relating to base prices of tier 2 and tier 3 oil for purposes of the windfall profit tax on oil imposed by title I of the Crude Oil Windfall Profit Tax Act of 1980. The amendments in this document clarify that a base price determination is made on a property-by-property basis and provide rules for making that determination.

In addition, the text of the temporary regulations set forth in this document serves as the text of proposed regulations cross-referenced on the Proposed Rules section of this issue of the **Federal Register.**

DATES: The temporary regulations are effective with respect to tax liability for windfall profit tax upon crude oil removed from the premises after September 30, 1980. However, persons required to withhold or deposit the windfall profit tax may, at their option,

withhold or deposit under either the interim base price rules through December 14, 1980, or the rules contained in Treasury Decision 7721.

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

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations under section 4989 (d) (1) of the Internal Revenue Code of 1954, relating to permanent base prices for tier 2 and tier 3 oil. On September 30, 1980, temporary and proposed regulations under section 4989 (d) were published in the **Federal Register** (45 FR 64574, 64603). The rules in this document clarify and modify the rules set forth in those temporary regulations.

Need For Clarification

The temporary regulations published September 30, 1980, stated, in § 150.4989–1 (c)(2), that "[t]he base price for tier 2 or tier 3 oil produced from a reservoir that produced oil sold by or for the taxpayer in uncontrolled base period sales * * *" is determined by reference to "the weighted average removal price per barrel of oil from the reservoir sold by or for the taxpayer in uncontrolled sales during the base period * * *" However, comments have pointed out that this provision did not state whether or not the base price was to be determined on a property-by-property basis. Concern was also expressed that administrative problems will occur for withholding agents if more than one base price applies to oil of the same tier from the same property.

Explanation of Provisions

The regulations have been modified to clarify that a base price is determined on a property-by-property basis by reference to the removal prices of tier 2 and tier 3 oil from a property sold in uncontrolled base period sales. The rule for determining a base price for a property that did not have uncontrolled base period sales has been modified to reflect the property concept, to clarify the representative price to be used, and to eliminate the use of the minimum base price where the representative price is higher. The base price of oil from a property does not change due to changes in the identity of a producer, operator, or first purchaser.

The regulations require certain persons who may have information about removal prices from a property to provide it upon request by the operator. In addition, rules are provided for cases where information on these prices is insufficient.

The regulations also provide that where multiple reservoirs are subject to a single right to produce, a reservoir that did not produce oil pursuant to that right before November 14, 1980 must be treated as a separate property for purposes of determining base prices.

Waiver of Procedural Requirements of Treasury Directive

There is need for expeditious adoption of the provisions contained in this document because of the necessity of allowing sufficient time for those who must compute or withhold the windfall profit tax to ascertain the applicable base price. For this reason, Philip E. Coates, Acting Commissioner of Internal Revenue, has determined that the provisions of paragraphs 8 through 14 of the Treasury Department directive implementing Executive Order 12044 must be waived.

Drafting Information

The principal author of these regulations was Eileen Murphy of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these regulations, both on matters of substance and style.

Adoption of Amendments to the Regulations

Accordingly, Part 150, Temporary Excise Tax Regulations under the Crude Oil Windfall Profit Tax Act of 1980, is amended by revising paragraph (c)(1), (2), (3), and (7) of § 150.4989–1 to read as follows:

§ 150.4989–1 Adjusted base price.

* * * * *

(c) *Base prices for tier 2 and tier 3 oil*—(1) *In general.* The base price rules contained in this paragraph are designed to approximate the price at which oil would have sold in December 1979, taking into account the quality, grade, and field of the oil, if it is assumed that all domestic crude oil was uncontrolled and the average removal price of all domestic crude oil (other than Sadlerochit oil) was $15.20 a barrel for tier 2 oil and $16.55 a barrel for tier 3 oil. Except as otherwise provided in the minimum base price and interim rules set forth in paragraph (c) (6) and (8) of this section, the base price of oil is determined by multiplying the uncontrolled base period price per barrel (as defined in paragraph (c) (2) and (3) of this section) by the tier 2 multiplier in the case of tier 2 oil or by the tier 3 multiplier in the case of tier 3 oil. See paragraph (c) (5) for definitions of those multipliers. The base prices shall attach to all tier 2 or tier 3 oil produced from a property and do not change due to changes in the identity of a producer, operator, or purchaser. In the case of a change in the identity of an operator of a property after February 29, 1980, if the former operator made a determination of the same base price of oil from the property that the new operator must determine, the former operator shall provide the new operator with all books, records, and other documents upon which the former operator based that determination. For purposes of this paragraph, references to operators include any persons making determinations of base price in place of the operator.

The term "property" has the meaning set forth in § 150.4996–1 (i); however, solely for purposes of this paragraph, in the case of multiple reservoirs subject to a single right to produce, a reservoir from which no oil was removed pursuant to that right before November 14, 1980, shall be treated as a separate property. This applies even if oil from the reservoir is produced or sold commingled with other oil. See paragraph (c) (7) for effective date provisions.

(2) *Uncontrolled base period price of oil from a property with uncontrolled base period sales.* The uncontrolled base period price per barrel of oil from a property that produced oil sold in uncontrolled sales during the base period is the weighted average removal price per barrel of oil from the property sold in such sales. For this purpose, price adjustments shall not be taken into account in the absence of clear and convincing evidence that the adjustments were fixed before March 1, 1980. The weighted average is obtained by multiplying the number of barrels sold at each price by the price at which the barrels were sold, adding the products, and dividing by the total number of barrels sold in such sales. In the absence of information from which the removal prices of oil sold in uncontrolled base period sales can be ascertained with reasonable certainty, the uncontrolled base period price shall be determined under the rules set forth in paragraph (c)(3) of this section. For purposes of operator certifications of the adjusted base price of oil pursuant to paragraph (b)(3) of § 150.6050C–1 the removal prices shall be treated as

ascertained with reasonable certainty if—

(i) The operator has books and records maintained by the operator (or by a former operator) which the current operator reasonably believes to be correct and which contain sufficient information to enable the operator to accurately compute such price for the property; or

(ii) The operator receives a written statement or statements under the penalties of perjury (from a person or persons who were purchasers or producers of oil removed from the property during December 1979 or the operator or holder of a division order with respect to the property during such month) from which the uncontrolled base period price for the property can be accurately computed. Every person who was a purchaser, producer, operator, or division order holder with respect to oil removed from the property in December 1979 shall submit to the current operator, within 2 weeks of receipt of a request therefore in writing by the operator, such a statement setting forth all facts known to such person that bear on the uncontrolled base period price. In the absence of books and records that meet the requirements of paragraph (c)(2)(i) the operator shall promptly request such statements from appropriate persons in order to have statements in hand from which to compute the property's uncontrolled base period price.

(3) *Uncontrolled base period price of oil from a property with no uncontrolled base period sales.* The uncontrolled base period price for oil removed from a property that did not produce oil sold in uncontrolled sales during the base period is the price that would have been obtained for the oil if it had been sold in uncontrolled sales during the base period. In making this determination of uncontrolled base period price:

(i) If oil of similar grade and quality was produced from the same reservoir and sold in uncontrolled sales during the base period, then the uncontrolled base period price is the representative price of such oil for such sales.

(ii) If paragraph (c)(3)(i) does not apply, then the uncontrolled base period price is the representative price of oil of similar grade and quality, from the nearest reservoir from which such oil was produced and sold in uncontrolled sales during the base period, for such sales.

Price adjustments shall not be taken into account in the absence of clear and convincing evidence that the adjustments were fixed before March 1, 1980.

* * * * *

(7) *Effective dates.* The rules of paragraph (c) (1) through (6) of this section are effective with respect to tax liability for crude oil removed from the premises after September 30, 1980. However, persons required by § 150.4995–1 to withhold windfall profit tax or by § 150.4995–3 to deposit payments of that tax may, at their option, use through December 14, 1980, either (i) the interim rule set forth in paragraph (c)(8) of this section for purposes of determining the amount to be withheld or deposited, or (ii) the rules of paragraph (c) (1) through (6) as in effect under Treasury Decision 7721. After December 14, 1980, withholding and depositing under the new rules are mandatory and adjustments to withholding for prior inaccuracies in withholding, taking account of the new rules in the case of oil removed after September 30, 1980, shall be made pursuant to paragraph (c) of § 150.4995–1.

* * * * *

There is need for the immediate guidance provided by the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue this Treasury decision with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Secs. 4989 (d)(1), 4997, 7805, Internal Revenue Code of 1954 (94 Stat. 233, 249, 68A Stat. 917; (26 U.S.C. 4989 (d)(1), 4997, 7805))

P. E. Coates,

Acting Commissioner of Internal Revenue.

Approved: November 7, 1980.

Donald C. Lubick,

Assistant Secretary of the Treasury.

[FR Doc. 80-35739 Filed 11-12-80; 12:13 pm]
BILLING CODE 4830-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2601

Bylaws of the Pension Benefit Guaranty Corporation

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to change the bylaws of the Pension Benefit Guaranty Corporation to delegate authority to the Executive Director to approve amendments to the PBGC's Valuation of Benefits regulation establishing new interest rates and factors.

EFFECTIVE DATE: This amendment to the bylaws was effective on September 15, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, NW, Washington, D.C. 20006, 202–254–3010.

SUPPLEMENTARY INFORMATION: On February 6, 1975, the Pension Benefit Guaranty Corporation ("PBGC") published its bylaws in the **Federal Register** (29 CFR, Part 2601), as required by section 4002(f) of the Employee Retirement Income Security Act of 1974. Section 2601.3(b) of the bylaws reserves certain powers to the PBGC's Board of Directors and prohibits the delegation of those powers. One of these powers is the authority to approve proposed and final substantive regulations of the PBGC prior to their publication in the **Federal Register.**

On June 9, 1980, the PBGC published a notice in the **Federal Register** (45 FR 39415) relating to its proposal to change the method by which it sets the interest rate and factors used to value pension plan benefits under its Valuation of Plan Benefits regulation 29 CFR, Part 2610. Under the proposed method, the PBGC would establish and publish the interest rates and factors prior to the period of time for which they would be effective. Under the current method, the rates are established retroactively.

As explained in greater detail in that notice, in order for the PBGC to be able to set the interest rate and factors on a prospective basis, it must be able to establish and issue the rates in a short period of time. In order to facilitate this, the PBGC's Board of Directors has decided to delegate to the PBGC's Executive Director the authority to issue the interest rate and factors.

In order to accomplish this delegation, it is necessary to amend § 2601.3(b)(1) of the bylaws. Accordingly, by resolution of its members, the Board of Directors has amended the bylaws of the PBGC as set forth below.

Because the bylaws involve agency organization and procedure, notice and opportunity for public comment on this amendment is not required.

In consideration of the foregoing, Part 2601 of Chapter XXVI of Title 29, Code of Federal Regulations, is amended by revising paragraph (b)(1) of § 2601.3 as follows:

§ 2601.3 **Board of Directors**

* * * * *

(b) * * *

(1) Approval of all proposed and final substantive regulations prior to publication in the **Federal Register**, except for amendments to the regulation on Valuation of Plan Benefits establishing new interest rates and factors, which may be approved by the Executive Director.

* * * * *

(Sec. 4002 (f), Pub. L. 93–406, 88 Stat. 1004, (29 U.S.C. § 1302(f)))

Effective date: This amendment is effective on September 15, 1980.

Issued at Washington, D.C., on this 10th day of November, 1980.

Ray Marshall,

Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors authorizing its Chairman to issue this amendment to the bylaws.

Mitchell Strickler,

Acting Secretary, Pension Benefit Guaranty Corporation.

[FR Doc. 80-35710 Filed 11-13-80; 8:45 am]

BILLING CODE 7708-01-M

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29 CFR Part 2610

Interim Regulation on Valuation of Plan Benefits; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Interim Regulation, amendment.

SUMMARY: This amendment to the interim regulation on Valuation of Plan Benefits adopts the proposed method of determining interest rates and factors on a prospective basis. It also contains the first interest rates and factors determined under this method. The interest rates and factors are to be used to value benefits provided under terminating pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974 (the "Act").

The valuation of plan benefits is necessary because under section 4041 of the Act, the Pension Benefit Guaranty Corporation ("PBGC") and the plan administrator must determine whether a terminating pension plan has sufficient assets to pay all guaranteed benefits provided under the plan. If the assets are insufficient, the PBGC will pay the guaranteed benefits under the plan termination insurance program established under Title IV.

The interest rates and factors set forth in the regulation are adjusted periodically to reflect changes in financial and annuity markets. This amendment adopts the rates and factors applicable to plans that terminate on or after December 1, 1980, and enables the PBGC to value the benefits provided under those plans. These rates and factors will remain in effect until PBGC publishes a notice revising them.

EFFECTIVE DATE: December 1, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, 202–254–3010.

SUPPLEMENTARY INFORMATION: On November 3, 1976, the Pension Benefit Guaranty Corporation (the "PBGC") issued an interim regulation establishing the methods for valuing plan benefits of terminating plans covered under Title IV of the Employee Retirement Income Security Act of 1974 (the "Act") (41 FR 48484 *et seq.*). Specifically, the regulation contains a number of formulas for valuing different types of benefits. In addition, Appendix B of the regulation sets forth the various interest rates and factors that are to be used in the formulas. Because these rates and factors reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

When first published, Appendix B contained interest rates and factors to be used to value benefits in plans that terminated on or after September 2, 1974, but before October 1, 1975. Subsequently, the PBGC adopted additional rates and factors for valuing benefits in plans that terminated on or after October 1, 1975, but before September 1, 1980. (29 CFR Part 2610 (1979), 44 FR 42180, 44 FR 58908, 45 FR 2026, 45 FR 21228, 45 FR 43164, 45 FR 64907). These rates were all issued on a retrospective basis, that is, after the time period for which they were effective.

On June 9, 1980, the PBGC published a notice of a proposed change in the method of setting the interest rates and factors (45 FR 38415). Under the proposed new method, PBGC would issue new interest rates and factors before the period of time for which they would be effective. All the comments received regarding the proposed change were favorable. However, a couple of comments indicated that the 15-day period between the time the rates are issued and the date the rates become effective should be longer. These comments suggested that PBGC provide 30- or 60-day advance notice of rate changes, because, in general, "a 15 day lead time is not sufficient for plan sponsors (and administrators) to take full advantage of the benefits inherent in prospective establishment of rates."

The PBGC has carefully considered these comments and has decided that the benefits derived from the greater accuracy in its interest rates that is achieved by setting the rates only 15 days before their effective date outweighs any benefits that might accrue from giving plan administrators and employers greater advance notice. In this context, PBGC points out that under this system, where it will normally[1] publish a change in the interest rates by the 15th of the month to be effective on the first day of the following month, plan administrators will have more than 15 days to work with the rates before submitting a Notice of Intent to Terminate for a plan within that rate period. The interest rates and factors will normally remain in effect for at least one month. A Notice of Intent to Terminate must be received by PBGC no less than 10 days before the proposed termination date. Thus, a plan administrator could submit the Notice on the 20th of the month for which the rates are effective, proposing a termination date of the 30th, thereby having approximately 35 days to work with the new rates before taking any action. In addition, the plan administrator will know no later than the 15th of that month whether those rates are going to change or remain in effect for the following month.

Moreover, under the new system, PBGC will normally change its interest rates only in ¼% increments. This will enable plan administrators and employers to make fairly accurate valuation calculations more than two months prior to a proposed termination date.

One comment focused on the need for knowing the PBGC's interest rates well in advance of their effective date so that a plan administrator of a sufficient plan would be able to give participants an accurate statement of the amount of a lump sum benefit that they would receive if they so elected. PBGC believes that the preceding discussion is equally applicable to the concerns expressed in this comment. In addition, PBGC notes that plan administrators of sufficient plans are not required to use PBGC's rates to compute the value of lump sum benefits; nor is the plan administrator required to notify participants of the

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[1] Under exceptional circumstances where the financial markets are changing so rapidly that it would be inappropriate to leave the interest rates in effect for an entire month, PBGC would change the rates more frequently; in this event, the new rates would be published on a date other than the 15th of the month. However, PBGC does not anticipate this occurring.

exact amount of a lump sum distribution prior to the distribution being made. PBGC requires only that participants be given a reasonable estimate of the amount of a lump sum benefit, and plan administrators should be able to do this under the prospective rate system as proposed by the PBGC.

The PBGC is therefore adopting, as proposed, the new method of setting its interest rates and factors. The adoption of this proposal requires no amendment to the Valuation of Plan Benefits regulation. Rather, the adoption of the proposal only affects the timing of when new interest rates will be issued and the method under which they will be determined.

As under the old method, the interest rates and factors will be set forth in Appendix B to the regulation. Appendix B is amended by this document to add the first set of interest rates and factors promulgated under the new method. These new rates apply to plans that terminate on or after December 1, 1980. These rates and factors will remain in effect until such time as PBGC publishes another notice which changes the rates.

As a rule, the rates will be in effect for at least one month. If these new rates are to be changed for the month of January, 1981, PBGC will publish a notice to that effect no later than the 15th of December. If no change is to be made, no notice will be published, and the December, 1980 rates will remain in effect at least through the month of January, 1981.

The previous set of interest rates and factors, issued under the old, retrospective method, covered the period from June 1, 1980 through August 31, 1980 (45 FR 64907). This amendment applies to plans that terminate on or after December 1, 1980. Thus, no interest rates and factors have been published for plans that terminate on or after September 1, 1980 but before December 1, 1980. These rates will be issued shortly.

Because of the need to determine and issue new interest rates and factors within a very tight time frame, so that the rates can be as accurate as possible and issued on a prospective basis, the PBGC finds that notice of and public comment on this amendment are impracticable and contrary to the public interest. Moreover, because of the need to provide immediate guidance for the valuation of benefits under plans that will terminate on or after December 1, 1980, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making the rates set forth in this amendment to the interim regulation effective less than 30 days after publication.

In consideration of the foregoing, Part 2610 of Chapter XXVI, Title 29, Code of Federal Regulations, is hereby amended by adding a new Table XXI to Appendix B to read as follows:

Appendix B—Interest Rates and Quantities Used to Value Benefits

* * * * *

XXI. *The following interest rates and quantities used to value benefits shall be effective for plans that terminate on or after December 1, 1980.*

I. *Interest rate for valuing immediate annuities.*

An interest rate of 9¼ percent shall be used to value immediate annuities, to compute the quantity "G_y in § 2610.6 and to value both portions of a cash refund annuity.

II. *Interest rate for valuing death benefits.*

An interest rate of 5 percent shall be used to value death benefits other than the decreasing term insurance portion of a cash refund annuity pursuant to § 2610.8.

III. *Interest rates and quantities used for valuing deferred annuities.*

The following factors shall be used to value deferred annuities pursuant to § 2610.6:

(1) $k_1 = 1.085$
(2) $k_2 = 1.0725$
(3) $k_3 = 1.04$
(4) $n_1 = 7$
(5) $n_2 = 8$

(Secs. 4002(b)(3), 4041(b), 4044, 4062(b)(1)(A), Pub. L. 93–406, 88 Stat. 1004, 1020, 1025–27, 1029 (29 U.S.C. 1302(b)(3), 1341(b), 1344, 1362(b)(1)(A)).)

Issued at Washington, D.C., on this 10th day of November 1980.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 80-35711 Filed 11-13-80; 8:45 am]

BILLING CODE 7708-01-M

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29 CFR Part 2610

Interim Regulation on Valuation of Plan Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Interim regulation, Amendment.

SUMMARY: This amendment establishes new mortality rates for use by plan administrators of terminating pension plans to value benefits for disabled plan participants who are receiving Social Security disability benefit payments. Title IV of the Employee Retirement Income Security Act of 1974 requires the Pension Benefit Guaranty Corporation to determine whether the assets of a terminating pension plan covered by Title IV of the Act will be sufficient to discharge all obligations of the plan with respect to guaranteed benefits. The PBGC has published an interim regulation which establishes the procedure for valuing plan benefits. This regulation contains mortality rates from which mortality tables are constructed. These mortality tables are then used with current interest assumptions to value plan benefits. This amendment changes the PBGC mortality rates for disabled participants who are receiving Social Security disability benefits in pension plans that terminate on or after December 1, 1980.

EFFECTIVE DATE: December 1, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006; 202–254–3010.

SUPPLEMENTARY INFORMATION: On November 3, 1976, the Pension Benefit Guaranty Corporation (the "PBGC") issued an interim regulation establishing the methods for valuing plan benefits under Title IV of the Employee Retirement Income Security Act of 1974 (the "Act") (41 FR 48484). Appendix A of the regulation contains mortality rates to be used to construct mortality tables for various classes of participants.

On April 20, 1979, the PBGC published for comment in the **Federal Register** revised mortality rates for valuing plan benefits of disabled plan participants who are receiving Social Security disability benefit payments. (44 FR 23542 *et seq.).* No written comments were received regarding this proposed amendment.

The proposed rates were based on then-current Social Security Administration ("SSA") disability termination rates. In the preamble to the proposed amendment, the PBGC indicated that it would adopt future SSA rate revisions as they become available. However, the PBGC has now decided to adopt SSA rate changes only when the new rates are significantly different from the existing rates. This decision is based on a comparison of the relative gains in the accuracy of benefit valuations that would be derived from more frequent changes in PBGC rates with the administrative costs to pension

plans and PBGC that would be occasioned by more frequent changes.

Normally, in any given pension plan, only a few plan participants are receiving plan disability payments based on their receipt of Social Security disability payments. Therefore, even substantial changes in the mortality rates for these participants have a very small impact on the total value of the plan benefits. Each change in the rates, however, necessitates the production of additional tables of actuarial factors in order to value plan benefits. If the PBGC changed its disability mortality rates with every SSA rate change, the impact on the total values of plan benefits would be slight, while the administrative burden would be relatively large. Accordingly, the PBGC has determined that only those changes in SSA rates which produce significant changes in benefit costs will warrant revising the PBGC rates.

SSA has produced additional rates since PBGC published the proposed amendment. However, because the new SSA rates are not significantly different from the proposed rates, PBGC is not adopting the new SSA rates. The PBGC is, therefore, adopting the rates stated in the proposed amendment, with two changes to correct typographical errors: in Table Va for Disabled Male Participants, the number at age 34 is changed from .0228 to .0288; and in Table VIa for Disabled Female Participants, the number at age 51 is changed from .0259 to .0264.

The PBGC has determined that this amendment to the Valuation of Benefits regulation is not "significant" under the criteria prescribed by Executive Order 12044, "Improving Government Regulations," 43 FR 12661 (1978), and the PBGC's Statement of Policy implementing the Order, 43 FR 58237 (1978). The reasons for this determination are that this amendment is not likely to create substantial public interest or controversy, does not affect another Federal agency, and will not have a major economic impact.

Because changes in mortality rates, like changes in interest rates, require the construction of new tables of actuarial factors, it would create extra administrative burdens for pension plans if these new mortality rates were to become effective on a different date than the date on which new interest rates become effective. In addition, this amendment does not require ongoing plans to make any adjustment, but only affects the valuation of benefits under plans that terminate after the effective date of this amendment. For these reasons, the PBGC finds that good cause exists to waive the thirty day delay in effective date and to make this amendment effective on December 1, 1980, the same date that new interest rates for valuing plan benefits become effective. Accordingly, plans terminating on or after December 1, 1980, will use the new rates in Tables Va and VIa, and plans terminating before December 1, 1980 will use Tables V and VI.

In consideration of the foregoing, Appendix A of Part 2610 of Chapter XXVI of Title 29, Code of Federal Regulations, is amended as follows:

Appendix A of Part 2610 is amended by revising the headings of Tables V and VI and by adding two new tables, Va and VIa, at the end of the Appendix, as follows:

Appendix A—Mortality Rates

* * * * *

Table V—*Mortality Rates for Disabled Male Participants Receiving Social Security Disability Benefit Payments* (For Plans That Terminate Before December 1, 1980)

* * * * *

Table VI—*Mortality Rates for Disabled Female Participants Receiving Social Security Disability Benefit Payments* (For Plans That Terminate Before December 1, 1980)

* * * * *

Table Va.—*Mortality Rates for Disabled Male Participants Receiving Social Security Disability Benefit Payments*

[For plans that terminate on or after Dec. 1, 1980]

Age	q_x	Age	q_x
11	0.0000	60	0.0603
12	.0000	61	.0624
13	.0000	62	.0643
14	.0000	63	.0657
15	.0000	64	.0668
16	.0000	65	.0678
17	.0000	66	.0687
18	.0000	67	.0697
19	.0000	68	.0709
20	.0483	69	.0723
21	.0483	70	.0739
22	.0483	71	.0757
23	.0483	72	.0776
24	.0483	73	.0796
25	.0483	74	.0818
26	.0461	75	.0842
27	.0436	76	.0869
28	.0411	77	.0908
29	.0386	78	.0962
30	.0362	79	.1043
31	.0339	80	.1128
32	.0320	81	.1221
33	.0302	82	.1322
34	.0288	83	.1432
35	.0278	84	.1551
36	.0272	85	.1682
37	.0271	86	.1825
38	.0273	87	.1980
39	.0276	88	.2150
40	.0282	89	.2330
41	.0288	90	.2525
42	.0297	91	.2739
43	.0305	92	.2972
44	.0314	93	.3226
45	.0322	94	.3495
46	.0330	95	.3789
47	.0340	96	.4109
48	.0353	97	.4458
49	.0367	98	.4838
50	.0383	99	.5243
51	.0401	100	.5684
52	.0420	101	.6164
53	.0439	102	.6687
54	.0460	103	.7257
55	.0482	104	.7865
56	.0506	105	.8527
57	.0531	106	.9247
58	.0555	107	1.0000
59	.0581		

Table Va.—*Mortality Rates for Disabled Male Participants Receiving Social Security Disability Benefit Payments*—Continued

[For plans that terminate on or after Dec. 1, 1980]

Table VIa.—*Mortality Rates for Disabled Female Participants Receiving Social Security Disability Benefit Payments*

[For plans that terminate on or after Dec. 1, 1980]

Age	q_x	Age	q_x
11	.00000	61	.0339
12	.0000	62	.0347
13	.0000	63	.0355
14	.0000	64	.0362
15	.0000	65	.0370
16	.0000	66	.0378
17	.0000	67	.0386
18	.0000	68	.0394
19	.0000	69	.0402
20	.0263	70	.0411
21	.0263	71	.0421
22	.0263	72	.0433
23	.0263	73	.0447
24	.0263	74	.0465
25	.0263	75	.0492
26	.0257	76	.0529
27	.0253	77	.0578
28	.0247	78	.0631
29	.0242	79	.0686
30	.0237	80	.0746
31	.0232	81	.0813
32	.0227	82	.0885
33	.0222	83	.0962
34	.0218	84	.1043
35	.0214	85	.1128
36	.0212	86	.1221
37	.0210	87	.1322
38	.0208	88	.1432
39	.0208	89	.1551
40	.0209	90	.1682
41	.0210	91	.1825
42	.0213	92	.1980
43	.0216	93	.2150
44	.0219	94	.2330
45	.0224	95	.2525
46	.0229	96	.2739
47	.0235	97	.2972
48	.0242	98	.3226
49	.0249	99	.3495
50	.0257	100	.3789
51	.0264	101	.4109
52	.0272	102	.4458
53	.0281	103	.4838
54	.0288	104	.5243
55	.0295	105	.5684
56	.0301	106	.6164
57	.0307	107	.6687
58	.0315	108	.7257
59	.0323	109	.7865
60	.0331	110	1.0000

(Secs. 4002(b)(3), 4044, 4062(b)(1)(A), Pub. L. 93-406, 88 Stat. 1004, 1025-27, 1029 (29 U.S.C. 1302(b)(3), 1344, 1362(b)(1)(A)))

Issued at Washington, D.C., on this 10th day of November 1980.

Ray Marshall,

Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued on the date set forth above pursuant to a resolution of the Board of Directors authorizing its Chairman to issue same.

Mitchell Strickler,

Acting Secretary, Pension Benefit Guaranty Corporation.

[FR Doc. 80-35709 Filed 11-13-80; 8:45 am]

BILLING CODE 7708-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4 FRL-1650-5]

Approval and Promulgation of Implementation Plans, Florida; Public Notification and Participation

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today announces its approval of the implementation plan revision which Florida has submitted to meet the requirements of Section 127 of the Clean Air Act with regard to public notification and participation. Implementation of this revision will help citizens to be aware of opportunities to participate in decisionmaking related to air quality; citizens will also be kept informed of violations of the national ambient air quality standards and associated health hazards.

DATE: This action is effective December 15, 1980.

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

Public Information Reference Unit, Library Systems Branch, EPA, 401 M Street SW., Washington, DC 20460;
Library, EPA Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365;
Department of Environmental Regulation, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32302.

In addition, the material may be examined at EPA Region IV, Air Programs Branch, 345 Courtland Street NE, Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Archie Lee, EPA Region IV, Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365, 404/881-3286 (FTS 257-3286).

SUPPLEMENTARY INFORMATION: Section 127 of the Clean Air Act, as amended in 1977, requires that states submit a plan which will notify the public on a regular basis when air quality violations occur, enhance public awareness of air pollution preventive measures and encourage and provide for the public to participate in regulatory and other efforts to improve air quality (40 CFR 51.286). The State of Florida has responded by preparing a revision to the implementation plan and has formally submitted the revision to EPA. Florida has included in the plan specific provisions relative to Public Notification and measures to enhance public awareness of measures which can be taken to prevent violations of NAAQS. Such provisions contain newsletters, news releases, articles, interviews, public service announcements, slide shows, films and film strips, and exhibits. The plan also provides for measures regarding regulatory efforts. This has been proposed to be accomplished through workshops, conferences, public hearings and responding to public inquiries and public hearings and public information programs.

This revision to the SIP addresses the daily and annual public notification of ambient primary pollutant standard violations by using the modified form of the Pollutant Standard Index (PSI). Those violations not covered by the PSI will be reported annually to the public in the "Annual SLAMS Air Quality Information Report" which is sent to EPA on a yearly basis.

EPA publications concerning the health hazards associated with specific primary pollutant violations will be made available to the public and advisement to the public will be made through the PSI with explanatory index ranges.

Action

Based on review, EPA proposed approval of the submittal on June 26, 1980 (45 FR 43228). No comments were received on Florida's submittal, therefore EPA is approving the submittal from Florida as satisfying Section 127 of the Clean Air Act.

(Sec. 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: October 29, 1980.

Douglas M. Costle,

Administrator.

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

Subpart K—Florida

1. In § 52.520, paragraph (c) is amended by adding subparagraph (22) as follows:

§ 52.520 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * *

(22) Pursuant to Section 127 of the Clean Air Act, the Florida Department of Environmental Regulation submitted on April 15, 1980 a revision to the SIP concerning provisions for public notification and awareness.

[FR Doc. 80-35620 Filed 11-13-80; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 4

Department Hearings and Appeals Procedures; Processing Appeals of Decisions Under OMB Circular A-76

AGENCY: U.S. Department of the Interior, Office of the Secretary.

ACTION: Final rule.

SUMMARY: This rule establishes an administrative procedure for processing appeals of decisions made by any agency of the Department of the Interior under the provisions of OMB Circular A-76 (Revised, March 29, 1979) and Supplement No. 1 thereto, "Cost Comparison Handbook." Appealable decisions are limited to those concerning method of performance of a commercial or industrial type requirement, i.e., contract or in-house performance.

DATE: This rule is effective November 14, 1980.

FOR FURTHER INFORMATION CONTACT: Joel Greenstein, telephone (202) 343-5914.

SUPPLEMENTARY INFORMATION: 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.

This is a rule of agency procedure and practice and, therefore, public participation in its development has been determined to be unnecessary and impracticable.

The primary author of this rule is Rob Stockwell, Division of Acquisition and Grants, Office of Acquisition and Property Management, U.S. Department of the Interior, telephone (202) 343-5914.

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Title 43 of the Code of Federal Regulations is amended by adding a new Subpart to Subtitle A, Part 4, as set forth hereinafter.

Dated: September 9, 1980

James A. Joseph,

Under Secretary.

PART 4—DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Subpart M—Special Procedural Rules Applicable to Appeals of Decisions Made Under OMB Circular A-76

Sec.

4.1300 Purpose and nature of the appeal process.
4.1301 Basis for appeal.
4.1302 Who may appeal under this procedure.
4.1303 Appeal period.
4.1304 Method of filing an appeal.
4.1305 Action by the Office of Hearings and Appeals.
4.1306 Department representation.
4.1307 Processing the appeal.
4.1308 Oral presentations.
4.1309 Multiple appeals.
4.1310 Decision of the appeals official.

Subpart M—Special Procedural Rules Applicable to Appeals of Decisions Made Under OMB Circular A-76

§ 4.1300 Purpose and nature of the appeal process.

(a) This appeals procedure embodies an informal administrative review of agency decisions made under OMB Circular A-76, and is intended to assure that such decisions are fair, equitable, and in compliance with the provisions of the Circular. This procedure provides affected parties an opportunity to request that such decisions be objectively reviewed by a party independent of the A-76 decision process.

(b) This appeals procedure is administrative rather than judicial in nature, and does not provide for a judicial review or for further levels of appeal. The decisions of the Appeals Official are final.

(c) This procedure is intended to protect the rights of all affected parties and, therefore, neither the procedure nor agency determinations may be subject to negotiation, arbitration, or agreements with any one of the parties.

§ 4.1301 Basis for appeal.

(a) An appeal may be based only on a specific alleged material deviation (or deviations) by the agency from the provisions of OMB Circular A-76 or Supplement No. 1 thereto, the "Cost Comparison Handbook." Appeals may not be based on other factors, such as the economic impact of the agency's decision on a community, or other socioeconomic issues.

(b) This appeals procedure shall be used only to resolve questions of the determination between contract and in-house performance of a commercial or industrial type requirement, and shall not apply to questions concerning award to one contractor in preference to another.

§ 4.1302 Who may appeal under this procedure.

An appeal may be filed by any affected party, viz, employees of the Federal activity under review, authorized employee representative organizations, contractors, and potential contractors.

§ 4.1303 Appeal period.

An appeal may be submitted at any time within 45 calendar days after announcement of an agency decision regarding the method of performance of a commercial or industrial type requirement.

§ 4.1304 Method of filing an appeal.

An appeal must be in writing, and must be submitted to: Director, Office of Hearings and Appeals, U.S. Department of the Interior, Room 1111, Ballston Towers Building No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

§ 4.1305 Action by the Office of Hearings and Appeals.

(a) Upon receipt of an appeal, the Director, Office of Hearings and Appeals shall designate an Appeals Official, who shall process the appeal.

(b) The Appeals Official shall promptly docket the appeal and send copies of the docketing notice to the appellant, the director or other appropriate official of the bureau or office involved, and the Solicitor of the Department.

§ 4.1306 Department representation.

(a) Upon receipt of the docketing notice, the Solicitor shall appoint counsel to represent the Department in the appeal action, and so notify the appellant and the Appeals Official.

(b) Within seven calendar days of his designation the Department Counsel shall assemble and transmit to the Appeals Official a file containing the appealed agency decision and all documents relevant thereto, including the detailed analysis upon which the agency decision was based. At the same time, the Department Counsel shall send to the appellant a copy of the transmittal document, containing a table of contents of the file.

§ 4.1307 Processing the appeal.

(a) The Appeals Official shall arrange such conferences with the concerned parties as are necessary, including (if requested by the appellant) an oral presentation.

(b) The Appeals Official may require either party to submit any additional documents, oral or written testimony, or other items of evidence which he considers necessary for a complete review of the agency decision.

(c) All documentary evidence submitted by one party to the appeal action shall be made available to the other party (or parties), except that availability of proprietary information may be restricted by the party holding the proprietary interest in such information.

§ 4.1308 Oral presentations.

(a) Upon request of the appellant, an opportunity for an oral presentation to the Appeals Official shall be granted. The purpose of an oral presentation shall be to permit the appellant to discuss or explain factual evidence supporting his allegations, and/or to obtain oral explanations of pertinent evidence. The time and place of each oral presentation shall be determined by the Appeals Official, after consultation with the appropriate parties.

(b) The appellant may, but is not required to, be represented by legal counsel at an oral presentation.

(c) The Department Counsel and the bureau/office involved shall be invited to attend any oral presentation. The Appeals Official may require the attendance and participation of an official or employee of the Department, whether or not requested by the appellant, if, in the Appeals Official's judgment, such official or employee may possess knowledge or information pertinent to the agency decision being appealed, and if this knowledge or information is unobtainable elsewhere.

(d) An oral presentation shall not constitute a judicial proceeding, and no such judicial proceeding or hearing shall be provided for in this appeals process. There shall be no requirement for legal briefs, sworn statements, interrogation under oath, official transcripts of testimony, etc., unless the Appeals Official determines such are necessary for effective disposition of the appeal.

§ 4.1309 Multiple appeals.

If two or more appellants submit appeals of the same agency decision, which are based on the same or similar allegations, the Appeals Official may, at his discretion, consider all such appeals concurrently and issue a single written

decision resolving all of the several appeals.

§ 4.1310 Decision of the Appeals Official.

(a) Within 30 calendar days after receipt of an appeal by the Office of Hearings and Appeals, the Appeals Official shall issue a written decision, either affirming or denying the appeal. This decision shall be final, with no judicial review or further avenue of appeal.

(b) If the Appeals Official affirms the appeal, his decision regarding further action by the agency shall be binding upon the agency.

(c) If it proves impracticable to issue a decision within the prescribed 30 calendar days, the Appeals Official may extend this period, notifying all concerned parties of the anticipated decision date.

[FR Doc. 80-35670 Filed 11-13-80; 8:45 am]

BILLING CODE 4310-10-M

Bureau of Land Management

43 CFR Public Land Order 5771

[U-43907]

Utah; Partial Revocation of Stock Driveway Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes Stock Driveway Withdrawal No. 130, Utah No. 8, dated March 29, 1920. The purpose of this order is to clear the official public land status records of a withdrawal no longer needed.

EFFECTIVE DATE: December 11, 1980.

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

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

1. The Secretary's Order of March 29, 1920, creating Stock Driveway No. 130, Utah No. 8, is hereby revoked so far as it affects the following described lands:

Salt Lake Meridian

T. 3 N., R. 18 W. (partially surveyed),
Sec. 7, All;
Sec. 18, W½;
Sec. 19, W½;
Sec. 30, W½;
Sec. 31, W½.
T. 4 N., R. 18 W.,
Sec. 6, All;
Sec. 31, Lots 1, 4, E½, E½W½.
T. 5 N., R. 18 W.,
Sec. 30, All.
T. 2 N., R. 19 W. (partially surveyed),
Sec. 12, All;
Sec. 13, All;
Sec. 24, All;
Sec. 25, W½;
Sec. 26, E½, SW¼
Sec. 34, E½;
Sec. 35, N½, W½SW¼.
T. 3 N., R. 19 W.,
Sec. 24, E½;
Sec. 25, E½.

The areas described aggregate approximately 7,768.01 acres in Box Elder and Tooele Counties.

2. At 10 a.m. on December 11, 1980, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on December 11, 1980, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Guy R. Martin,
Assistant Secretary of the Interior.
November 5, 1980.

[FR Doc. 80-35672 Filed 11-13-80; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5772

[S-2708]

California; Public Land Order No. 5672; Correction

AGENCY: Bureau of Land Management, Interior

ACTION: Public Land Order.

SUMMARY: This action corrects Public Land Order No. 5672 to delete any reference to the bed of the Merced River in the land description. The navigability of this reach of the river has not yet been determined by the courts.

EFFECTIVE DATE: November 14, 1980

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

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

The description of lands in paragraph 2 of Public Land Order No. 5672 of July 19, 1979, as published in 44 FR 43727 of the issue of July 26, 1979, is corrected to read as follows:

Mount Diablo Meridian

T. 4. S., R. 15 E.,
Sec. 14, E½SE¼SE¼;
Sec. 23, NE¼SE¼.
T. 5 S., R. 15 E.,
Sec. 3, Lots 7 through 15 (formerly lot 2 in SW¼SE¼).

The areas described above aggregate 121.50 acres in Mariposa County.

Guy R. Martin,
Assistant Secretary of the Interior.
November 5, 1980.

[FR Doc. 80-35671 Filed 11-13-80; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5773

[I-8872]

Idaho; Withdrawal for Reclamation Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 80.19 acres of public land needed to facilitate the operation, maintenance, and management protection of the American Falls Reservoir irrigation facility.

EFFECTIVE DATE: November 14, 1980.

FOR FURTHER INFORMATION CONTACT: Larry Livesay, Idaho State Office 208-334-1735.

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

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the mining laws, 30 U.S.C. Ch. 2, and reserved to facilitate operation, maintenance, and management protection of the American Falls Reservoir Irrigation Facility:

Boise Meridian

T. 6 S., R. 31 E.,
Sec. 1, Lot 1.
T. 7 S., R. 30 E.,
Sec. 13, SW¼SE¼.

This area described contains 80.19 acres in Bingham and Power Counties.

2. This withdrawal shall remain in effect for a period of 100 years from the date of this order.

Guy R. Martin,
Assistant Secretary of the Interior.
November 6, 1980.

[FR Doc. 80-35673 Filed 11-13-80; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Service Order No. 1464]

Railroads Required To Hold Empty Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee) Freight Equipment Bearing Reporting Marks RI, ROCK, ROCX and WOV

AGENCY: Interstate Commerce Commission.

ACTION: Revised Service Order No. 1464.

SUMMARY: Service Order No. 1464 requires various railroads to hold empty Chicago, Rock Island and Pacific Railroad Company, Debtor, (William M. Gibbons, Trustee) freight equipment. Railroads must not place such equipment for loading and will hold such cars without car hire charges. Railroads holding such equipment shall provide the Rock Island Trustee with a complete listing of such cars by initial, number, and location. Carriers holding such equipment, upon receipt of disposition from the RI Trustee, forward those cars in accordance with the disposition furnished.

EFFECTIVE DATE: 12:01 a.m., November 7, 1980, and continuing in effect until 11:59 p.m., November 30, 1980.

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

SUPPLEMENTARY INFORMATION:

Decided: November 5, 1980.

The enactment of the Staggers Rail Act of 1980 places additional restrictions on the Commission with respect to the issuance of service orders. The Commission's Policy Statement regarding the revised authority requires that existing service orders be allowed to expire on their own terms and that new orders would be issued under more exacting standards and restrictions.

Recent negotiations with the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (RI) have provided an expanded basis for the return of cars currently being stored off-line under this order, including the points at which cars may be returned. This return would further expedite the final stages of the RI's car relocation and would eliminate any continuing obligation for connecting railroads to store RI equipment on their own lines.

This revision emphasizes the need for the return, the mechanism by which this return can be accomplished, and the subsequent elimination of any need for further action on the part of the Commission.

It is the opinion of the Commission that an emergency exists requiring railroads to retain RI equipment on their lines to facilitate redistribution in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.146 Revised Service Order No. 1464.

(a) *Railroads required to hold empty Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, Trustee) freight equipment bearing reporting marks RI, ROCK, ROCX and WOV.* Any carrier having empty Chicago, Rock Island and Pacific Railroad Company (RI) equipment on its lines bearing reporting marks RI, ROCK, ROCX, AND WOV is prohibited from placing such cars for loading; and shall hold such cars at any location on its lines without car hire charges.

(b) Any connecting carrier currently storing such equipment described in paragraph (a) may return this equipment at the following RI locations: Blue Island, Illinois; South Chicago, Illinois; Council Bluffs, Iowa; Clinton, Oklahoma; and Howe, Oklahoma. Carriers wishing to return equipment to any of the above named locations shall coordinate that movement with Mr. Henry W. Metz, Chicago, Rock Island and Pacific Railroad Company, 332 South Michigan Avenue, Chicago, Illinois 60604, telephone (312) 435–7327; and shall provide Mr. Metz with at least five (5) days advance notice of that return.

(c) Carriers holding such equipment will, upon coordination with Mr. Metz, forward those cars in accordance with the disposition furnished.

(d) This order does not apply to any RI equipment on which either the RI or the Association of American Railroads (AAR) has previously given disposition instructions under CSD 97, Amendments Nos. 1, 2 and 3.

(e) *Effective date.* This order shall become effective at 12:01 a.m., November 7, 1980.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

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

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

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-35200 Filed 11-13-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

Taking of Marine Mammals Incidental to Commercial Fishing Operations

AGENCY: National Marine Fisheries Service, Commerce.

ACTION: Final rule.

SUMMARY: The Assistant Administrator for Fisheries, National Marine Fisheries Service (NMFS), in consultation with the Department of State, finds that the Government of the Cayman Islands is in substantial conformance with U.S. regulations governing the taking of marine mammals (i.e. porpoise) incidental to commercial fishing operations. In finding that this nation is not fishing in a manner proscribed for persons subject to the jurisdiction of the United States, the Assistant Administrator for Fisheries exempts this nation from the importation prohibition provisions affecting yellowfin tuna and tuna products.

EFFECTIVE DATE: November 12, 1980.

FOR FURTHER INFORMATION CONTACT: Robert Brumsted, Permit Program Manager, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, Washington, D.C. 20235, telephone: (202) 634–7529.

SUPPLEMENTARY INFORMATION: The NMFS published regulations in the **Federal Register** on December 23, 1977, 42 FR 64551–64560, governing the taking of marine mammals incidental to commercial fishing operations. These regulations include provisions concerning the importation of yellowfin tuna and tuna products from nations known to be involved in the tuna purse seine fishery in the eastern tropical

Pacific Ocean (ETP). Importation of yellowfin tuna and tuna products from these countries is contingent upon certain findings by the Assistant Administrator for Fisheries in accordance with Section 216.24(e)(5).

Since 1977, fifteen nations have supplied the NMFS with adequate information to indicate that their tuna purse seine operations in the ETP are in substantial conformance with U.S. regulations. Subsequently, the Assistant Administrator for Fisheries published in the **Federal Register** (42 FR 56617, October 21, 1977, 42 FR 64121, December 22, 1977; 43 FR 1093, January 6, 1978; 43 FR 5521, February 9, 1978; 43 FR 31145, July 20, 1978; 43 FR 36263, August 16, 1978; 43 FR 40025, September 8, 1978; and 44 FR 57100, October 4, 1979) notice that yellowfin tuna and tuna products from those fifteen nations are exempted from the importation prohibition provisions. Two of these findings were later rescinded (45 FR 9284, February 12, 1980; and 45 FR 13094, February 28, 1980). The Cayman Islands are hereby being given a similar exemption to the prohibition provisions.

This finding by the Assistant Administrator for Fisheries, made in accordance with Section 216.24(e)(5)(i), exempts the Cayman Islands from the import provisions concerning yellowfin tuna and tuna products listed in Section 216.24(e)(2)(ii). However, the requirements listed in Section 216.24(e)(4) will continue to apply. The Assistant Administrator considered all available information in making this finding. Information submitted by the Cayman Islands is available to the public at the information contact address set out above, and is summarized in the following:

Cayman Islands

(a) *Fleet*—The Cayman Island tuna purse seine fleet in 1980 consists of nine vessels of which four are expected to fish in the ETP in 1980. Two vessels are fishing in the Atlantic, one in the western Pacific, and two have not fished in over one year. Those vessel which are fishing in the eastern tropical Pacific Ocean are equipped with a Medina porpoise safety panel and apron in the net. The Governor of the Caymans expects that approximately 3,250 short tons of yellowfin tuna will be exported to the U.S. in 1980. The Government has stated that the owners of the vessels are aware of U.S. requirements regarding porpoises and have assured the government that the vessels will be operated in conformance with the standards of the Marine Mammal Protection Act and the regulations. They will continue to keep logbooks and provide statistical information on porpoise related sets and mortality, and have agreed to allow Cayman Island or international observers on board their vessels.

(b) *Porpoise mortality*—In 1979, 313 marine mammals (146 offshore spotted porpoise, 117 whitebelly spinners; 9 other species and 41 unidentified species) were killed or injured during fishing operations by the nine vessels while under Costa Rican or U.S. flag.

This finding which permits the exportation of yellowfin tuna to the United States until December 31, 1981, will be subject to annual review in which NMFS will require an update of the items listed in Section 216.24(e)(5)(ii) to insure that the conditions which supported the original finding continue to exist.

Dated: November 7, 1980.

Robert K. Crowell,

Deputy Executive Director

National Marine Fisheries Service.

[FR Doc. 80-35648 Filed 11-13-80; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 45, No. 222
Friday, November 14, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 831

Retirement

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management (OPM) is proposing revised regulations to reflect current survivor benefit provisions of the Civil Service Retirement law and to establish spouse notification requirements pursuant to recent amendment.

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

ADDRESS: Send written comments to Mr. Craig B. Pettibone, Director, Office of Pay and Benefits Policy, Compensation Group, Office of Personnel Management, P.O. Box 57, Washington, D.C. 20044

FOR FURTHER INFORMATION CONTACT: Doris Reeves (202) 632–4634.

SUPPLEMENTARY INFORMATION: The Civil Service Retirement law provides that at the time of retirement a married employee may elect a reduction in annuity to provide survivorship protection for his/her spouse. Also, an unmarried empolyee in good health may elect an annuity reduction to provide a survivor annuity to a person having an insurable interest in the employee's life. Should the spouse or named person predecease the annuitant, the reduction in annuity payments is eliminated. If a previously married annuitant (who elected a reduction at the time of retirement) remarries, or if an unmarried annuitant marries, he/she has an opportunity to elect an annuity reduction once again in order to benefit the new spouse. The statutory provisions allowing elimination of the survivorship reduction in annuity, and providing the opportunity to elect not to provide survivorship protection for a new spouse after already electing a survivor benefit at retirement, have not been incorporated in current regulations. OPM proposes to delete out of date regulations and incorporate reference in the regulations to the statutory provisions governing such elections.

Pub. L. 96–391, approved October 7, 1980, amends the Civil Service Retirement law to require that before a married employee's election of an annuity without survivorship protection may be considered valid, the employee (or Member) must establish to the satisfaction of OPM that either the spouse has been notified that the employee elected not to provide him/her with survivor benefits or the employee (or Member) has complied with notification requirements prescribed by OPM. The law imposes the same notification requirement in cases where a survivor annuity is elected based on less than the full amount of the employee's annuity. It is applicable to all annuities commencing on and after January 5, 1981.

In complying with Pub. L. 96–391, OPM will accept a signed and witnessed declaration from the spouse to be submitted with the retirement application, in which the spouse acknowledges his/her understanding of the employee's or Member's election of other than a fully reduced annuity for survivor annuity purposes. The employee/Member is ineligible to be a witness to the declaration. It is expected that such a statement will be received with the retirement application in the majority of cases. Where an employee/Member elects other than a fully reduced annuity but cannot obtain the spouse's signature acknowledging the loss of or reduction in benefits, the proposed regulation will require the employee/Member to submit the spouse's last known mailing address to OPM. OPM will then send the spouse an explanatory letter by certified mail with return receipt requested and delivery restricted to the addressee. The spouse will be asked to sign the letter acknowledging his/her understanding of the employee's or Member's election and return to OPM. If the letter is not signed by the spouse or returned to OPM, notification will be considered properly made upon return of the certified mail receipt to OPM; and the employee's or Member's election to exclude the spouse from benefits, either fully or partially, will become effective by final adjudication of the retirement application. On the other hand, where the employee/Member fails to cooperate in furnishing either (1) the spouse's witnessed acknowledgment of less than maximum survivor annuity protection or (2) the spouse's last known mailing address, OPM is required to complete final adjudication of the retirement application with the full reduction for survivor annuity benefits provided by statute (5 U.S.C. 8339(j)).

The Director of OPM has determined that good cause exists for shortening the comment period of this proposed regulation, in order to give timely effect to Pub. L. 96–391, requiring notification to spouses of retiring employees when the employee does not elect full survivorship protection for the spouse.

OPM has determined that this is a significant regulation for the purposes of E.O. 12044.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, the Office of Personnel Management proposes to amend 5 CFR Part 831 as follows:

(1) Section 831.601 (c) and (e) are revised to read as follows:

§ 831.601 Survivor benefits.

* * * * *

(c) The employee or Member shall communicate his/her choice or option over his/her signature on Standard Form 2801, Application for Retirement, for use in filing claim for annuity. Receipt of the communication in OPM constitutes prima facie evidence of the existence of all the elements of an election, except that an election by a married employee or Member of a life annuity, or an election to base the benefit payable to the surviving spouse on less than the full amount of annuity, is not valid unless:

(1) The employee or Member provides OPM with the spouse's signed and witnessed declaration (the employee or Member may not witness the declaration) acknowledging the loss of or reduction in survivor benefits; or

(2) The employee or Member provides OPM with the spouse's mailing address (or last known mailing address) in order for OPM to attempt to notify the spouse about the loss of or reduction in survivor benefits. The election is considered made when the prima facie evidence becomes conclusive by final adjudication of the claim by OPM.

* * * * *

(e) When an election has been conclusively made under this section, the employee or Member may not revoke or change the election or name another survivor, except as provided under 5 U.S.C. 8339 (j) and (k).

* * * * *

(2) Paragraph (f) of § 831.601 is deleted and paragraphs (g) and (h) are redesignated as (f) and (g), respectively.

(5 U.S.C. 8347(g))

[FR Doc. 80-35538 Filed 11-13-80; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 28

Official Standards of the United States for the Grades of Sea Island Cotton and Tentative Standards for the Preparation of Long-Staple Cotton

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rescission.

SUMMARY: It is proposed that the regulations (7 CFR Part 28) under the United States Cotton Standards Act (7 U.S.C. 51–65) be amended through rescission of (1) the Official Standards of the United States for the Grades of Sea Island Cotton (7 CFR 28.551 through 28.560, and § 28.303(c)), and (2) the Tentative Standards for the Preparation of Long-Staple Cotton (7 CFR 28.591 through 28.584). The maintenance of these standards presently serve no purpose.

DATE: Deadline for comment: Comments must be received on or before January 15, 1981.

ADDRESSES: Comments may be mailed to Harvin R. Smith, Chief, Standards and Testing Branch, Cotton Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–2167).

FOR FURTHER INFORMATION CONTACT: Harvin R. Smith, Chief, Standards and Testing Branch, Cotton Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–2167). The Draft Impact Analysis detailing the options considered in developing this proposed rule and the impact of implementing each option is published in its entirety below in "Supplementary Information."

SUPPLEMENTARY INFORMATION: This proposed 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 light of the following, it has been determined that no impact would result:

(1) No production of Sea Island cotton has been reported since 1949.

(2) The USDA-AMS Cotton Division has not classed cotton against Sea Island cotton types, has not issued Sea Island Cotton standards, and has not reported Sea Island cotton production or carry-over for at least 15 years (the last reference was in combination with Sealand cotton, in a 1965 Market News footnote).

The maintenance of Sea Island cotton standards therefore, presently serves no purpose. In the event that Sea Island cotton production should again become significant, new standards would have to be prepared. The standards now maintained by the USDA were prepared and officially adopted in 1939 and are no longer useful.

The tentative standards for preparation of long staple cotton have not been used, nor prepared, for at least 15 years. Improvements in ginning technology have removed the need for separate standards for the preparation of long staple cotton.

Accordingly, it is proposed that the regulations (7 CFR Part 28) under the United States Cotton Standards Act (7 U.S.C. 51–65) be amended through rescission of (a) the Official Standards of the United States for the Grades of Sea Island Cotton, and (b) references to Sea Island Cotton. The following actions are therefore proposed:

(1) 7 CFR 28.551 through 7 CFR 28.560 are proposed for rescission.

(2) 7 CFR 28.303 (c) is proposed for rescission.

(3) 7 CFR Part 28 is amended by revising § 28.2 (o) and (p) to read as follows:

§ 28.2. [Amended]

* * * * *

(o) *Upland Cotton.* All cotton grown anywhere within the continental United States including the growths sometimes referred to as Upland, Gulf, and Texas cotton, but excluding American Pima growths.

(p) *Official cotton standards.* Official cotton standards of the United States for the grade of American upland cotton, and America Pima cotton, for length of staple, and for fiber fineness and maturity, adopted by or established pursuant to the act, or any change or replacement thereof.

It is further proposed that the regulations (7 CFR Part 28) under the United States Cotton Standards Act (7 U.S.C. 51–65) be amended through rescission of the Tentative Standards for the Preparation of long staple cotton. In accordance it is proposed that the following sections be rescinded: 7 CFR 28.591 through 28.594.

Dated: November 3, 1980.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-35754 Filed 11-13-80; 8:45 am]
BILLING CODE 3410-02-M

Food and Nutrition Service

7 CFR Part 282

[Amendment No. 167]

Food Stamp Program; Demonstration, Research, and Evaluation Projects; Correction

AGENCY: Food and Nutrition Service.

ACTION: Proposed rule; correction.

SUMMARY: This document deletes language in a proposed rulemaking and corrects various project timeframes in an attached Notice of Intent which was published by the Food and Nutrition Service, USDA, on October 7, 1980 in the Federal Register (45 FR 66463). The October 7 proposed rulemaking announced the Departments of Agriculture and Labor's intention to conduct a demonstration project on the work registration and job search provisions of the Food Stamp Act of 1977.

FOR FURTHER INFORMATION CONTACT: Bob Davis, Program Development Division, Family Nutrition Programs, USDA, Room 672, GHI Building, Washington, D.C. 20250. Telephone (202) 447–8332.

The following corrections are made in FR 45–196 to language appearing on pages 66463, 66467, 66468, and 66469 of the October 7, 1980 rulemaking:

1. On page 66463, column 1, "Summary", the word "proposed" is deleted from the second sentence. The sentence is revised to read: "A Notice of Intent has also been included for public comment."

2. On page 66467, column 2, the last sentence of the first paragraph currently calls for project operations to start . . . "on or about December 1, 1980." This sentence is revised to read: "Actual project operations are scheduled to begin on or about April 1, 1981."

3. On page 66468, column 3, under "F. Applications", the next-to-last sentence of paragraph 1, "Preliminary Applications." is revised by deleting the word "final", so that the sentence now reads: "Such letters shall be postmarked no later than 45 days from the date of publication of this Notice."

4. On page 66469, column 1, top paragraph, the second sentence is revised to read: "The completed Application for Federal Assistance must be submitted in original and two copies to DOL or USDA, at the addresses noted above, no later than 30 days following the deadline for submission of the Letter of Intent."

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

November 7, 1980.

[FR Doc. 80-35435 Filed 11-13-80; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Stabilization and Conservation Service

7 CFR Part 724

Proposed Determinations of Marketing Quotas For the 1981-82, 1982-83 and 1983-84 Marketing Years For Fire-Cured, Dark Air-Cured, Virginia Sun-Cured, Cigar-Binder, and Cigar-Filler and Binder Tobaccos

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Secretary of Agriculture must announce by February 1, 1981, national marketing quotas for fire-cured, (types 21 and 22–24), dark air-cured (types 35–36), Virginia sun-cured (type 37), cigar-binder (types 51 and 52), and cigar-filler (types 42–44) and binder (types 53–55) kinds of tobacco for the 1981-82 marketing year. Interested persons are invited to submit written comments, views and recommendations concerning the proclamation and announcement of quotas, the referendums to be held, and other related matters.

DATES: Written comments must be received by January 13, 1981 in order to be sure of consideration.

ADDRESSES: Send comments to the Director, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. All written submission made pursuant to the notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 3741, South Building, 14th and Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Program Specialist, Price Support and Loan Division, ASCS, Room 3754, South Building, P.O. Box 2415, Washington, D.C. 20013, (202) 447–6733. The draft impact analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from Robert L. Tarczy.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures established to implement Executive Order 12044 and has been classified "not significant." In compliance with Secretary's Memorandum No. 1955 and "Improving USDA Regulations" (43 FR 50988) it is determined after review of these and related regulations contained in 7 CFR Part 724 for need, currency, clarity, and effectiveness that no additional changes be proposed at this time. Any comments which are offered during the public comment period on any of these regulations, however, will be evaluated in development of the final rule.

The title and number of the Federal Assistance Program that this proposed Rule applies to is: Title—Commodity Loan and Purchases; Number—10.051. This action will not have 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.

The Agricultural Adjustment Act of 1938, as amended, (hereinafter referred to as the "Act"), requires the Secretary (1) with respect to cigar-binder (types 51 and 52) and cigar-filler and binder (types 42–44; 53–55) tobaccos, to proclaim national marketing quotas for the 1981–82, 1982–83, and 1983–84 marketing years and to conduct, within 30 days after proclamation of such national marketing quotas, referendums of farmers engaged in the 1980 production of such respective kinds of tobacco to determine whether they favor or oppose marketing quotas of such years; and (2) with respect to fire-cured (type 21), fire-cured (types 22–24), dark air-cured, Virginia sun-cured, cigar-binder (types 51 and 52), and cigar-filler and binder (types 42–44 and 53–55) tobacco, to determine and announce the amounts of the national marketing quotas for each of such kinds of tobacco for the 1981–82 marketing year; to convert such marketing quotas into national acreage allotments and announce the allotments; to apportion such allotments, less reserves of not to exceed 1 per centum of each respectively, through local county ASC committees among old farms; and to apportion the reserves for use in (a) establishing acreage allotments for new farms and (b) making corrections and adjusting inequities in old farm allotments.

Section 312(a) of the Act (7 U.S.C. 1312 (a)) requires the Secretary to proclaim marketing quotas, not later than February 1, 1981, for cigar-binder (types 51 and 52) and cigar-filler and binder (types 42–43; 53–55) tobacco for the three marketing years beginning October 1, 1981, because the 1980–81 marketing year is the last year of the three consecutive years for which marketing quotas previously proclaimed will be in effect for these kinds of tobaccos. Quotas were previously proclaimed, referendums conducted, and quotas approved by growers as follows: fire-cured and dark air-cured tobacco for the 1979–80, 1980–81, and 1981–82 marketing years (44 FR 7109); Virginia sun-cured tobacco for the 1980–81, 1981–82 and 1982–83 marketing years 45 FR 9578 and cigar-binder tobacco (types 51 and 52) and cigar-filler and binder tobacco (types 42–44 and 53–55) for the 1978–79, 1979–80, 1980–81 marketing years (43 FR 16410).

Section 301(b)(15) of the Act (7 U.S.C. 1301(b)(15)) defines "tobacco" as each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Number 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the Department:

Flue-cured tobacco, comprising types 11, 12, 13, and 14;
Fire-cured tobacco, comprising type 21;
Fire-cured tobacco, comprising types 22, 23, and 24;
Dark air-cured tobacco, comprising types 35 and 36;
Virginia sun-cured tobacco, comprising type 37;
Burley tobacco, comprising type 31;
Maryland tobacco comprising type 32;
Cigar-filler and cigar-binding tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54, and 55; and
Cigar-filler tobacco, comprising type 41.

Section 301(b)(15) also provides that any one or more of the types comprising any such kind of tobacco shall be treated as a "kind of tobacco" for the purposes of the Act if the Secretary finds that there is a difference in supply and demand conditions among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand. Pursuant to this authority, the Secretary has determined (15 FR 8214) that type 46 tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports. Pursuant to such authority, the Secretary has also determined (22 FR 367) that cigar-binder (types 51 and 52) tobacco, beginning with the 1957–58 marketing

year, shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports. Type 45 tobacco is no longer grown. No further action under this section is contemplated at this time.

Section 312(b) of the Act (7 U.S.C. 1312(b)) provides that the Secretary shall determine and announce, not later than the first day of February 1981 with respect to kinds of tobacco other than flue-cured tobacco, the amount of the national marketing quota which will be in effect for the 1981–82 marketing year in terms of the total quantity of tobacco which may be marketed which will make available during such marketing year a supply of each kind of tobacco equal to the reserve supply level. Section 312(b) of the Act provides further that the amount of the 1981–82 national marketing quota so announced may, not later than March 1, 1981, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

Section 301(b) of the Act (7 U.S.C. 1301(b)) defines the "total supply" of any kind of tobacco (except type 46) for any marketing year as the carryover at the beginning of the marketing year (or on January 1 of such marketing year in the case of Maryland tobacco) plus the estimated production in the United States during the calendar year in which such marketing begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity of tobacco produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

A "normal year's" exports is defined as the yearly average quantity of tobacco produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

Section 312(c) of the Act (7 U.S.C. 1312(c)) requires that within 30 days after a national marketing quota is proclaimed under § 312(a) of the Act for a kind of tobacco, the Secretary shall conduct a referendum of farmers engaged in the production of the crop of such kinds of tobacco harvested immediately prior to the holding of the referendum to determine whether such farmers are in favor of or opposed to quotas for the next three succeeding marketing years. If more than one-third of the farmers voting in a referendum for a kind of tobacco oppose the quotas, such results shall be proclaimed by the Secretary and the national marketing quotas so proclaimed shall not be in effect, but such results shall in no way affect or limit the subsequent proclamation and submission to a referendum, as otherwise provided in § 312, of a national marketing quota.

Section 313(g) of the Act (7 U.S.C. 1313(g)) authorizes the Secretary to convert the national marketing quota into a national acreage allotment on the basis of the national average yield for the five years immediately preceding the year in which the national marketing quota is proclaimed and to apportion the national acreage allotment (less a reserve of not to exceed 1 per centum thereof for new farms and for making corrections and adjusting inequities in old farm allotments)

Proposed Rule

The Secretary is preparing to determine and announce for the 1981–82 marketing year for the minor kinds of tobacco:

1. The amount of the reserve supply level for fire-cured (type 21), fire-cured (types 22–24), dark air-cured, Virginia sun-cured, cigar-binder (types 51 and 52) and cigar-filler and binder (types 42–44 and 53–55) tobaccos.

2. The amount of the national marketing quota for each of these kinds of tobacco for the 1981–82 marketing year.

3. The national factors for apportioning national acreage allotments to old farms.

4. The amounts of the national acreage allotments to be reserved for new farms and for making corrections and adjusting inequities in old farm allotments.

5. The date or period of the referendum on quotas for the 1981–82, 1982–83, and 1983–84 marketing year for cigar-binder (types 51 and 52) and cigar-filler and binder (types 42–44; 53–55) tobaccos, and whether the referendum should be conducted at polling places rather than by mail ballot (31 F.R. 12011).

Signed at Washington, D.C. on: November 6, 1980.

Ray Fitzgerald,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 80-35612 Filed 11-13-80; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

7 CFR Part 989

Raisins Produced From Grapes Grown in California; Proposed Preliminary Free and Reserve Percentages for the 1980–81 Crop Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal invites written comments on preliminary marketing percentages for Natural (sun-dried) Seedless and Dipped and Related Seedless raisins from the 1980 production. The estimated 1980 production of these raisins is in excess of domestic and Western Hemisphere market needs, and the proposal is intended to tailor the supply to these needs. Excess supplies would be available primarily for export to approved countries outside the Western Hemisphere.

DATES: Comments must be received by November 28, 1980.

PROPOSED EFFECTIVE DATES: August 1, 1980 through July 31, 1981.

ADDRESSES: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be available for public inspection during business hours.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–5053. The Final Impact Statement describing the options considered in developing this proposal and the impact of implementing each option is available on request from J. S. Miller.

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

J. S. Miller has determined that an emergency situation exists which warrants less than a 60-day comment period. Handlers are in the process of acquiring Natural (sun-dried) Seedless and Dipped and Related Seedless raisins from the 1980 crop and will begin

processing and marketing them in volume soon. Therefore, they must know as soon as possible what preliminary marketing percentages will apply to the 1980 crop so they can plan their operations accordingly. Moreover, upon designation of the proposed marketing percentages raisin handlers will begin paying producers for their raisins. Producers have a considerable amount of time, energy, and funds invested in the production of the 1980 raisin crop and should be paid for their efforts as promptly as possible.

The proposal under consideration pertains to designating preliminary free tonnage percentages for Natural (sun-dried) Seedless and Dipped Seedless raisins of 56 percent and 39 percent, respectively, for the 1980–81 crop year. Also proposed for that crop year are preliminary reserve tonnage percentages for these raisins of 44 percent and 61 percent, respectively. The 1980–81 crop year began August 1, 1980.

These designations would be pursuant to § 989.55 of the marketing agreement and Order No. 989, both as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, hereinafter referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended under § 989.54(b) by the Raisin Administrative Committee, established under the order as the agency to work with USDA in administering its terms and provisions.

Under § 989.54(b) of the order, the Committee is required to recommend on or before October 5, a preliminary free tonnage percentage for any varietal type of raisin for which a free tonnage has been computed. If the Committee determines that the field price is firmly established for a particular varietal type, the Committee is required to recommend a preliminary free tonnage percentage which when applied to the estimated production of that varietal type, would release 85 percent of the computed free tonnage for that varietal type. In accordance with § 989.54(a), the Committee computed free tonnages for Natural (sun-dried) Seedless and Dipped and Related Seedless raisins of 170,917 natural condition tons and 11,132 natural condition tons, respectively. The field price for each of these varietal types has been firmly established and the 1980 production of Natural (sun-dried) Seedless and Dipped Seedless and Related Seedless raisins is estimated to 257,000 natural condition tons and 24,000 natural condition tons, respectively.

Eighty-five percent of the free tonnage quantity (170,917 tons) for Natural (sun-dried) Seedless raisins would be 145,279 tons. Dividing this by the estimated production (257,000 tons) results in a preliminary free tonnage percentage of 56 percent. Eighty-five percent of the free tonnage quantity (11,132 tons) for Dipped and Related Seedless raisins would be 9,462 tons. Dividing 9,462 tons by the estimated production (24,000 tons) results in a preliminary free percentage of 39 percent.

Section 989.54(b) also provides that any difference between the preliminary or final free tonnage percentages and 100 percent should be the reserve percentage. Thus, the preliminary reserve percentages for Natural (sun-dried) Seedless and Dipped and Related Seedless raisins would be 44 percent and 61 percent, respectively.

The proposed preliminary free tonnage percentages would make 145,279 tons of the estimated 1980 production of Natural (sun-dried) Seedless raisins, and 9,462 tons of the Dipped and Related Seedless raisins production available for immediate sale in any marketing channel. No later than February 15, the Committee is required to recommend free tonnage percentages when applied to the final production estimate which will tend to release the full free tonnage for those varietal types. By then, the Committee will have firmer estimates of the 1980 raisin production.

The proposal is as follows:

Section 989.234 is proposed to be added as follows:

§ 989.234 Free and reserve percentages for the 1980–81 crop year.

The preliminary percentages of standard Natural (sun-dried) Seedless and Dipped and Related Seedless raisins acquired by handlers during the crop year beginning August 1, 1980, which shall be free tonnage and reserve tonnage, respectively, are designated as follows:

	Free percentage	Reserve percentage
Natural (sun-dried) Seedless	56	44
Dipped and Related Seedless	39	61

Dated: November 10, 1980.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 80-35610 Filed 11-13-80; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 225

[Reg. Y]

Amended Order for Hearing Regarding Application To Engage in Certain Data Processing and Electronic Funds Transfer Activities and Possible Rulemaking With Respect Thereto

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of hearing regarding application and proposed rule.

SUMMARY: This amends the Board's Order of June 10, 1980 (45 FR 41533 (July 19, 1980)), that granted the request by protestants to an application by Citicorp, New York, New York, that a hearing be held with respect to Citicorp's application to engage in data processing activities through a subsidiary to be known as Citishare Corporation. The Board has granted a request by Citicorp to amend its application by adding certain activities related to data processing and transmission, including electronic funds transfer activities, to the activities proposed to be engaged in through Citishare Corporation. The additional proposed activities are generally not authorized by Regulation Y, and Citicorp has requested the Board to add them to the list of activities permissible for bank holding companies.

DATES: Requests to give testimony, present evidence, or otherwise participate in these proceedings must be filed on or before December 15, 1980. People interested in the date of the hearing should contact the **FOR FURTHER INFORMATION CONTACT** person listed below.

ADDRESSES: Requests to give testimony, present evidence, or otherwise participate in these proceedings should be filed with the Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551. People interested in the place the hearing will take place should contact the **FOR FURTHER INFORMATION CONTACT** person listed below.

FOR FURTHER INFORMATION CONTACT: Micheal L Kadish, (202) 452–3428.

The Board has amended its Order for Hearing of June 10, 1980, to expand the scope of the hearing to consider the additional activities and the proposed rule. The amended Order follows.

Board of Governors of the Federal Reserve System, November 5, 1980.

Theodore E. Allison,

Secretary of the board.

Federal Reserve System—Citicorp

Order for Hearing

Citicorp, New York, New York, a bank holding company within the meaning of the Bank Holding Company Act (the "Act"), has applied for the Board's approval under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)) to engage in certain data processing and transmission activities through a subsidiary to be known as Citishare Corporation.

Under section 4(c)(8) of the Act, a bank holding company or its subsidiaries may engage, with the Board's prior approval, in any activity that the Board has determined "to be so closely related to banking or managing or controlling banks as to be a proper incident thereto." The Board must also consider whether the performance of a particular activity by a bank holding company can reasonably be expected to produce public benefits that outweigh possible adverse effects. This section authorizes the Board to make the determination of whether an activity is closely related to banking by regulation. The Board used this authority in 1971 when it issued section 225.4(a)(8) of Regulation Y (12 CFR 225.4(a)(8)), permitting a bank holding company to engage in the following activities:

(i) Providing bookkeeping or data processing services for the internal operations of the holding company and its subsidiaries, and

(ii) Storing and processing other banking, financial, or related economic data, such as performing payroll, accounts receivable or payable, or billing services.

In 1975, the Board issued an interpretation (12 CFR 225.123(e)), stating that the purpose of § 225.4(a)(8) of Regulation Y is to permit a bank holding company to process data for others of the kinds banks have traditionally processed, both in conducting their internal operations and in accommdating their customers, and to perform incidental activities necessary to carry on permissible data processing activities. The interpretation provides that such incidental activities include, among others:

(1) Making excess computer time available to anyone so long as the only involvement by the holding company system is furnishing the facility and necessary operating personnel; and

(2) Selling a byproduct of the development of a program for a permissible data processing activity.

The Board interpretation excludes from the scope of permissible activities the development of programs either upon a holding company's own initiative or upon request, unless the data involved are financially oriented.

Citicorp's amended application indicates that the activities proposed to be engaged in by Citishare consist of the following:

1. Providing data processing and transmission services for the internal operations of Citicorp and its subsidiaries.

2. Providing to financial and other institutions data processing and transmission services with respect to financial, banking, or other related economic data, such as financial models, loan analysis, accounting and bookkeeping, budget and profitability analysis, portfolio record-keeping and analysis, foreign exchange exposure, general ledger, bond analysis, international trade settlement, and economic forecasting. These services may be provided by engaging in remote computer time-sharing services.

3. Providing packaged financial systems for installation at the site of a depository or other institutional customer, for the purpose of facilitating traditional banking or banking-related activities. In such case, Citishare would provide the software for such systems together with processing and terminating hardware. The customer may be linked to one or more data bases of Citishare or its subsidiary bank, Citibank, N.A.

4. Providing electronic data processing and transmission systems designed to facilitate banking transactions among financial or other institutions or to facilitate the exchange of banking, financial or other related economic data among them. Transaction processing services include systems for the processing of money transfer, foreign exchange, check clearing and collection and other normal and usual interbank transactions. Information exchange services include the processing of money market, trade information or other information typically exchanged among financial institutions. These data processing and transmission systems would be designed for use by other banks and financial institutions and would be provided primarily, but not exclusively, to such institutions.

5. Providing consumers with banking-related services and the capability to access traditional banking services and related information, utilizing the services proposed in activities 3 and 4 above. This could include providing a customer with the capability to perform budgeting, accounting, and tax analysis, as well as direct banking services such as funds transfer, at the customer's home or business establishment, by linking the consumer with a depository institution.

6. Providing hardware and software for authentication of interbank and intrabank identifiers for funds transfers and other electronic transmissions requiring authentication of origin or content. Citishare proposes to provide data processing and transmission services for the distribution and administration of code keys required in connection with the authentication process.

7. Providing to others byproducts resulting from permissible data processing and transmission activities.

8. Selling to others for any purpose any excess capacity on data processing and transmission facilities used in connection with any of the above-mentioned activities. With respect to this excess capacity, the only involvement of Citishare will be the furnishing of the facilities necessary to the utilization of the excess capacity.[1]

Following publication of notice of the initial application, the Association of Data Processing Service Organizations, Inc., Arlington, Virginia, and other interested organizations (collectively "Protestants") jointly filed written submissions in opposition to the application, and requested that the Board either deny the application or order a formal hearing on the application.[2] Protestants contended that the data processing activities originally proposed, other than providing services for Citicorp's internal operations, were not within the scope of those data processing activities that the Board has previously determined to be permissible and were not otherwise "so closely related to banking or managing or controlling banks as to be a proper incident thereto" within the meaning of section 4(c)(8) of the Act. Protestants also alleged that the proposal would result in adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices, that would not be outweighed by any benefit to the public.

[1] These eight items summarize Citicorp's proposal. Interested persons are invited to inspect the application at the offices of the Board of Governors or at the Federal Reserve Bank of New York for more detail.

[2] Other Protestants to the original application were ADP Network Services, Inc.; Comshare, Inc; National CSS, Inc.; On-Line Systems, Inc.; Quantum Computer Services, Inc.; and Tymshare, Inc.

With regard to the permissibility of the data processing activities originally proposed, Protestants challenged, for example, the proposed sale of excess computer time and time-sharing services as means for evading restrictions on processing non-financially related data. Protestants contended that data processing technology has progressed over the past few years so as to enable a data processor to tailor its computer capacity to eliminate the need for any significant amount of excess capacity. Furthermore, Protestants contended that since a purchaser of the proposed time-sharing service would have a computer terminal on its own site, it would not be possible to monitor the purchaser's use of the computer services to prevent the impermissible processing of non-financially oriented data. Although Citicorp disputed Protestants' claims, neither Citicorp nor Protestants presented sufficient evidence to prove or disprove these contentions. In the Board's judgment, these questions of fact, material to the Board's decision on the application, remained in dispute and unresolved by the parties' written submissions. Accordingly, the Board believed it appropriate to order a formal hearing on the original application.

In addition, Protestants claimed that many of the proposed data processing services were not the kinds of activities traditionally performed by banks. Protestants asserted that technological developments in the industry have advanced the scope of data processing activities, including those proposed by Citicorp, beyond that contemplated by the Board in 1971 when it determined such activities to be permissible for bank holding companies. The Board stated that is would be appropriate to address this issue at a hearing.

Finally, Protestants alleged that consummation of the proposal would result in adverse effects, especially unfair competition and conflicts of interests, that would not be outweighed by any benefit to the public. While these allegations would not, standing alone, warrant a hearing, the Board concluded that all outstanding issues in this matter should be resolved in one proceeding.

The proposed activities of transmitting data and of providing facilities such as hardward in connection with data processing and transmission services were proposed in an amendment to Citicorp's application filed after the Board had ordered a hearing to be held on the application. These activities have not previously been determined by the Board to be permissible for bank holding companies. Section 225.4(a) of Regulation Y (12 CFR § 225.4(a)), provides that a bank holding company may file an application to engage in activities, other than those previously determined to be permissible for bank holding companies, if it is of the opinion that the proposed activity in the circumstances surrounding a particular case is closely related to banking or managing or controlling banks. The regulation further provides that the Board will publish in the **Federal Register** a notice of opportunity for hearing regarding the proposed activity only if it believes that there is a reasonable basis for the bank holding company's opinion.

Under guidelines established by a federal circuit court,[3] an activity may be found to be closely related to banking if it is demonstrated (1) that banks generally have in fact provided the proposed service; or (2) that banks generally provide services that are operationally or functionally so similar to the proposed services as to equip them particularly well to provide the proposed service; or (3) that banks generally provide services that are so integrally related to the proposed service as to require their provision in a specialized form.[4] The Board has previously found the *National Courier* guidelines useful in determining whether there is a reasonable basis for an applicant's opinion that a proposed new nonbanking activity is closely related to banking.[5]

Since the Board has determined that a hearing should be held with respect to other aspects of Citicorp's proposal, and since many of the proposed new activities are comprised of several services, and there does appear to be a reasonable basis for concluding that some of these services are closely related to banking, the Board believes that it would also be desirable to address the question of whether these activities are "so closely related to banking or managing or controlling banks as to be a proper incident thereto." Under the Board's Regulation Y, the Board's decision to publish notice of, or hold a hearing with respect to, a proposed new activity does not obligate the Board to ultimately determine that the activity is closely related to banking or that the activity is permissible for bank holding companies.

Accordingly, it is hereby ordered, That a hearing with respect to this application and proposed rule be held before an Administrative Law Judge to be designated by the Office of Personnel Management. Such hearing shall be conducted in compliance with the Board's Rules of Practice for Hearings (12 CFR Part 263); however, the Administrative Law Judge shall establish a schedule whereby Citicorp and Protestants shall submit their direct and rebuttal testimony in written form. Public, oral cross examination shall then commence on a date designated by the Administrative Law Judge at the offices of the Board of Governors, Washington, D.C., or at any other place that the Administrative Law Judge may designate in the interest of fairness. The Administrative Law Judge may, in his discretion, convene a prehearing conference or conferences at any convenient time or place.

It is further ordered, That the issues to be considered at such hearing are: (1) whether each of the activities proposed by Citicorp is "so closely related to banking or managing or controlling banks as to be a proper incident thereto," within the meaning of § 225.4(a) of Regulation Y (12 CFR § 225.4(a)) and section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)); and (2) whether each of the proposed activities "can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

It is further ordered, That any person desiring to give testimony, present evidence, or otherwise participate in these proceedings should file with the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, on or before December 15, 1980, a written request containing a statement of the nature of the petitioner's interest in the proceedings, the extent of the participation desired, a summary of the matters upon which the petitioner desires to give testimony or submit evidence, and the name and identity of each witness who proposes to appear. Such requests will be

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[3] *National Courier Association* v. *Board of Governors of the Federal Reserve System*, 516 F.2d 1229 (D.C. Cir. 1976) (hereinafter referred to as *"National Courier"*).

[4] These guidelines have been followed by other Federal Circuit Courts of Appeals. *NCNB Corporation* v. *Board of Governors of the Federal Reserve System*, 599 F.2d 609 (4th Cir. 1979); *Association of Bank Travel Bureaus, Inc.* v. *Board of Governors of the Federal Reserve System*, 568 F.2d 549, 551 (7th Cir. 1978); *Alabama Association of Insurance Agents* v. *Board of Governors of the Federal Reserve System*, 553 F.2d 224, 241 (5th Cir. 1976), *rehearing denied* 558 F.2d 729 (1977), *cert. denied* 435 U.S. 904 (1978).

[5] *E.g., NCNB Corporation* (Superior Insurance Company and Superior Claim Service), 64 Federal Reserve Bulletin 506, 507 (1978); *aff'd sub nom. NCNB Corporation* v. *Board of Governors of the Federal Reserve System*, 599 F.2d 609 (4th Cir. 1979).

submitted to the designated Administrative Law Judge for his disposition.

By order of the Board of Governors,[6] effective October 30, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-35643 Filed 11-13-80; 8:45 am]

BILLING CODE 6210-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Organization and Operations of Federal Credit Unions; Share Accounts and Share Certificate Accounts

AGENCY: National Credit Union Administration.

ACTION: Proposed rule.

SUMMARY: The proposed rule would consider a premium or gift given by a Federal credit union for establishing an account or adding to an existing account to be a promotional or advertising expense, and not a dividend for purposes of 12 CFR 701.35(g), if (1) the premium or gift is given only at the time of the opening of a new account or an addition to, or renewal of, an existing account; (2) no more than two premiums per account are given within a 12-month period; and (3) the value of the premium or gift (including shipping, warehousing, packaging and handling) does not exceed $10 for share purchases of less than $5,000 or $20 for share purchases of $5,000 or more. The costs of the premium may not be averaged. Prior to the beginning of a premium program, an official of the credit union must certify that the total cost of the premium or gift, including shipping, warehousing, packaging and handling does not exceed the applicable $10/$20 limitations and that no portion of the total cost of any premium has been attributed to development, advertising, promotional or other expenses. Certification and supporting documents must be retained in the files of the Federal credit union and be made available to NCUA upon request.

DATES: Comments must be received by December 10, 1980.

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

[6] Voting for this action: Chairman Volcker and Governors Schultz, Wallich, Partee, Teeters, Rice and Gramley.

FOR FURTHER INFORMATION CONTACT: James J. Engel, Assistant General Counsel or Todd A. Okun, Senior Attorney, both at the above address. Telephone: (202) 357-1030.

SUPPLEMENTARY INFORMATION: On May 27, 1980, NCUA published for public comment (45 FR 35346) an Advance Notice of Proposed Rulemaking concerning premiums, finders fees, prepayment of dividends and payment of dividends in merchandise. Comments were to be received by June 26, 1980. By notice published on June 19, 1980 (45 FR 41438), the time period in which comments could be received was extended to July 16, 1980.

Based upon the comments received, and in order to parallel, to the extent applicable, similar action taken by the Depository Institutions Deregulation Committee (Committee) concerning other financial institutions, the NCUA Board believes that rulemaking procedures concerning the issue of premiums is necessary.

Finder's fees, also the subject of the Advance Notice of Proposed Rulemaking, which are fees paid to a person introducing a prospective depositor to a financial institution, are a rare practice in Federal credit unions and few comments were received on this subject. Therefore, the NCUA Board has decided at this time that neither a regulation nor a policy statement in this area is necessary.

The subjects of prepayment of dividends and payment of dividends in the form of merchandise were also discussed in the Advance Notice of Proposed Rulemaking. Based upon the comments received and the fact that established policy in these areas has already been widely publicized, the NCUA Board does not consider rulemaking necessary. However, that policy should be restated. Section 117 of the Federal Credit Union Act (12 U.S.C. 1763) and § 701.35 of NCUA Rules and Regulations (12 CFR 701.35) prohibit the payment of dividends until earnings for that dividend period have been determined to be sufficient to pay such dividends. Therefore, the prepayment of dividends is prohibited. However, it is the policy of the NCUA Board that dividends may be paid in the form of merchandise as long as the total cost of the merchandise equals the value of dividends earned on any account. Of course, since dividends may not be prepaid, merchandise in lieu of dividends may not be given until the requisite value is earned.

It has been the policy of the financial regulatory agencies, including NCUA, to limit the cost of premiums to $5 for share purchases or deposits of less than $5,000 and $10 for share purchases or deposits of $5,000 or more. Premiums may be in the form of cash or merchandise, but merchandise is used more commonly. In the case of merchandise, the $5 and $10 limits apply to the cost to the institution, excluding shipping and packaging costs. Depository institutions can offer premiums at any time to members or depositors who open new accounts or add to existing accounts. These current premium rules were adopted by the agencies in 1970 in order to establish what constituted a *de minimis* amount that would not be regarded as the payment of dividends or interest. The rules were intended to clarify this matter and reduce time spent by the agencies in reviewing individual programs. This has not been accomplished, however, because in practice the rules are difficult to enforce since they can be circumvented by attributing an inflated portion of the total cost of the premium to shipping and packaging, rather than to the direct cost of the premium. In view of these considerations, NCUA is proposing a premium rule that would lessen the potential for abuses and parallel rules adopted for other financial institutions by the Committee.

The proposed rule permits Federal credit unions to continue to offer premiums at the time of opening a new account or adding to, or renewing, an existing account. However, a Federal credit union may not give any person more than two premiums per each account during a 12-month period. It is emphasized that this restriction applies on a *per account* basis and a person with multiple accounts at a Federal credit union may receive up to two premiums for each account in a 12-month period. For purposes of determining compliance with this restriction, a premium given for an account held by more than one person (for example, a joint account) must be attributed to one of those persons. The 12-month period begins on the date the person receives the first premium. In addition, the dollar limitations on the permissible cost of premiums has been raised to $10 for share purchases of less than $5,000 and to $20 for share purchases of $5,000 or more. All costs associated with a premium, including its cost and all other charges such as shipping, warehousing, handling and packaging, must be included in determining compliance with the $10/$20 limitations. The expenses associated with developing, advertising or promoting a premium program need not be included in determining the cost of a

premium and such expenses may not be used to absorb any of the cost of a premium. In addition, repackaging and return freight expenses may not be used to defray the cost of a premium. Any averaging of the cost of various items of merchandise offered in a premium program is prohibited. An official of the Federal credit union will be required to certify, prior to the beginning of a premium program, that the program complies with these requirements and that no portion of the cost of a premium has been attributed to development, advertising, promotional, or other expenses. This certification and supporting documents must be retained in the Federal credit union's files and must be made available to NCUA upon request.

Accordingly, it is proposed that § 701.35 be amended by adding a new paragraph (m) to read as set forth below.

Rosemary Brady,

Secretary to the Board, National Credit Union Administration.

November 6, 1980.

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1104 (12 U.S.C. 1789)).

§ 701.35 [Amended]

* * * * *

(m) *Premiums.*

(1) Premuiums given by a Federal credit union, whether in the form of merchandise or cash, are regarded as an advertising or promotional expense rather than the payment of a dividend if:

(i) The premium is given only at the time of the establishment of a new account or an addition to, or renewal of, an existing account; and

(ii) No more than two premiums per account are given within a 12-month period; and

(iii) The value of a premium, including shipping, warehousing, packaging and handling costs does not exceed $10 for share purchases of less than $5,000 or $20 for share purchases of $5,000 or more; and

(iv) The costs of premiums are not averaged; and

(v) An official of the credit union, prior to the inception of a premium program, certifies in writing that the total cost of a premium, including shipping, warehousing, packaging and handling costs does not exceed the applicable $10/$20 limitations and that no portion of the total cost of the premium has been attributed to development, advertising, promotional or other expenses. The certification and supporting documents must be maintained in the Federal credit union files.

[FR Doc. 80-35434 Filed 11-13-80; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF COMMERCE

13 CFR Chs. III and V

15 CFR Chs. I-III, VIII, and XII

37 CFR Ch. I

46 CFR Ch II

50 CFR Chs. II and VI

Semiannual Agenda of Regulations

November 12, 1980.

AGENCY: Department of Commerce.

ACTION: Delay of Semiannual Agenda of Regulations.

SUMMARY: The Department's Semiannual Agenda of Regulations, required by Executive Order 12044, "Improving Government Regulations", will be published in the **Federal Register** on or before November 28, 1980 instead of November 14, as originally scheduled.

FOR FURTHER INFORMATION CONTACT: Questions relating to the Department's forthcoming Semiannual Agenda of Regulations should be directed to Robert T. Miki, Deputy Assistant Secretary for Regulatory Policy (Acting), on (202) 377-2482.

Robert T. Miki,

Deputy Assistant Secretary for Regulatory Policy (Acting).

[FR Doc. 80-35753 Filed 11-13-80; 8:45 am]

BILLING CODE 3510-BT-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Parts 404 and 416

Federal Old-Age, Survivors, and Disability Insurance Benefits and Supplemental Security Income for the Aged, Blind, and Disabled; Extension of the Trial Work Period and Reinstatement of Disability Benefits

AGENCY: Social Security Administration, HHS.

ACTION: Notice of Decision to Develop Regulations.

SUMMARY: The Social Security Administration plans publication of a Notice of Proposed Rulemaking to implement section 303 of Pub. L. 96-265. This section is effective on December 1, 1980, and applies to any person whose disability has not been determined to have ceased before then. Section 303 provides for a 15-month period after the trial work period (TWP) during which payments can be restarted if a disabled person stops work. It also provides the TWP to title II disabled widows and widowers.

Under existing regulations, when a person completes 9 months of trail work (the months do not have to be continuous) and in a subsequent month demonstrates the ability to perform substantial gainful activity (SGA), benefits are terminated. Payments are continued through the first month in which SGA is performed after the TWP and for the 2 months immediately following. If the person's work attempt later fails, he or she must file a new application, and a new determination of disability must be made, before payments can be resumed.

The proposed regulations are based on section 303 of Pub. L. 96-265, the Social Security Disability Amendments of 1980. They will provide an additional period of reentitlement to cash benefits status after the TWP to severely impaired person whose payments stop because of their work activity. Payments can be reinstated without the need for a new application and disability determination in this period if a work attempt fails. The proposed regulations will also explain that under the amendments title II disabled widows and widowers get a TWP and the additional period the same as other disabled persons.

The proposed regulations would require revisions to Subparts D, E, J and P of Part 404 and to Subparts I, M and N of Part 416 of title 20 of the Code of Federal Regulations. The Departmennt of Health and Human Services has classified the proposed regulation changes as policy significant.

FOR FURTHER INFORMATION CONTACT: John Troch, Room 3-G-10 Operations Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, Telephone: (301) 594-9616.

Dated: October 6, 1980.

William J. Driver,

Commissioner of Social Security.

[FR Doc. 80-35528 Filed 11-13-80; 8:45 am]

BILLING CODE 4110-07-M

20 CFR Part 416

Supplemental Security Income for the Aged, Blind, and Disabled

AGENCY: Social Security Administration, HHS.

ACTION: Notice of Decision to Develop Regulations.

SUMMARY: The Social Security Administration plans to publish a notice of proposed rulemaking to amend Subparts J, K, and L of Part 416 of Title 20 of the Code of Federal Regulations to include provisions of recently enacted legislation. Section 504 of Pub. L. 96–265 adds new sections 1614(f)(3) and 1621 to title XVI of the Social Security Act. The provisions are effective October 1, 1980, and affect aliens who first apply for SSI on or after that date.

The regulations will provide that the income and resources of a sponsor of an alien and of a sponsor's spouse will be deemed to be available to an alien for a period of 3 years after the alien's entry in the United States. The proposed regulations will not affect refugees admitted under sections 203(a)(7), effective prior to April 1, 1980; 207(c)(1), effective after March 31, 1980; and 212(d)(5) of the Immigration and Nationality Act, those granted asylum by the Attorney General, and those (regardless of age) who become disabled or blind after entry into the United States.

Under the proposed regulations, before a sponsor's resources are deemed to an alien they will be subject to the same exclusions that apply to the resources of an individual eligible for SSI. A sponsor's income, however will be subject to fewer exclusions than apply to that of an eligible individual. The new deeming provisions differ from other deeming rules in that a deduction from a sponsor's income will be made for each dependent. Under other deeming rules, deductions (allocations) are limited to ineligible spouses and children who live in the household of the person whose income and resources are deemed. The statute also departs from current practice by authorizing SSA to recover overpayments of SSI benefits from any future benefits payable under any provision of the Act to the sponsor or the alien.

The Department of Health and Human Services classifies these regulations as policy significant.

FOR FURTHER INFORMATION CONTACT: Ms. Lisa Ferro, Social Security Administration, Room 3111 West High Rise, Building, 6401 Security Boulevard, Baltimore, Maryland 21253, Telephone 301 594–5166.

Dated: October 7, 1980.

William J. Driver,

Commissioner of Social Security.

[FR Doc. 80–35529 Filed 11–13–80; 8:45 am]

BILLING CODE 4110–07–M

20 CFR Part 416

Supplemental Security Income for the Aged, Blind, and Disabled; Determination of Overpayment/ Underpayment Period

AGENCY: Social Security Administrtion, DHHS.

ACTION: Notice of Decision to Develop Regulations.

SUMMARY: The Social Security Administration (SSA) plans to publish amended regulations which will permit the making of a determination of overpayment for a period which includes excess payment of supplemental security income (SSI) benefits for the calendar quarter in which the determination of overpayment will be made. Present regulations require us to wait until after the last month of the calendar quarter in which excess payments have been made before recovery may be attempted.

By making the overpayment determination and notifying the recipient immediately, instead of waiting until the end of the quarter, the recipient is more likely to recall and understand the cause of the overpayment and be in a better position to repay the overpayment.

The proposed policy will amend 20 CFR 416.538. The Department of Health and Human Services has classified the proposed regulation as policy significant.

FOR FURTHER INFORMATION CONTACT: George Schmittle, 2–C–15 Meadows Building, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594–8284.

Dated: October 9, 1980.

William J. Driver,

Commissioner of Social Security.

[FR Doc. 80–35530 Filed 11–13–80; 8:45 am]

BILLING CODE 4110–07–M

Food and Drug Administration

21 CFR Part 81

[Docket No. 76N–0366]

Provisionally Listed Color Additives; Proposal To Postpone the Closing Date for the Provisional List of Certain Color Additives

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: In response to three citizen petitions, the Food and Drug Administration (FDA) is proposing to postpone the closing date for the use of certain provisionally listed color additives beyond January 31, 1981. The postponement would be conditioned upon the timely completion of ongoing scientific investigations and the submission of data to FDA on a prescribed schedule.

DATE: Comments by January 13, 1981.

ADDRESS: Written comments (preferably four copies) to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Kenneth J. Falci, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5741.

SUPPLEMENTARY INFORMATION: The Color Additive Amendments of 1960 established a system of premarket approval for all color additives used in foods, drugs, and cosmetics. Under the amendments the sponsor of a color additive has the burden of demonstrating prior to marketing that the additive is safe for its intended use.

Recognizing that many colors were already in use at the time the amendments were enacted, Congress established transitional provisions to allow for the provisional listing and continued use of those colors where completion of studies were necessary to determine whether they should be permanently listed under the standards established in the new amendments.

Section 81.1 (21 CFR 81.1) of the color additive regulations designates those color additives that are provisionally listed under section 203(b) of the transitional provisions to the Color Additive Amendments of 1960 (Title II, Pub. L. 86–618, 74 Stat. 404–407 (21 U.S.C. 376, note)), along with their respective "closing dates." A "closing date" is the last day upon which a provisionally listed color can be legally used, absent an approval of the color additive petition and its permanent listing.

A color additive may be permanently listed only if data established that it is safe under its permitted conditions of use. The transitional provisions permit the provisional listing of color additives for aperiod of time necessary to complete scientific investigations needed to establish their safety. The closing date for such colors can be extended if, in the Commissioner's judgment, such action is consistent with the objective of carrying to completion in good faith and as soon as reasonably practicable the scientific investigations necessary for making the safety determination with respect to the provisionally listed colors. See *Health*

Research Group v. *Califano*, Civil No. 77–293 (D.D.C. 1977). It was under these provisions that the 23 color additives discussed in this document were provisionally listed.

As a safeguard to assure the protection of the public health, the agency reviews progress reports on the scientific investigations. If it is determined that a color additive is unsafe, the Commissioner will terminate the provisional listing of the color additive. Additionally, petitioners are required to notify FDA immediately of any findings that indicate a potential for a color additive to cause adverse effects.

Under Title II of the Color Additive Amendments of 1960 and under authority delegated to the Commissioner of Food and Drugs, FDA is authorized to postpone the closing date of a provisional listing of a color additive on the Commissioner's own initiative or upon the application of an interested person. Section 203(d)(1) of Title II requires the issuance of regulations or amended regulations establishing, insofar as practicable, a current listing of color additives and the particular uses considered to be provisionally listed. In April 1980, FDA received three citizen petitions from the Cosmetic, Toiletry and Fragrance Association, Inc. (CTFA), 1133 15th St. NW., Washington, DC 20005, Pharmaceutical Manufacturers Association, Inc. (PMA), 1155 15th St. NW., Washington, DC 20004, and Certified Color Manufacturers Association, Inc. (CCMA), 900 17th St. NW., Washington, DC 20006, requesting the Commissioner to amend §§ 81.1 and 81.27 to postpone the closing dates for the provisional listing of 23 color additives for which they have submitted color additive petitions requesting "permanent" listing. The current closing date for the 23 color additives, January 31, 1981, was established by a regulation published in the **Federal Register** of February 4, 1977 (42 FR 6392). That regulation established new closing dates for 52 provisionally listed color additives based upon FDA's conclusion that the postponement was consistent with the objective of carrying to completion, in good faith, and as soon as reasonably practicable, the scientific investigations necessary for making a determination as to listing these color additives under section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376). This action was part of the agency's publicly stated commitment, published in the **Federal Register** of January 5, 1976 (41 FR 754), to make final determinations about the "permanent" listing of the provisionally listed colors and to take steps to resolve the status of each of the provisionally listed color additives. Since February 4, 1977, final action has been taken on 24 provisionally listed color additives.

The CTFA, PMA, and CCMA have initiated new chronic-feeding studies on the 23 color additives which are the subject of this proposal so that a final determination as to their listing can be made. New chronic feeding studies for the 23 color additives were considered by FDA to be necessary because the earlier chronic studies on these colors were done during the 1950's and 1960's and those studies are no longer considered adequate to determine safety when judged by contemporary standards for toxicological studies. The petitioners of these 23 color additives undertook promptly and in good faith the chronic feeding studies required by § 81.27 (21 CFR 81.27) of the February 4, 1977 regulation. Below the agency explains the events which have led to this proposal to postpone the closing date for the 23 color additives at issue.

The time period from the initial announcement in the February 4, 1977 **Federal Register** through August 4, 1980, provided 42 months for conducting the studies. In their letter to FDA dated December 10, 1976, the petitioners expressed concern that there were insufficient laboratory facilities and personnel available to ensure the timely completion of the studies. The February 4, 1977 **Federal Register** announcement permitted petitioners from March 7, 1977, until April 7, 1977, to submit a protocol for conducting studies to FDA. This protocol was accepted, in general, the last week of April 1977, thus reducing by 3 months the time for conducting the study. Before the studies could be initiated, the petitioners needed an additional 4 months to arrange the $13 million financing necessary to fund the studies, find appropriate and adequate animal testing laboratories that could meet FDA's Good Laboratory Practice (GLP) requirements under 21 CFR Part 58, contract with the laboratories, develop specific protocols for the rat and mouse studies, obtain FDA approval of each specific protocol, obtain FDA certification of the colors, and purchase and acclimatize the animals. The fact that the petitioners accomplished all these tasks in a 4-month time span demonstrated their good faith in attempting to satisfy FDA's stringent time requirements. Nonetheless, this reduced the time period available for actually conducting the studies to 35 months.

With regard to the required in utero rat studies, 4 months are required for the in utero phase and 30 months for the subsequent lifetime feeding phase. The petitioners assert that the 1 month remaining is totally inadequate for sacrificing the animals from the 36 studies, performing necropsies, preparing approximately 1 million histopathological slides, reviewing and verifying the results, and writing the final report. The agency agrees.

There have arisen unforeseen and unavoidable delays in petitioners' chronic feeding studies which justify postponement of the closing date to allow for the completion and evaluation of these studies. For example:

1. FDA needed additional time to approve the protocols and dosage levels.
2. FDA changed the high dose levels after the studies were initiated, necessitating the addition of another dose level to some studies.
3. There were laboratory delays in preparing the test protocols and final reports.
4. There were shortages of color additives midway through the testing program.

Because of the novel protocols involved in these studies, one source of unexpected delay was the lack of historical data to assist the petitioners and FDA toxicologists in accurately predetermining the dose levels that should be fed to the test animals, including the in utero exposure. The stringent timetable forced the petitioners to begin the chronic feeding studies before FDA had approved the dose levels to be fed. FDA later disagreed with the choice of dose levels involving 13 of the color additives (example 2, above). The petitioners and FDA agreed at that time that an additional higher dose level with a concurrent control group would be initiated for each of the color additives involved as soon as possible. In each case, however, the data on the first three dose levels were to be submitted to FDA by August 4, 1980. FDA would then evaluate the data on the three dose levels submitted to determine whether provisional listing should continue until the final report containing the data on the fourth and highest dose was submitted.

Moreover, unavoidable delays were also caused by the tremendous shortage of adequate animal testing laboratories and, especially trained pathologists in this country and abroad at a time when Congress and many Federal agencies are requiring more and more animal safety testing. This shortage has caused large work backlogs in these laboratories. In addition, the implementation of FDA's GLP

requirements has increased this backlog by decreasing the number of acceptable testing facilities.

The staggered final report dates now being proposed would allow the four animal testing laboratories involved sufficient time, considering their available resources, to evaluate and prepare the final reports. These staggered report dates should also help alleviate difficulties that FDA is experiencing in reviewing such data in a timely manner because of severe employee shortages by spreading the influx of data over a 2-year time span.

Based on the available evidence relating to the safety of the 23 colors, FDA believe they can continue to be used safety during the testing and review period and that the proposed extension of the provisional listings for these colors is therefore consistent with the protection of the public health.

The current issue of Title 21 of the Code of Federal Regulations (revised as of April 1, 1980) incorrectly gives a closing date of "January 31, 1981" and restrictions of "surgical sutures use only" for lakes (D&C) under § 81.1(b) and a closing date of "October 31, 1977" for lakes (Ext. D&C) under § 81.1(c).

These closing dates in the restrictions were inadvertently left in the compiled regulation as the color additive for which they were intended or listed. Those errors are deleted in the proposed regulation set forth below. FDA is currently considering comments on the lakes received in response to the notice of intent to propose rules published in the **Federal Register** of June 22, 1979 (44 FR 36411). The agency expects to make a decision and publish in the **Federal Register** in the near future a proposal concerning lakes of color additives.

In the regulation of February 4, 1977 (42 FR 6992), the agency found that publication of a postponement of the closing date for 52 provisionally listed color additives would not have a significant effect on the quality of the human environment. This proposed action would likewise have no significant effect on the quality of the human environment because it would simply permit a continuation of the use of 23 of those 52 provisionally listed color additives while scientific studies are being completed and evaluated. This action involves only continuation of ongoing scientific investigations and the submission of data on a prescribed schedule. Thus, the potential environmental effects of this proposed action will not have a significant impact on the human environment and no environmental impact statement is required.

Therefore, under the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, 74 Stat. 404-407 (21 U.S.C. 376 (note))) and under authority delegated to the Commissoner of Food and Drugs (21 CFR 5.1), it is proposed that Part 81 of Subchapter A of Title 21 of the Code of Federal Regulations be amended as follows:

1. In § 81.1(a), (b) and (c) by revising the tables therein to read as follows:

§ 81.1 Provisional lists of color additives.

* * * * *

(a) * * *

	Closing date		
	Food use	Drug and cosmetic use	Restrictions
FD&C Blue No. 1 (sec. 74.101 of this chapter).	Oct. 30, 1982.[1]	Oct. 30, 1982.	
FD&C Blue No. 2 (sec. 74.1102 of this chapter).	Oct. 30, 1982.	....do....	Food an ingested drugs.
FD&C Green No. 3 (sec. 82.203 of this chapter).	Nov. 16, 1982.	Nov. 16, 1982.	
FD&C Red No. 3 (sec. 74.303 of this chapter).	Oct. 2, 1983.[1]	Oct. 2, 1983.	
FD&C Yellow No. 5 (sec. 74.705 of this chapter).	Oct. 7, 1983.[1]	Oct. 7, 1983.	
FD&C Yellow No. 6 (sec. 82.706 of this chapter).	Feb. 28, 1984.	Feb. 28, 1984.	
Lakes (FD&C) (sec. 82.51 of this chapter).			

[1] Lakes only.

(b) * * *

	Closing date	Restrictions
D&C Green No. 5 (sec. 74.1205 of this chapter).	May 30, 1982.....	
D&C Green No. 6 (sec. 74.1206(a) and (b) of this chapter).	Jan. 31, 1981.....	
D&C Orange No. 5 (sec. 82.1255 of this chapter).	Oct. 30, 1982.....	Sec. 81.25.
D&C Orange No. 10 (sec. 82.1260 of this chapter).	Jan. 31, 1981.....	
D&C Orange No. 11 (sec. 82.1261 of this chapter).	....do....	
D&C Orange No. 17 (sec. 82.1267 of this chapter).	Mar. 31, 1983	Do
D&C Red No. 6 (sec. 82.1306 of this chapter).	Dec. 31, 1982.....	
D&C Red No. 7 (sec. 82.1307 of this chapter).	....do....	
D&C Red No. 8 (sec. 82.1308 of this chapter).	Sept. 30, 1983....	Sec. 81.25.
D&C Red No. 9 (sec. 82.1309 of this chapter).	....do....	Do.
D&C Red No. 19 (sec. 82.1319 of this chapter).	Feb. 28, 1983.....	Do.
D&C Red No. 21 (sec. 82.1321 of this chapter).	Nov. 30, 1982.....	
D&C Red No. 22 (sec. 82.1322 of this chapter).	....do....	
D&C Red No. 27 (sec. 82.1327 of this chapter).	Oct. 30, 1982.....	
D&C Red No. 28 (sec. 82.1328 of this chapter).	....do....	
D&C Red No. 30 (sec. 82.1330 of this chapter).	May 30, 1982.....	
D&C Red No. 33 (sec. 82.1333 of this chapter).	Mar. 31, 1983.....	Sec. 81.25
D&C Red No. 36 (sec. 82.1336 of this chapter).	Sept. 30, 1984....	Do.
D&C Red No. 37 (sec. 82.1337 of this chapter).	Feb. 28, 1983.....	Do.
D&C Yellow No. 10 (sec. 82.1710 of this chapter).	Apr. 30, 1983.....	Do.
Lakes (D&C) (sec. 82.1051 of this chapter).		

(c) * * *

	Closing date	Restrictions
Lakes (ext. D&C) (sec. 82.105(1) of this chapter).		

* * * * *

2. In § 81.27 by revising the introductory text of paragraph (d), paragraph (d)(3), the introductory text of paragraph (e), and paragraph (e)(2) and by adding paragraph (d)(5), to read as follows:

§ 81.27 Conditions of provisional listing.

* * * * *

(d) The closing dates and dates for final reports for the following 23 color additives are postponed in accordance with the following list while chronic toxicity feeding studies are conducted and evaluated and subject to compliance with the requirements of this paragraph:

	Final report due	closing date
FD&C Blue No. 1	Oct. 30, 1981	Oct. 30, 1982
FD&C Blue No. 2	Oct. 30, 1981	Oct. 30, 1982
FD&C Green No. 3	Nov. 16, 1981	Nov. 16, 1982
D&C Green No. 5	May 30, 1981	May 30, 1982
D&C Orange No. 5	Oct. 30, 1981	Oct. 30, 1982
D&C Orange No. 17	Mar. 31, 1982	Mar. 31, 1983
FD&C Red No. 3	Oct. 2, 1982	Oct. 2, 1983
D&C Red No. 6	Dec. 31, 1981	Dec. 31, 1982
D&C Red No. 7	Dec. 31, 1981	Dec. 31, 1982
D&C Red No. 8	Sept. 30, 1982	Sept. 30, 1983
D&C Red No. 9	Sept. 30, 1982	Sept. 30, 1983
D&C Red No. 19	Feb. 28, 1982	Feb. 28, 1983
D&C Red No. 21	Nov. 30, 1981	Nov. 30, 1982
D&C Red No. 22	Nov. 30, 1981	Nov. 30, 1982
D&C Red No. 27	Oct. 30, 1981	Oct. 30, 1982
D&C Red No. 28	Oct. 30, 1981	Oct. 30, 1982
D&C Red No. 30	May 30, 1981	May 30, 1982
D&C Red No. 33	Mar. 31, 1982	Mar. 31, 1983

	Final report due	closing date
D&C Red No. 36	Sept. 30, 1983	Sept. 30, 1984
D&C Red No. 37	Feb. 28, 1982	Feb. 28, 1983
FD&C Yellow No. 5	Oct. 7, 1982	Oct. 7, 1983
FD&C Yellow No. 6	Feb. 28, 1983	Feb. 28, 1984
D&C Yellow No. 10	Apr. 30, 1982	Apr. 30, 1983.

* * * * *

(3) An initial progress report of the studies on the color additives shall be submitted to the Division of Food and Color Additives by December 31, 1977. Further progress reports shall be submitted at 6-month intervals thereafter.

* * * * *

(5) The closing date for the color additive, caramel is postponed until January 31, 1981, while a lifetime mouse skin painting study is conducted and evaluated, and subject to compliance with the requirements of this paragraph.

(e) The closing dates for FD&C Red No. 3 and D&C Red No. 33 are postponed until October 2, 1983 and March 31, 1983, respectively, while multigeneration reproduction studies are conducted and evaluated, and subject to compliance with the requirements of this paragraph.

* * * * *

(2) An initial progress report of the studies on the color additives shall be submitted by July 1, 1978 and at 6-month intervals thereafter. A full report of the studies conducted on the color additives shall be submitted to the Division of Food and Color Additives in accordance with the scheduled dates in paragraph (d) of this section.

* * * * *

Interested persons may, on or before January 13, 1981 submit to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, as amended by Executive Order 12221, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order.

Dated: November 10, 1980.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 80-35532 Filed 11-13-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 610

[Docket No. 79N-0408]

General Biological Products Standards; Pyrogen Test Requirements

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to revise the biologics regulations to conform with the requirements of the latest revision of the Pyrogen Test appearing in the United States Pharmacopeia (U.S.P.) XX which became official July 1, 1980. There is no substantive change in the requirements or procedures of this test. The agency is also proposing to amend the regulations to clarify that the requirement for testing each lot of a product for pyrogenic substances means testing of the product when packaged in final containers and not as bulk material and to permit the use of a different test for pyrogenic substances equal or superior to the U.S.P. test, provided that such test has been approved for use by the Director, Bureau of Biologics.

DATES: Comments by January 13, 1981; proposed effective date of final order is 30 days after the date of its publication in the **Federal Register.**

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard E. Fisher, Bureau of Biologics (HFB-620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: The biologics regulations in § 610.13(b) (21 CFR 610.13(b)) require that each lot of any product intended for use by injection shall be tested for pyrogenic substances, unless specifically exempted. The regulation also describes the test procedure and the requirements for analysis of the test results. With the exception of specific test doses for certain biological products, the pyrogen test procedure and the requirements for analysis of the test results prescribed by the regulation are basically a reprint of the Pyrogen test requirements appearing in the U.S.P. XIX, which was "official" from July 1, 1975 through June 30, 1980. The latest revision of the official compendium, the U.S.P. XX, became official on July 1, 1980. This revision includes several editorial modifications in the description of the pyrogen test procedure. No substantive changes were made in the test procedure or analysis of test results.

To simplify, shorten, and expedite its regulation development process, the agency has determined that incorporating these revised procedures by reference, rather than reprinting them, is appropriate. This action is consistent with Executive Order 12044 for improving government regulations by making the resulting regulation clearer and simpler.

Accordingly, FDA is proposing to amend § 610.13(b)(2) to reference the requirements of the Pyrogen Test of the current edition of the U.S.P. FDA is also proposing to amend § 610.13(b) to clarify that the requirement for testing each lot of a product for pyrogenic substances means testing of the product when packaged in final containers and not as bulk material; and § 610.13(c) to permit the use of a different test for pyrogenic substances equal or superior to the U.S.P. test, provided that such test has been approved for use by the Director, Bureau of Biologics.

The agency has determined pursuant to 21 CFR 25.24(d)(10) (proposed December 11, 1979, 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Public Health Service Act (section 351, 58 Stat. 702, as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), it is proposed that Part 610 be amended in § 610.13 by revising the introductory text of paragraph (b), and by revising paragraphs (b)(2), and (c) to read as follows:

§ 610.13 Purity.

* * * * *

(b) *Test for pyrogenic substances.* Each lot of final containers of any product intended for use by injection shall be tested for pyrogenic substances by intravenous injection into rabbits as provided in paragraph (b)(1) and (2) of this section: *Provided,* That notwithstanding any other provision of subchapter F of this chapter, the test for pyrogenic substances is not required for the following products: Products

containing formed blood elements; Cryoprecipitated Antihemophilic Factor (Human); Single Donor Plasma (Human); Source Plasma (Human); Normal Horse Serum; bacterial, viral, and rickettsial vaccines and antigens; toxoids; toxins; allegenic extracts; venoms; diagnostic substances and trivalent organic arsenicals.

* * * * *

(2) *Test procedure, results, and interpretation; standards to be met.* The test for pyrogenic substances shall be performed according to the requirements specified in United States Pharmacopeia XX.

(c) *Different tests equal or superior.* A different test for residual moisture or pyrogenic sustances may be performed provided that prior to its performance the manufacturer submits data which the Director, Bureau of Biologics, finds adequate to establish that the different test is equal or superior to the test described in paragraph (a) or (b) of this section and makes the finding a matter of official record.

Interested persons may, on or before January 13, 1981, submit to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, as amended by Executive Order 12221, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order. A copy of the regulatory analysis assessment supporting this determination is on file with the Dockets Management Branch (formerly the Hearing Clerk's office), Food and Drug Administration.

Dated: November 5, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–35645 Filed 11–13–80; 8:45 am]

BILLING CODE 4110–03–M

21 CFR Part 890

[Docket No. 78N–1183]

Physical Medicine Devices, Classification of Powered Myoelectric Biofeedback Equipment; Withdrawal of Proposed Rule

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing its proposal of August 28, 1979, that would have classified physical medicine powered myoelectric biofeedback equipment into class II (performance standards). The agency has determined that this device is essentially the same as another device, the neurological biofeedback device, which the agency already has classified into class II as part of the proceeding to classify neurological devices. Because the two regulations concern the same generic type of device, the agency is withdrawing the proposal of August 28, 1979. The administrative record for this proposal shall be included with the administrative record for the final regulation classifying the neurological biofeedback device into class II.

FOR FURTHER INFORMATION CONTACT: James R. Veale, Bureau of Medical Devices (HFK–440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 28, 1979 (44 FR 50464), FDA proposed that physical medicine powered myoelectric biofeedback equipment be classified into class II (performance standards). This action was taken as part of the agency's overall implementation of the Medical Device Amendments of 1976 (the amendments) that established a system for the regulation of medical devices for human use. One provision of the amendments, section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), establishes three categories (classes) of devices, depending upon the regulatory controls needed to provide reasonable assurance of their safety and effectiveness: class I (general controls), class II (performance standards), and class III (premarket approval). The amendments also established a procedure for the agency to promulgate regulations classifying each generic type of device into one of these three classes. Because the same generic type of device may be used in different medical specialty areas (anesthesiology, neurology, general and plastic surgery, etc.) under different names, the agency continues to consolidate its list of generic types of devices.

After publication of the proposal to classify powered myoelectric biofeedback equipment as part of the physical medicine device classification proceeding, the agency determined that biofeedback devices already had been proposed for classification into class II as part of the neurological device classification proceeding. The final regulation classifying biofeedback devices into class II was published in the **Federal Register** of September 4, 1979 (44 FR 51762). The agency has determined that physical medicine powered myoelectric biofeedback equipment are essentially the same as neurological biofeedback devices.

The one comment that was received on the proposed classification regulation for powered myoelectric biofeedback equipment stated that the identification of the device was incorrect. The comment stated that the device monitors muscle contraction/relaxation and does not apply an electrical current to the body and does not measure the electrical properties of nerves, skin temperature, or skin resistance. The comment said the device only measures the intrinsic electrical properties of muscles. The comment did not disagree with the proposal to classify the myoelectric biofeedback equipment into class II. The agency partially agrees with the comment. The identification of the physical medicine biofeedback device was not consistent with the name of the device. Also, paragraph 3 of the physical medicine proposal incorrectly stated that the biofeedback device applies an electrical current to the body. However, the agency believes that some kinds of biofeedback devices included in the neurological biofeedback devices regulation do monitor skin temperature and other physiological parameters besides muscle activity. Therefore, the agency believes that generic biofeedback devices are correctly identified in that regulation.

Accordingly, to avoid unnecessary device classification regulations, the agency hereby withdraws the August 28, 1979 proposal to classify physical medicine powered myoelectric biofeedback equipment. The administrative record for the August 28, 1979 proposal, including the one comment recieved on it, will be included in the administrative record for the September 4, 1979 rule classifying neurological biofeedback devices into class II (Docket No. 78N–1076).

Persons who disagree with the final classification of a device may petition for reclassification of the device under Subpart C of Part 860 (21 CFR Part 860).

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1).

Dated: November 5, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-35651 Filed 11-13-80; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 51

[LR-152-80]

Windfall Profit Tax; Clarification of Rules Relating to Base Prices of Tier 2 and Tier 3 Oil

AGENCY: Internal Revenue Service, Treasury

ACTION: Amendment of proposed rulemaking by cross-reference to amended temporary regulations.

SUMMARY: In the Rules and Regulations portion of this **Federal Register**, the Internal Revenue Service is issuing temporary excise tax regulations that clarify rules previously published relating to base prices of tier 2 and tier 3 oil for purposes of the windfall profit tax on oil imposed by title I of the Crude Oil Windfall Profit Tax Act of 1980. The temporary regulations clarify that a base price determination is made on a property-by-property basis and provide rules for making that determination. The text of those temporary regulations also serves as the comment document for this proposed rulemaking.

DATES: Written comments and reguests for a public hearing must be delivered or mailed by January 13, 1981.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–152–80), 1111 Constitution Avenue, NW, Washington, D.C. 20224.

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

SUPPLEMENTARY INFORMATION:

Cross Reference

The temporary regulations in the Rules and Regulations portion of this issue of the **Federal Register** amends 26 CFR Part 150. The final regulations which are proposed to be based on the temporary regulations would amend 26 CFR Part 51.

For the text of the temporary regulations, see FR Doc. 35739 (T.D. 7738) published in the Rules and Regulations portion of this issue of the **Federal Register.**

Comments and Public Hearing

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

Request For Comments Upon Specific Issue

Persons submitting comments are specifically invited to discuss the merits of alternatives to the prescribed methods of determining base prices, such as by reference to posted prices.

Drafting Information

The principal author of these proposed regulations was Eileen Murphy of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these regulations, both on matters of substance and style.

P. E. Coates,

Acting Commissioner of Internal Revenue.

[FR Doc. 80-35738 Filed 11-12-80; 12:13 pm]

BILLING CODE 4830-01-M

DEPARTMENT OF LABOR

Office of Labor-Management Standards Enforcement

29 CFR Parts 402 and 403

Responsibility of Labor Organizations To Make Available to Members Information Contained in Reports Filed With the Department of Labor; Denial of Petition To Amend Regulations

AGENCY: Department of Labor.

ACTION: Denial of petition.

SUMMARY: The Department of Labor has determined that further action on a petition to require labor organizations to mail directly to all members copies of their current constitutions and bylaws together with information from annual financial and information reports filed with the Department under the Labor-Management Reporting and Disclosure Act of 1959, as Amended, is unnecessary and inappropriate. The Department denies the petition because of the lack of evidence that labor organizations fail to make the required information available to their members and because there are in any case existing remedies available to correct occurrences of such failure as they may occur. Consequently, the cost to labor organizations for implementing the proposal are not justified.

FOR FURTHER INFORMATION CONTACT: Herbert Raskin, Room N–5109, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210; 202–523–7373.

SUPPLEMENTARY INFORMATION: The Department of Labor received a petition pursuant to the Administrative Procedure Act, 5 U.S.C. 553(e), to amend the Department regulations at 29 CFR 402.10 and 403.8. The current regulations set forth the requirement of subsection 201(c) of the Labor-Management Reporting and Disclosure Act of 1959, as Amended (LMRDA) that labor organizations make information available to members from the reports which are submitted to the Department under subsections 201(a) and (b) of the LMRDA.

The petition proposes that the regulations be amended to require every labor organization to mail to each member a copy of its current constitution and bylaws together with information from its annual financial reports and from its current information report. The petition states that the current regulations make it possible for labor organizations to circumvent their disclosure obligations under the LMRDA and that members may be subject to expense, inconvenience and intimidation if they can obtain the information only by request and/or by inspection at labor organization offices.

A notice was published in the **Federal Register** on February 9, 1979 (44 FR 8294) inviting comments from the public concerning the petition. The sixty day comment period was extended thirty days in a notice published in the **Federal Register** of April 10, 1979 (44 FR 21302). Press releases on the petition were distributed to the media and copies of the notices were sent to national and international labor organizations, organizations of rank and file members, public interest and employer

organizations, universities with labor education programs, and professors prominent in the field of labor-management relations.

The Department received 108 comments from the public on the petition, most of which were from union officials who were opposed to the proposal. These comments cited the extensive costs to unions in implementing the proposal with regard to both the direct costs for duplicating and mailing the documents in question and the indirect costs of the time of union officers and employees. They also argued that there was no evidence that unions are not meeting their obligation under the LMRDA to make information available to their members, that any member who wants reports can easily obtain them from his or her union and from the Department of Labor, that there are sufficient remedies available to the Department and to individual members to take action against a union which fails to make information available, that Congress did not intend to require unions to mail copies of the reports to their members, and that the Department does not have the authority under the LMRDA to impose such an obligation.

The comments in support of the petition made general observations regarding the importance of members having information concerning their unions in order to maintain union democracy, the general lack of information that members have concerning their unions, and the difficulty of obtaining information from their unions. Two of these comments referred to specific cases. One commenter discussed a problem he had several years ago in obtaining a copy of his union's collective bargaining agreement (a situation that is covered by another provision of the LMRDA and would not be affected by the proposal under consideration), and another commenter discussed problems he once had when he distributed information to his fellow members from a report which was filed by his union under the LMRDA. Neither the petition nor any of the comments, however, referred to specific instances in which a union refused to make information from the reports available to a member.

The Department's Evaluation of the Petition

The LMRDA does not specifically require unions to mail or otherwise make directly available to every member copies of the reports filed under the LMRDA. The LMRDA, in fact, deleted a provision of the Labor-Management Relations Act of 1947 that required unions to "furnish" members the annual financial reports required under the Act. In its place the LMRDA set forth the more general requirement that unions "make available" to members the information contained in reports filed under the LMRDA and provided that the Secretary shall make the reports available for inspection and shall furnish copies upon request. However, the broad rulemaking and enforcement authority granted the Secretary of Labor undr sections 208, 209 and 210 would enable him to issue regulations requiring unions to mail or otherwise distribute the reports if it were found that violations of the "make available" requirement were extensive and could not be remedied by other means available under the LMRDA.

The petition and the comments have not provided evidence of violations of the "make available" requirement of section 201(c) of the LMRDA. The assertion that the current regulations enable unions to evade their obligations and may result in inconvenience, expense and intimidation for union members, and the general references to the problems members have with their unions is not sufficient to justify imposing extensive costs on unions which must ultimately be borne by the members themselves. Further, the two specific cases cited in the comments do not deal with the failure of a union to make information from reports available to a member. In order for the Department to adopt the amendments set forth in the petition, there must be clear evidence that there is a problem which cannot be alleviated by other means.

The analysis and arguments offered in the petition, the observations made in the comments, and the experience of the Department in administering the LMRDA do not provide the requisite evidence that there is such a problem.

There are sufficient remedies at present if a labor organization fails to make information from the reports available to members. Under sections 209 and 210 of the LMRDA, the Secretary of Labor may bring criminal or civil action, respectively, for any such violation. Under subsection 201(c), a member may for just cause bring private civil action against the labor organization in order to examine any records necessary to verify the reports. In addition, the reports are public information and are available for examination and purchase from the Department of Labor. All reports are maintained in the National Office in Washington, and each of the 24 area offices of the Labor-Management Services Administrtion (LMSA) maintains copies of the reports for all labor organizations within its geographic jurisdiction.

After considering all the evidence and arguments, the Department has concluded that the current regulations at 29 CFR 402.10, 403.8 should not be amended. The Department is of course concerned that members have information concerning their labor organizations so that they can be active and knowledgeable participants in union affairs and so that they may be able to take action against any improper activities. In this regard, any member who has difficulty in obtaining information from his or her union, or who has any other question or problem regarding the LMRDA, should contact the National Office or any area office of LMSA. Although there is insufficient evidence to justify the costs of requiring unions to mail copies of reports to all members, the Department is prepared to take appropriate action, including amending the present regulations, to insure full compliance with the LMRDA.

(Secs. 201, 208, 73 Stat. 524, 529; 29 U.S.C. 431, 438; Secretary's Order No. 9–77)

Signed at Washington, D.C. this 7th day of November 1980.

William P. Hobgood,

Assistant Secretary of Labor for Labor-Management Relations

[FR Doc. 80-35613 Filed 11-13-80; 8:45 am]

BILLING CODE 4510-29-M

Occupational Safety and Health Administration

29 CFR Parts 1903 and 1977

[Docket No. W005]

Walkaround Compensation

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Proposed rulemaking

SUMMARY: This notice proposes to add two new OSHA regulations requiring employers to compensate employees who participate in walkaround inspections or related activities. These requirements would protect the statutory right of employees to participate in inspections of their working conditions together with the OSHA inspector and would ensure that employees are not discouraged from participation in these inspections by fear of loss of compensation.

DATES: Comments on these proposed rules must be postmarked by December 29, 1980.

ADDRESS: Comments are to be sent to: Docket Officer, Docket No. W005, U.S. Department of Labor, 200 Constitution

Avenue, N.W., Room S–6212, Washington, D.C. 20210, Telephone (202) 523–8151.

FOR FURTHER INFORMATION CONTACT: Mark J. Lerner, Room S–4004, 200 Constitution Avenue, N.W., Washington, D.C. 20210, Telephone (202) 523–6569.

SUPPLEMENTARY INFORMATION:

I. Background

A. Statutory Framework

The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) ("the Act"), was enacted "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources." In order to carry out these purposes, section 8(a) of the Act authorizes the Secretary of Labor to conduct inspections and investigations of workplaces in order to determine whether violations of the Act are present. An essential feature of such inspections is set forth in section 8(e) of the Act, which provides:

> Subject to regulations issued by the Secretary, a representative of the employer and a representative authorized by his employees shall be given an opportunity to accompany the Secretary or his authorized representative during the physical inspection of any workplace under subsection (a) for the purpose of aiding such inspection. Where there is no authorized employee representative, the Secretary or his authorized representative shall consult with a reasonable number of employees concerning matters of health and safety in the workplace.

Thus, the Act grants employers and employees an express right to accompany an OSHA inspector for the purpose of aiding the inspection. The Act also grants employees the right to complain to OSHA compliance officers prior to or during an inspection about possible violations of the Act (section 8(f)(2)). It also provides that OSHA compliance officers may question employees about workplace conditions (section 8(a)(2)) and may, as noted, consult with a reasonable number of employees about occupational safety and health matters where there is no employee representative. The right to accompany an OSHA inspector may be implemented by the promulgation of regulations pursuant to section 8(e). In addition, this right, as well as the other rights under sections 8(a)(2), 8(e) and 8(f)(2), may be implemented pursuant to section 8(g)(2) of the Act, which provides:

> The Secretary and the Secretary of Health, Education and Welfare shall each prescribe such rules and regulations as he may deem necessary to carry out their responsibilities under this Act, including rules and regulations dealing with the inspection of an employer's establishment.

Also relevant is section 11(c) of the Act, which proscribes discharge of, or discrimination against, any employee because the employee has, inter alia, filed an OSHA complaint, instituted OSHA proceedings, testified in such proceedings, or exercised any right afforded by the Act. Section 11(c)(1) is enforced by the institution of civil actions in federal district courts by the Secretary of Labor. As set forth in more detail below, pursuant to its authority under sections 8(e), 8(g)(2) and 11(c), OSHA is proposing regulations requiring employers to compensate employees for time spent in walkaround inspections and related activities.

B. History of Walkaround Compensation Regulations

In 1973, the Assistant Secretary of Labor for Occupational Safety and Health, relying in part upon the then Solicitor of Labor's opinion that walkaround time was not "hours worked" under the Fair Labor Standards Act (FLSA), 29 U.S.C. 203(o) (1976), concluded that an employer's failure to pay employees for time spent with the OSHA inspector was not a per se violation of section 11(c). This conclusion was subsequently promulgated as a regulation interpreting section 11(c). See 38 FR 2681, 2684 (January 29, 1973) (codified at 29 CFR 1977.21(a) (1975)).

In a civil action brought by employees to recover wages lost because of participation in an OSHA inspection, the United District Court for the District of Columbia upheld the Department of Labor's interpretation. "Leone v. Mobil Oil Corp.," 377 F. Supp. 1302 (D.D.C. 1974), aff'd 523 F.2d 1153 (D.C. Cir. 1975). Affirming that decision, the United States Court of Appeals for the District of Columbia Circuit held that because walkaround time primarily benefits employees and because the walkaround is conducted beyond the employer's control, walkaround time does not constitute "hours worked" under the FLSA. "Leone," supra, 523 F.2d 1153, 1163–64. Furthermore, the court held that a walkaround payment requirement could not be inferred from the provisions of the Occupational Safety and Health Act. Id. at 1159–61.

In 1977 the Solicitor of Labor reevaluated the original legal position and issued a new opinion in September, 1977, based on further study and the agency's experience, which stated that walkaround time was "hours worked" under the FLSA, that an employer's failure to pay employees for that time was inherently destructive of the walkaround right, and that therefore the failure to pay was discrimination prohibited by section 11(c)(1) of the Act. On September 20, 1977, the Assistant Secretary promulgated an "interpretive rule and general statement of policy" declaring that "an employer's failure to pay employees for time during which they are engaged in walkaround inspections is discriminatory under section 11(c)." This rule was issued without utilizing the notice-and-comment procedures set forth in the Administrative Procedure Act (APA), 5 U.S.C. 553, and was published at 42 FR 47344, (September 20, 1977), as an amendment to 29 CFR 1977.21.

On October 25, 1977, the Chamber of Commerce of the United States of America (Chamber) filed an action in the United States District Court for the District of Columbia challenging the validity of the new regulation and asking for declaratory and injunctive relief. The district court concluded that the regulation was interpretive and therefore exempt from the notice-and-comment procedures of the APA. The court held that OSHA did not exceed its statutory authority in issuing the new regulation. The Chamber appealed.

On July 10, 1980 the United States Court of Appeals for the District of Columbia Circuit reversed the judgment of the district court and remanded the case to that court with instructions to vacate the new regulation. Initially, relying on its decision in "Leone," supra, the court of appeals held that walkaround time did not constitute "hours worked" within the meaning of the FLSA because the employer did not select or regulate the employee representative during the walkaround, nor was the employer the primary beneficiary of the walkaround. The court also held that the Act itself neither prohibited nor compelled pay for walkaround time. Therefore, according to the court, the new OSHA regulation was not interpretive, but legislative. Because OSHA did not comply with the notice-and-comment procedures under the APA for the promulgation of legislative rules, the new walkaround pay regulation was invalid and should be vacated, the court of appeals concluded. The court, however, expressed no view on whether the Assistant Secretary could reissue the same rule after complying with the notice-and-comment procedures of 5 U.S.C. 553.

On remand the district court vacated the regulation on August 14, 1980. The Assistant Secretary has deleted the prior regulation (45 FR 72118).

II. Basis and Purpose of the Proposal

A. Introduction

OSHA is proposing two regulations requiring pay for walkaround activity in order to assure that employees will effectively participate in walkaround inspections. One regulation, which adds to 29 CFR 1903.8 (Representatives of employers and employees), would be promulgated pursuant to sections 8(e) and 8(g)(2) of the Act. The other, which adds a new 29 CFR 1977.21 to Part 1977, would be issued as a regulation implementing section 11(c) of the Act pursuant to section 8(g)(2). It should be noted here that although we respectfully disagree with the "Chamber" decision that walkaround time is not "hours worked" under the Fair Labor Standards Act (FLSA), this proposal is not based on any determination that walkaround time is "hours worked" under the FLSA.

B. Basis and Purpose of the Addition to 29 CFR 1903.8

1. Statutory Basis.—As noted above, section 8(e) expressly authorizes the Secretary to issue regulations implementing the walkaround requirements of that section. In addition, section 8(g)(2) empowers the Secretary to promulgate regulations as he may deem necessary to carry out his responsibilities under the Act, including regulations dealing with inspections. The proposed regulation, an addition to 29 CFR 1903.8, which details procedures for selection of employer and employee walkaround representatives, is based on the Secretary's authority under section 8(e). Furthermore, since compensation for time spent by employee representatives and by employees engaged in related activities under sections 8(a)(2), 8(e), and 8(f)(2) during the walkaround inspection is essential to assuring such participation and since this employee participation is vital to an OSHA inspection, as discussed below, this proposed regulation is needed to carry out OSHA's responsibility to conduct occupational safety and health inspections. Thus, the proposed regulation is also based on the Secretary's authority under section 8(g)(2).

2. Reasons for the Addition to 29 CFR 1903.8.—Employee involvement in the inspection process is crucial to the successful enforcement of the Act. More particularly, employee participation in the walkaround is intended to aid the Secretary in the performance of his duties and responsibilities under the Act to conduct comprehensive and effective inspections. Employees often are the best sources of information concerning hazardous areas in a workplace, how machinery operates, and potential or actual exposure of employees to workplace hazards. This information is essential to enable representatives of the Secretary to determine whether violations of the Act exist and what enforcement action should be taken. This view of section 8(e) is strongly supported by the legislative history of the Act. Thus, in the development of the Act, Members of Congress repeatedly emphasized the crucial importance of employee participation in the walkaround process. For example, Senator Williams, Chairman of the Senate Labor Committee, and one of the main sponsors of the OSHA bill, stated:

> During the field hearings held by the Subcommittee on labor, the complaint was repeatedly voiced that under existing safety and health legislation, employees are generally not advised of the content and results of a Federal or State inspection. Indeed, they are often not even aware of the inspector's presence and are thereby deprived of an opportunity to inform him of alleged hazards. Much potential benefit of an inspection is therefore never realized, and workers tend to be cynical regarding the thoroughness and efficacy of such inspections. Consequently, in order to aid in the inspection and provide an appropriate degree of involvement of employees themselves in the physical inspections of their own places of employment, the committee has concluded that an authorized representative of employees should be given an opportunity to accompany the person who is making the physical inspection * * * [T]he inspector should have an opportunity to question employees in private so that they will not be hesitant to point out hazardous conditions which they might otherwise be reluctant to discuss" Committee Print, Legislative History of the Occupational Safety and Health Act of 1970, 92d Cong. 1st Sess. (June 1971)" (hereinafter "Leg. Hist."), p. 151.
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> Certainly no one knows better than the working man what the conditions are, where the failures are, where the hazards are, and particularly where there are safety hazards. The opportunity to have the working man himself and a representative of other working men accompanying inspectors is manifestly wise and fair, and in arriving at the objectives of this legislation I think it is one of the key provisions of the bill * * * "Leg. Hist.," p. 430.
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> See also "Leg. Hist.," pp. 852, 1216–17.

Further, other provisions of the Act underscore the overriding importance of employee walkaround in facilitating a free and open exchange of information between the representative of the Secretary and employees. The Act expressly provides in section 8(f)(2) that employees have the right to notify the OSHA inspectors prior to or during the inspection itself of violations which they have reason to believe exist in the workplace. The likelihood and effectiveness of this notification would be greatly increased where an employee representative accompanies the compliance officer during the inspection.

The wisdom of the Congressional judgment to ensure open channels of communication between the Secretary and employees has been continually reinforced throughout the nine years of enforcement experience. During these years, employee participation and cooperation at the inspection stage have proved to be critically important to enforcement efforts under the Act. Information provided by employees often makes the difference between success and failure in the effort to eliminate workplace hazards.

For example, there are many hazardous conditions which cannot be adequately evaluated by OSHA without information from employees who are familiar with the particular condition in the context of the particular workplace and who transmit this information to the compliance officer during the walkaround. Employees are particularly helpful in accident inspections because they may know about the conditions which caused the accident. In addition, there have been many instances where employees have informed OSHA during the inspection of hazards which might otherwise not have been detected by the compliance officer. Moreover, the increasingly complex nature of workplace hazards, as in the health area, has imposed greater burdens on the Secretary in detecting these hazards and has correspondingly made the need for employee involvement at the inspection stage even more compelling. Finally, there have been situations in which employees have explained their work procedures in a manner which establishes that a certain condition is not actually hazardous and that accordingly OSHA should not issue citations.

In particular, authorized employee representatives, who, in many cases, are employees serving on safety and health committees, frequently have a comprehensive understanding of such matters in the workplace, including knowledge of employer policies and practices, prior statements by management representatives, and the interrelationship between various portions of the manufacturing or construction process. This information is essential, for example, in determining whether or not an employer has violated the general duty clause, section 5(a)(1) of the Act, which contains the element of recognition of a hazard; in ascertaining whether or not the employer had actual or constructive

knowledge of a violation, which is an element of serious (section 17(k)) and willful (section 17(a)) violations; and in assessing an argument that a violative condition was the result of isolated employee misconduct.

It is plain that the failure of an employer to pay an employee for time spent during the walkaround would constitute a sufficient economic disincentive to an employee from acting as a representative of employees during a walkaround. This is especially true when lengthy inspections are conducted and significant amounts of compensation would be lost. Moreover, the failure to pay for time spent would discourage employees from engaging in such related activities as notifying compliance officers of hazards during inspections as set forth in section 8(f)(2) of the Act, in consulting with compliance officers on occupational safety and health matters during an inspection where there is no employee representative, as set forth in section 8(e), and in responding to a compliance officer's questions as set forth in section 8(a).

The agency is aware that in some cases unions pay employees who participate in walkaround inspections. However, employees who participate in walkaround may not be unionized and, even where unions are present in the plant, they do not necessarily compensate employees for walkaround time. It would therefore be inequitable to rely on unions as a means of payment.

When employee representatives are discouraged from present and future participation in the walkaround and related activities because of the loss of benefits, the open channels of communication between employees and the Secretary are seriously impaired. OSHA compliance personnel would be substantially limited to reliance on information obtained from the employer representative and through observation of the workplace at the time of the inspection and as a result the likelihood of their obtaining complete and useful information on workplace hazards would be reduced.

C. Basis and Purpose of the New 29 CFR 1977.21

OSHA's proposed regulation adding a new 29 CFR 1977.21 to Part 1977 implements section 11(c) of the Act. As noted previously, section 11(c) proscribes discrimination against, or discharge of, an employee because the employee has, inter alia, filed an OSHA complaint, instituted an OSHA proceeding, or exercised any right afforded by the Act. These rights include, inter alia, the right of an employee representative to accompany an OSHA compliance officer during a walkaround inspection, under section 8(e), as well as the right of employees to discuss occupational safety and health matters with OSHA compliance officers during an inspection as set forth in sections 8(a)(2), 8(e) and 8(f)(2).

Forcing employees to suffer economic loss through a loss of pay or other benefits constitutes a serious disincentive to exercise of these rights and as such is inherently destructive of these rights, as explained previously. Accordingly, an employer's failure to pay for such activity should be treated as per se discrimination against the exercise of employee rights, and therefore violative of section 11(c)(1) of the Act. The specific rule making authority to implement section 11(c) is section 8(g)(2), which, as noted previously, authorizes OSHA to promulgate regulations it deems necessary to carry out its responsibilities under the Act, including its responsibility to carry out the provisions of section 11(c). The implementation of section 11(c)(1) through this proposed regulation will assist OSHA in the carrying out of its section 11(c) enforcement responsibilities by delineating the employer's walkaround compensation obligatons under that section.

III. Summary and Explanation of the Proposed Addition to 29 CFR 1903.8

(1) Requirements

(i) Under the proposed regulation the employer would be required to provide walkaround benefits, described below, to an authorized representative of the employees. The basis for requiring compensation of employee representatives has already been discussed. It should be noted that walkaround benefits would be provided for any type of OSHA inspection.

The intent of the proposal is that as a general matter one employee representative accompanying the compliance officer(s) during a walkaround inspection would be entitled to walkaround benefits. In some situations a group of two or more compliance officers will conduct an inspection jointly. In such circumstances, only one employee representative would be entitled to walkaround benefits. However, as discussed below under subparagraph (iii), in certain circumstances more than one employee representative will be entitled to walkaround benefits.

The proposal provides that opening and closing conferences are part of the physical inspection. These conferences are integral and vital parts of the inspection process. During the opening conference the purpose of the inspection and the ground rules for the inspection are set forth, and employer and employee representatives are identified. This conference is held to assure that the rest of the inspection will be more thorough and expeditious. During the closing conference the compliance officer, employer representative, and employee representative discuss conditions discovered during the inspection which may be violations of the Act. This discussion may prompt the employer to take quick action to abate the hazards. In addition, abatement dates to be set forth in any citations, and the procedures for informal conferences and contests after the issuance of a citation are discussed.

(ii) Under the proposal, if a new employee representative replaces an employee representative then on the inspection team, the employer would be required to provide walkaround benefits to each representative for that portion of the walkaround in which each representative participated.

(iii) If compliance officers, either individually or in groups, inspect different parts of a workplace at the same time or at different times—for example, in a large facility—one employee representative for each inspection team would be entitled to walkaround benefits. It should also be noted here that on a multi-employer worksite, e.g. a construction site, an employee representative from each employer will be entitled to walkaround benefits if such a representative accompanies the compliance officer(s) on the inspection.

As described above, the proposal does not provide walkaround benefits for additional employee representatives from a single employer for a single inspection team. (Compare, Sec. 103(f) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 813(f)). However, it may be argued that since additional representatives of the employees may accompany the compliance officer only if he or she determines that such representatives "will further aid the inspection," 29 CFR 1903.8(a), these additional representatives should also be entitled to walkaround benefits. For example, on a construction site, where a single employer employs a number of trades, it may be necessary for the compliance officer to select more than one employee representative for the inspection. The issue then is whether each employee representative is entitled

to walkaround benefits. Comments are specifically invited on this issue.

(iv) The employer would also be required to provide to any employee walkaround benefits for time spent by employees in other activities related to the inspection.

As noted previously, one related activity is consultation by the compliance officer with employees at the workplace under section 8(e). Pursuant to that section, when there is no authorized employee representative, an OSHA compliance officer must consult with a reasonable number of employees on matters of safety or health in the workplace. Similarly, during any inspection, an OSHA compliance officer may question any employee about safety or health in the workplace, pursuant to section 8(a)(2). Moreover, under section 8(f)(2) of the Act any employee may notify an OSHA compliance officer during an inspection of any possible violation of the Act. All of these activities aid the OSHA compliance officer to accomplish the central purpose of the inspection, i.e. determining whether or not violations exist in the workplace. Like walkaround representatives, these employees should not suffer economic loss for engaging in activities which are expressly authorized by the Act and which are vitally important to the inspection process. There is no limit on the number of employees entitled to walkaround benefits under this provision. However, it is not the intention of OSHA to require as a general matter that employers compensate employees for time spent in discussions with OSHA or Department of Labor personnel outside the workplace as, for example, in the informal conference pursuant to 29 CFR 1903.19.

(v) The requirement that the employer provide walkaround benefits is defined to include maintenance not only of the earnings which the employee would have received if he had performed his work duties, but also of all other benefits, such as seniority and insurance, to which an employee would otherwise be entitled for working. The purpose of this provision is to ensure that the employee suffers no economic loss of any kind because of his participation in the inspection.

(vi) Under the proposed regulation, employee walkaround representatives and employees engaged in related activities will be entitled to receive walkaround benefits only for time spent in the walkaround inspection during their regular working hours, or overtime hours which were assigned or would have normally been assigned by the employer for purposes other than the inspection. Thus, for example, an employer would not be required to provide walkaround benefits to a representative whose regular working day has ended and who returns to the workplace or remains in the workplace solely for the purpose of participating in a walkaround inspection. In such a case the employee would not be losing benefits which he expected. However, if an employee is scheduled to work overtime for purposes other than the inspection or would otherwise normally have been scheduled for such overtime, and during the overtime he participates in the walkaround inspection, he would be entitled to walkaround benefits. On the other hand, while the proposed regulatory language thus does not provide for the payment of walkaround benefits in all situations, an argument could be made that employees should be entitled to walkaround benefits for *any* period of time during which they participate in walkaround inspections because the sacrifice of their personal time without pay constitutes a disincentive to the exercise of their rights. Comments are specifically invited on this issue.

(2) This regulation would be enforced like other OSHA regulations, such as those in Part 1904 on recordkeeping and reporting. If violations of the regulation are found, citations would be issued under section 9(a) and civil penalties, if appropriate, would be proposed. The employer would have the right to contest these citations before the Occupational Safety and Health Review Commission (see section 10), whose decisions are subject to review in the courts of appeals (see section 11(a)). The Secretary also has the right to seek enforcement of final Review Commission orders in the courts of appeals (section 11(b)).

(3) The proposed regulation would be effective with respect to walkaround benefits for time spent in walkaround or related activities on or after the thirtieth day after the promulgation of this regulation. This provision should give employers sufficient time to prepare for compliance with the new regulation as well as satisfy the legitimate expectations for compensation of employees who participate in inspections.

IV. Summary and Analysis of the New 29 CFR 1977.21

Under this proposal a failure to provide walkaround benefits, as specified, would constitute per se discrimination under section 11(c). The requirements of the regulation are identical to those found in the proposed 29 CFR 1903.8(e)(1). The previous explanation of those specific requirements set forth in this notice is hereby incorporated by reference. It should also be noted here that appropriate conforming amendments to 29 CFR 1977.2, which discusses the purpose of Part 1977 (the section 11(c) regulations), would be made to describe the relationship between this regulation and the other provisions of Part 1977.

Cases involving the proposed regulation would be handled like any other section 11(c) case; i.e., in appropriate cases, a civil action would be brought in a federal district court.

The provision on the effective date is the same as that contained in the proposed 29 CFR 1903.8(e).

V. Regulatory Assessment

In accordance with Executive Order No. 12044 (43 FR 12661, March 24, 1978), OSHA has assessed the potential economic impact of this proposal. Based on the economic identification guidelines of the Department of Labor (44 FR 5570, January 26, 1979), OSHA has concluded that the subject matter of this proposal is not a "major" action which would necessitate further economic impact evaluation and the preparation of a regulatory analysis.

In general, the guidelines provide that a regulatory analysis should be performed if the regulation is likely to cause or result in:

(1) An increased cost of $100 million or more in any one year for the national economy;

(2) A $50 million or larger increase in costs or total revenues in any one year for a specific segment of the economy such as a specific industry, geographic regions or state or local government;

(3) A direct dislocation of 10,000 jobs or more;

(4) A substantial limitation on competition, marketing, market information or an increase in concentration in a market doing $100 million of business a year or more.

44 FR 5576.

The third and fourth factors are not relevant to the proposed regulations. With regard to the first two factors, OSHA estimates that walkaround benefits will amount to approximately $5.3 million a year. This estimate has been made on the basis of statistics which take into consideration average wage rates, the number of federal and state OSHA inspections a year, and the average length of a federal OSHA inspection. It also assumes that the only increased cost, as a general matter, will be compensation for the employee representative's walkaround time because, according to OSHA's experience, employers generally do not deduct from wages for time spent by

employees (who are not walkaround representatives) in the discussion of occupational safety and health matters with compliance officers during inspections. The average hourly earnings of a production of nonsupervisory worker on a private nonagricultural payroll during June, 1980, was $6.61. Bureau of Labor Statistics, "Employment and Earnings, September, 1980," Vol. 27, No. 9. According to OSHA statistics, there were 146,288 federal and state OSHA safety inspections during fiscal year 1979, the latest year for which figures are available; there were 19,272 federal and state health inspections during that time. The average length of a federal safety inspection during that year was 4.4 hours; the average length of a federal health inspection was 8.3 hours. (For this preliminary analysis, the average length of state inspections is assumed to be the same). On the basis of these figures, the maximum cost of the proposed regulations would be approximately $5.3 million per year, which is clearly below the threshold for classifying a proposal as a major regulation. Moreover, this is a worst-case estimate since many employers already provide walkaround benefits to employee representatives and thus the increased cost to employers from these regulations should be much less than $5.3 million. Accordingly, it is determined that preparation of a regulatory analysis is not necessary. The benefits of the proposal are significant. As discussed previously, the proposal will encourage walkaround participation, thus increasing the effectiveness of inspections and thereby promoting occupational safety and health.

VI. Public Participation

Interested persons are invited to submit written data, views and arguments with respect to this proposal and all issues involved therein, including the regulatory assessment. These comments must be postmarked on or before December 29, 1980 and submitted in quadruplicate to: Docket Officer, Docket No. W005, Room S-6212, 200 Constitution Ave., NW, Washington, D.C. 20210. Written submissions must clearly identify the provisions of the proposal which are addressed and the position taken with respect to each issue.

Although Executive Order 12044 and the Department of Labor guidelines generally require a sixty-day comment period, a somewhat shorter comment period is being provided. The full sixty days are unnecessary in light of the fact that the issues relating to pay for walkaround have already been subject to extensive public discussion since the agency's original interpretation several years ago and that a notice was published by OSHA on October 31, 1980 (45 FR 72118) deleting the walkaround pay interpretive regulation and stating that OSHA was planning to propose a walkaround compensation regulation shortly.

The data, views and arguments that are submitted will be available for public inspection and copying at the above address. All timely written submissions received will be made a part of the record of this proceeding and will be considered in formulating the final rules.

VII. Authority

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Ave., NW., Washington, D.C. 20210.

Accordingly, pursuant to sections 8(e) and 8(g)(2) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657(e) and 657(g)(2)), 5 U.S.C. 553, and Secretary of Labor's Order 8–76 (41 FR 25059), it is proposed to amend Part 1903 of Title 29 of the Code of Federal Regulations by adding a new paragraph (e) to § 1903.8, as set forth below. In addition, pursuant to sections 11(c) and 8(g)(2) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 660(c) and 657(g)(2)), 5 U.S.C. 553, and Secretary of Labor's Order 8–76 (41 FR 25059), it is proposed to amend Part 1977 of Title 29 of the Code of Federal Regulations by adding a new § 1977.21, as set forth below.

Signed at Washington, D.C. this 6th day of November 1980.

Eula Bingham,

Assistant Secretary, Occupational Safety and Health.

PART 1903—INSPECTIONS, CITATIONS AND PROPOSED PENALTIES

1. It is proposed to amend 29 CFR 1903.8 by adding a new paragraph (e) to read as follows:

§ 1903.8 Representatives of employers and employees.

* * * * *

(e) *Walkaround compensation*—(1) *Requirements.* (i) The employer shall provide to the authorized representative of the employees walkaround benefits for the time during which the representative accompanies the Compliance Safety and Health Officer(s) in a walkaround inspection team during any physical inspection of a workplace, including attendance at the opening and closing conferences.

(ii) If a new employee representative replaces an employee representative during a walkaround inspection, each representative is entitled to walkaround benefits for the portion of the inspection in which each representative participated.

(iii) If more than one walkaround inspection team is utilized, the employee representative for each team is entitled to the walkaround benefits required by this section.

(iv) In addition, the employer shall provide walkaround benefits to any employee for the time during which (A) a Compliance Safety and Health Officer, in conducting the inspection, consults with or questions the employee concerning matters of safety or health in the workplace; or (B) the employee notifies the Compliance Safety and Health Officer, while conducting the inspection, of an occupational safety or health hazard or violation of the Act which the employee has reason to believe exists in such workplace.

(v) For the purposes of this section, the requirement that an employer provide walkaround benefits means that the employer shall maintain the earnings, seniority, and other employment rights and benefits of an employee as though the employee had been performing work for the employer.

(vi) For the purposes of this section, the time spent by an employee for which the employer shall provide walkaround benefits includes only the regular working hours of the employee, or overtime hours which were assigned or would otherwise normally have been assigned by the employer for purposes other than the walkaround inspection.

(2) *Enforcement.* Any employer who fails to comply with paragraph (e)(1) of this section shall be subject to citations, civil penalties, and enforcement of Occupational Safety and Health Review Commission orders in the courts of appeals, in accordance with sections 9, 10, 11 (a) and (b), and 17 of the Act. A failure to provide walkaround benefits may also be regarded as a violation of 29 CFR 1977.21 and as such the subject of enforcement proceedings under section 11(c) of the Act.

(3) *Effective date.* This regulation will be effective with respect to time spent in walkaround or related activities on or after the thirtieth day after promulgation of this regulation.

PART 1977—DISCRIMINATION AGAINST EMPLOYEES EXERCISING RIGHTS UNDER THE WILLIAMS-STEIGER OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

2. It is proposed to add a new 29 CFR 1977.21 to read as follows:

§ 1977.21 Walkaround compensation.

(a) It is a violation of section 11(c) for an employer not to comply with the following requirements:

(1) The employer shall provide to the authorized representative of the employees walkaround benefits for the time during which the representative accompanies the Compliance Safety and Health Safety Officer(s) in a walkaround inspection team during any physical inspection of a workplace, including attendance at the opening and closing conferences.

(2) If a new employee representative replaces an employee representative during a walkaround inspection, each representative is entitled to walkaround benefits for that portion of the inspection in which the representative participated.

(3) If more than one walkaround inspection team is utilized, the employee representative for each team is entitled to the walkaround benefits required by this section.

(4) In addition, the employer shall provide walkaround benefits to any employee for the time during which (i) a Compliance Safety and Health Officer, in conducting the inspection, consults with or questions the employee concerning matters of safety or health in the workplace; or (ii) the employee notifies the Compliance Safety and Health Officer, while conducting the inspection, of any occupational safety or health hazard or violation of the Act which the employee has reason to believe exists in such workplace.

(5) For the purposes of this section, the requirement that an employer provide walkaround benefits means that the employer shall maintain the earnings, seniority, and other employment rights and benefits of an employee as though the employee had been performing work for the employer.

(6) For the purposes of this section, the time spent by an employee for which the employer shall provide walkaround benefits includes only the regular working hours of the employee, or overtime hours which were assigned or would otherwise normally have been assigned by the employer for purposes other than the walkaround inspection.

(b) Any emplyer who fails to comply with paragraph (a) of this section shall be subject to an investigation and civil action pursuant to section 11(c)(2) of the Act. A failure to provide walkaround benefits may also be regarded as a violation of 29 CFR 1903.8(e) and as such the subject of enforcement proceedings under sections 9, 10, 11(a) and (b), and 17 of the Act.

(c) This regulation will be effective with respect to time spent in walkaround or related activities on or after the thirtieth day after the promulgation of this regulation.

(Secs. 8(e) and (g)(2), 11(c); 84 Stat. 1600, 1603 (29 U.S.C. 657(e) and (g)(2), 660(c)); (5 U.S.C. 553); Secretary of Labor's Order 8–76 (41 FR 25059))

[FR Doc. 80–35383 Filed 11–13–80; 8:45 am]
BILLING CODE 4510–26–M

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29 CFR Part 1910

[Docket No. S–201]

Occupational Safety and Health Standard for Conveyors; Notice of Reopening of Record to Introduce New Information and to Provide Opportunity to Comment

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Proposed rule; reopening of rulemaking record.

SUMMARY: This document reopens the rulemaking record on the proposed OSHA conveyor standard to introduce into the record new information related primarily to the injury reduction potential and the costs of compliance of the proposed standard. Interested persons are invited to submit written comments concerning this new information.

DATES: Comments on the new information must be submitted by December 29, 1980.

ADDRESSES: Comments should be sent to: Docket Officer, Docket No. S–201, Room S–6212, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Carrol E. Burtner, Director, Office of Mechanical Engineering Safety Standards, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3506, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210, Telephone: (202) 523–7202.

SUPPLEMENTARY INFORMATION:

I. Background

The Occupational Safety and Health Administration (OSHA) published a Notice of Proposed Rulemaking for a permanent occupational safety standard on conveyors used in general industry (29 CFR 1910.186) on June 3, 1974 in the **Federal Register** (39 FR 19507). Interested persons were given until August 2, 1974 to submit comments with respect to the proposal and to file objections and request a hearing thereon. In view of the complexity of the issues raised and the breadth of application of the proposed standard, the period for submission of written comments was extended until October 9, 1974, pursuant to a notice in the **Federal Register** on September 9, 1974 (39 CFR 32562), which also announced scheduling of an informal rulemaking hearing in Washington, D.C., on October 15, 1974. Approximately 130 comments were received in response to the proposal, and 14 parties testified at the public hearing. The Administrative Law Judge who presided at the public hearing directed that the record be kept open after the close of the hearing, until November 15, 1974, for the submission of posthearing comments and documents. The record of the public hearing was closed on December 1, 1974, and was certified by the Administrative Law Judge to the Assistant Secretary for Occupational Safety and Health on December 2, 1974.

II. Injury and Economic Data

In 1976, to gather further information to prepare the final rule, OSHA contracted with Safety Sciences, Inc. for a study to analyze the injury reduction potential, the technological and economic feasibility, and the preliminary economic impact of a final conveyor standard.

Safety Sciences constructed a data set of all workers' compensation claims specifically coded as conveyor-related, using 1974 and 1975 injury data from seven states to assess the injury reduction potential of the proposed standard. Selected industries were sampled as a control to ascertain the accuracy of the number of accidents coded as conveyor-related. The data were tabulated by number, severity and type of conveyor, and four major conveyor accident patterns (caught-in conveyor, struck-by conveyor, struck-against conveyor and overexertion) were identified.

OSHA's Office of Regulatory Analysis has recently updated and expanded the data on injury reduction potential provided by Safety Sciences, together with the injury data available when the standard was first proposed, in a report investigating more fully the nature and extent of conveyor-related injuries. Using occupational injury and illness data from the Bureau of Labor Statistics Supplementary Data System, the OSHA report indicates that the proposed conveyor standard would substantially

reduce the hazards primarily responsible for the major types of conveyor-related accidents. Caught-in accidents, the most frequent and severe type, will be covered comprehensively in the standard. The standard will also cover struck-by, struck-against and overexertion types of accidents, as well as accidents caused by falls. Overexertion and struck-against accidents are not always related to the safe operation of conveyors and thus not all of these accidents could be eliminated by any conveyor standard.

Once full compliance with the standard is reached, it is reasonable to expect that most caught-in accidents, struck-by accidents and falls will be eliminated. There will also be a reduction in struck-against and overexertion accidents. These reductions in conveyor-related injuries will eliminate a considerable number of lost workdays and permanently disabling injuries. Thus, it appears that the primary benefit of the implementation of the standard will be a significant reduction in occupational injuries.

The OSHA report also pinpoints secondary benefits, such as reduced social and financial costs, to be gained from a final standard. A reduction in conveyor-related injuries will increase annual productivity and significantly reduce workers' compensation and medical costs. This will be true even if struck-against accidents and overexertions are not eliminated entirely.

To assess feasibility and economic impact, Safety Sciences studied nine companies in four major conveyor-reliant industries. The study determined that the proposed standard was feasible and that the economic impact on each of the four industries would be minimal. At the time of the study, the projected annualized costs of compliance were estimated to be less than one-tenth of one percent of sales for any of these four industries. However, due to the Agency's need for more current and more complete feasibility and economic impact information than was contained in the Safety Sciences study, detailed studies of thirteen conveyor-dependent industries have since been conducted by OSHA.

The 13 industries studied are among the largest contributors to the yearly total of conveyor-related injuries, accounting for 34 percent of the national total of conveyor-related lost workday injuries. Ten of the selected industries ranked among the top twelve industrial sources of conveyor-related injuries. The three other industries examined by OSHA ranked between 21st and 32nd in total number of conveyor-related injuries.

Using data provided by material handling consultants, OSHA's Office of Regulatory Analysis prepared a report estimating the costs and economic impact of a conveyor standard on these industries. Capital costs, annual capital charges, annual operating costs, and total annualized costs have been estimated for provisions in the proposed standard and for alternatives based on information in the record and under consideration for incorporation in the final rule. These alternative provisions have been entered into the record.

OSHA's report indicates that the proposed standard or one containing the alternative provisions is economically feasible for the thirteen industries studied. Under the standard as proposed, no industry studied is expected to incur annual compliance costs greater than approximately three-tenths of one percent of its annual sales. On the average, annual compliance costs for these industries are estimated at approximately two-hundredths of one percent of sales. This ratio of compliance costs to sales is extremely low and suggests that even if industry were to pass all compliance costs through to consumers, the resulting price increases would be negligible. In addition, any decrease in output and employment resulting from these price increases is likely to be negligible as well.

The OSHA report also examines the ability of the industries studied to raise the funds needed to comply with the proposed standard. For this purpose only, the report assumes that compliance costs will not be passed on to consumers. Capital costs (including installation) for the standard are estimated as approximately 2.44% of new capital expenditures and 2.58% of after-tax profits. These estimates indicate that conveyor-using firms will have the financial resources necessary to comply with the proposed standard without undue hardship even when the costs of compliance are absorbed by these firms. The assumptions made in the OSHA report as to full pass-through of costs on the one hand, and no pass-through on the other, establish a range of potential impacts.

Costs and impacts for the standard containing the alternatives under consideration are estimated in the OSHA report to be less than costs and impacts for the proposed standard. For a standard containing these alternatives, annual compliance costs for the industries studied are estimated to average approximately one-hundredth of one percent of sales. Capital costs, including installation, are estimated at approximately 2.34% of new capital expenditures and 2.48% of after-tax profits.

The industry selection procedure used in the OSHA study is an effective way to detect major costs; however, this procedure may not provide a sound basis for extrapolation to determine total compliance costs for all conveyor-using industries. Of the 288 industries reporting conveyor injuries in 1976, only 13 (5%) were studied. However, the mean number of conveyor-related injuries in the same year for the 13 industries chosen was 433, approximately 10 times the mean number of injuries (41) for the remaining conveyor-using industries. It may be anticipated, therefore, that the mean compliance costs estimated for the industries studied would be considerably higher than the mean costs for the remaining conveyor-using industries. For this reason, extrapolation of compliance costs from the sample studied to all conveyor-using industries may not be valid. Further, since the proposed standard has been determined by the OSHA study to be economically feasible for those industries incurring the greatest number of conveyor-related injuries, it is likely to be feasible for other conveyor-using industries as well.

Total annualized costs, listed by provision, are also aggregated in the OSHA report for each of the thirteen industries studied. In addition, the OSHA report compares provisions of the proposed standard to cost categories in the report. Some provisions of the conveyor proposal contained requirements already found in other OSHA standards. Costs for these redundant provisions were included in the OSHA report, although they are not properly attributed to the conveyor proposal.

In addition, although the proposal was published before Executive Order 12044 (43 FR 12661, March 24, 1978), OSHA has decided to conduct a regulatory analysis because a large number of establishments in a wide variety of industries will be affected by this standard. Reports and other materials used to estimate compliance costs and benefits, in addition to any material received in response to this notice, will form the basis for a final regulatory analysis, which will be made available to the public when the final rule is published. The reports, studies and data discussed in this section are listed below and have been placed in the reopened record of this rulemaking.

Safety Sciences, Inc. Injury Data Analysis and Technological Feasibility

and Preliminary Economic Impact Evaluation;

Benefits Analysis of Proposed Standard, prepared by OSHA's Office of Regulatory Analysis;

Compliance Cost Estimation and Economic Impact Assessment, prepared by OSHA's Office of Regulatory Analysis;

Summaries of material handling consultants' reports, prepared by OSHA's Office of Regulatory Analysis;

Material handling consultants' reports on each of the thirteen industries surveyed;

A bibliography of available source materials on conveyors, including copies of the 1972 and 1976 ANSI B20.1 standards;

A preliminary report of the fatality investigation of a U.S. Postal Service Facility, Jersey City, New Jersey, dated December 31, 1979, in which the victim was caught between moving parts of conveyors;

A list of alternative provisions under consideration for adoption in the final rule;

Accident investigation reports of conveyor fatalities, and conveyor cases from an OSHA publication entitled "Occupational Fatalities Related to Fixed Machinery as Found in Reports of OSHA Fatality/Catastrophe Investigations";

Conveyor accident and injury data from several states;

A letter from Victor D. Petershack, Chairman of the ANSI B20.1 Drafting Subcommittee, dated January 2, 1979, concerning the economic impact of the proposed OSHA conveyor regulation on the affected industries.

Coleman et al., *Human Factors Analysis of Material Handling Equipment* (1977);

The Texas Safety Standards for Conveyors, Cableways and Related Equipment; and

The Michigan Department of Labor Safety Standards for Conveyors.

All material evaluated or generated by OSHA since the close of the record has now been placed into the conveyor rulemaking record and is available for inspection and copying at the address below. OSHA is providing a comment period to allow public written comments on the additional material on conveyors obtained subsequent to the certification of the record in 1974. The Assistant Secretary of Labor has given the public until December 29, 1980, to submit written comments related to the new material.

A public hearing has already been conducted on the conveyor proposal under section 6(b)(3) of the Act. In the event requests are received for an additional public rulemaking hearing, OSHA will evaluate the substance of the requests to determine whether such a hearing should be scheduled.

III. Public Participation

Interested persons are invited to submit written comments. These comments must be received by December 29, 1980 and be submitted in quadruplicate to the Docket Officer, Docket S–201, Room S–6212, U.S. Department of Labor, Washington, D.C. 20210.

Comments submitted will be available for public inspection and copying at the above address. All timely submissions received will be made a part of the record of this proceeding.

IV. Authority

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Washington, D.C. 20210.

Accordingly, under section 6(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), Secretary of Labor's Order No. 8–76 (41 FR 25059), and 29 CFR Part 1911, the record in the rulemaking proceeding on an occupational safety and health standard for conveyors is reopened for the purpose of introducing certain new information and allowing written submission on this new material.

Signed at Washington, D.C. this 10th day of November, 1980.

Eula Bingham,

Assistant Secretary of Labor.

[FR Doc. 80–35669 Filed 11–13–80; 8:45 am]

BILLING CODE 4510–26–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[SW–H–FRL–1669–6]

Alabama's Application for Interim Authorization, Phase I; Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region IV.

ACTION: Notice of public hearing and public comment period.

SUMMARY: EPA has promulgated regulations under Subtitle C of the Resource Conservation and Recovery Act (as amended) to protect human health and the environment from the improper management of hazardous waste. Phase I of the regulations were published in the **Federal Register** on May 19, 1980 (45 FR 33063). These regulations include provisions for authorization of State programs to operate in lieu of the Federal program. Today EPA is announcing the availability for public review of the Alabama application for Phase I interim authorization, inviting public comment, and giving notice of a public hearing to be held on the application.

DATE: Comments on the Alabama interim authorizaiton application must be received by December 22, 1980.

Public Hearing

EPA will conduct a public hearing on the Alabama interim authorization application at 7:30 p.m. on Tuesday, December 16, 1980. The State of Alabama will participate in the public hearing.

ADDRESSES: The public hearing will be held at: Main Auditorium, Beard Building, 1445 Federal Drive, Montgomery, Ala.

Copies of the Alabama interim authorization application are available at the following addresses for inspection and copying by the public:

(1) Division of Solid and Hazardous Waste, State Department of Public Health, Suite 1212, Union Bank Tower, 60 Commerce Street, Montgomery, Ala., Telephone: 205/832–6728.

(2) Environmental Protection Agency, Regional Office Library, Room 121, 345 Courtland Street, N.E., Atlanta, Georgia 30365, Telephone 404/881–4216.

(3) EPA Headquarters Library, Room 2404, 401 M Street, S.W., Washington, D.C. 20460.

Written comments, requests to speak at the hearing, and requests for further information should be addressed to: John D. Sullivan, Residuals Management Branch, Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Ga. 30365.

FOR FURTHER INFORMATION CONTACT: John D. Sullivan, (404) 881–3016.

SUPPLEMENTARY INFORMATION: In the May 19, 1980 **Federal Register** (45 FR 33063) the Environmental Protection Agency promulgated Phase I of its 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. EPA's Phase I regulations establish, among other things: The initial identification and listing of hazardous wastes; the standards applicable to generators and transporters of hazardous wastes, including a manifest system; and the "interim status" standards applicable to existing hazardous waste management facilities before they receive permits.

The May 19 regulations also include provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified State programs can be granted interim authorization. The interim authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect. In order to qualify for interim authorization, the State hazardous waste program must, among other things:

(1) Have been in existence prior to August 17, 1980, and

(2) Be "substantially equivalent" to the Federal program.

A full description of the requirements and procedures for State interim authorizaiton is included in 40 CFR Part 123, Subpart F (45 FR 33479).

The State of Alabama has submitted a complete application to EPA for Phase I interim authorization. Copies of the State submittal are available for public inspection and comment as noted above.

Conduct of Hearing

The hearing is intended to provide an opportunity for interested persons to present their views and submit information for consideration by EPA in the decision whether to grant Alabama interim authorization for Phase I of the RCRA program.

The hearing will be informally structured. Individuals providing oral comments will not be sworn in, nor will formal rules of evidence apply. questions may be posed by EPA personnel to persons providing oral comments; however, no cross-examination by other participants will be allowed.

The State will testify first and present a short overview of the State program. Other commenters will then be called in the order in which their requests were received by EPA. As time allows, persons who did not sign up in advance but who wish to comment on the State's application for Phase I interim authorization will also be given an opportunity to testify. Each organization or individual will be allowed as much time as possible for oral presentation based on the number of requests to participate and the time available for the hearing. As a general rule, in order to ensure maximum participation and allotment of adequate time for all speakers, participants should limit the length of their statements to five minutes.

Dated: November 10, 1980.

John A. Little,

Deputy Regional Administrator.

[FR Doc. 80-35766 Filed 11-13-80; am]

BILLING CODE 6560-38-M

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40 CFR Part 123

[SW-3-FRL 1668-5]

Delaware Application for Interim Authorization, Phase I; Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region III.

ACTION: Notice of public hearing and public comment period.

SUMMARY: EPA regulations to protect human health and the environment from the improper management of hazardous waste were published in the **Federal Register** on May 19, 1980 (45 FR 33063). These regulations include provisions for authorization of State programs to operate in lieu of the Federal program. Today EPA is announcing the availability for public review of the Delaware application for Phase I Interim Authorization, inviting public comment, and giving notice of a Public hearing to be held on the application.

DATE: Comments on the Delaware Interim Authorization application must be received by December 22, 1980.

Public Hearing: EPA will conduct a Public hearing on the Delaware Interim Authorization application at 7:00 p.m. on Monday, December 15, 1980. EPA reserves the right to cancel the Public hearing if significant public interest in a hearing is not expressed. The State of Delaware will participate in any Public hearing held by EPA on this subject.

ADDRESSES: Copies of the Delaware Interim Authorization application are available at the following addresses for inspection and copying by the public:

Delaware Department of Natural Resources and Environmental Control, Edward Tatnall Building, Dover, Delaware (302) 736-4781.

U.S. EPA, Region III, Air, Toxics and Hazardous Materials Division, Hazardous Materials Branch, 6th and Walnut Streets, Philadelphia, Pa. 19106 (215) 597-7239.

The public hearing will be held at: The City-County Building, Counsel Chambers, 1st floor, 800 French Street, Wilmington, Delaware 19801.

FOR FURTHER INFORMATION CONTACT: Robert L. Allen, U.S. EPA, Air, Toxics and Hazardous Materials Division, 6th and Walnut Streets, Philadelphia, Pa. 19106 (215) 597-0980.

SUPPLEMENTARY INFORMATION: 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. These regulations included provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified State programs can be granted Interim Authorization. The Interim Authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect. In order to qualify for issuance of Interim Authorization, the State hazardous waste program must:

(1) have been in existence prior to August 17, 1980, and

(2) submit evidence to EPA showing that the existing State program is substantially equivalent to the Federal program.

A full description of the requirements and procedures for State Interim Authorization is included in 40 CFR Part 123 Subpart F, (45 FR 33479). As noted in the May 19, 1980 **Federal Register** copies of complete State submittals for Phase I Interim Authorization are to be made available for public inspection and comment. In addition, a Public hearing is to be held on the submittal, unless significant interest is not expressed.

Dated: October 15, 1980.

Jack Schramm,

Regional Administrator.

[FR Doc. 80-35644 Filed 11-13-80; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 228

[WH-FRL 1667-3]

Ocean Dumping, Proposed Designation of Sites

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA today proposes to designate five ocean disposal sites off Hawaii for continuing use for the disposal of dredged material. This action is necessary to provide ocean dumping sites for the disposal of dredged material from Hawaiian harbors. Dredging of these harbors is necessary to maintain adequate navigational depths. This action will propose changing the interim

designation of some sites to a permanent designation based upon environmental and other considerations and will also change, the location of some sites to more environmentally acceptable locations.

DATES: Comments must be received on or before January 13, 1981.

ADDRESS: Send comments to Mr. T. A. Wastler, Chief, Marine Protection Branch (WH–548), Oil and Special Materials Control Division, EPA, Washington, DC 20460

FOR FURTHER INFORMATION CONTACT: Mr. T. A. Wastler, 202/472–2836.

SUPPLEMENTARY INFORMATION: Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq., (hereafter "the Act") gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On September 19, 1980, the Administrator delegated the authority to designate ocean dumping sites to the Assistant Administrator for Water and Waste Management. These proposed site designations are being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, Section 228.4) state that ocean dumping sites will be designated by publication in this Part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 et seq.) and extended on January 16, 1980 (45 FR 3053 et seq.). That list established these sites as interim sites, pending completion of an Environmental Impact Statement (EIS) evaluating environmental effects of dumping dredged material at those locations. As explained more fully below, a Draft EIS regarding these sites is now available.

The purpose of this notice is to provide the public an opportunity to comment on the proposed final designation, as EPA Approved Ocean Dumping Sites, of five deep-ocean sites off Hawaiii for the continuing disposal of dredged material.

The proposed sites are located off the islands of Oahu (South Oahu), Kauai (Nawiliwili and Port Allen), Maui (Kahului), and Hawaii (Hilo). The Proposed South Oahu Site is located approximately 4.8 kilometers south of Oahu. It is 2 kilometers wide and 2.6 kilometers long with center coordinates of 21d 15' 10" north latitude and 157d 56' 50" west longitude. Water depths range from 400 to 475 meters.

The remaining four proposed sites are circular with radii of approximately 920 meters.

The proposed Nawiliwili Site is approximately 6.3 kilometers southeast of Nawiliwili Harbor, Kauai, with center coordinates of 21°55'00" north latitude and 159°17'00" west longitude. Water depths range from 840 meters to 1,120 meters.

The proposed Port Allen Site is approximately 7 kilometers south of Port Allen, Kauai, with center coordinates of 21°50'00" north latitude and 159°35'00" west longitude. Water depths range from 1,460 meters to 1,610 meters.

The proposed Kahului Site is approximately 11.8 kilometers north of Kahului, Maui, with center coordinates of 21°04'42" north latitude and 159°29'00" west longitude. Water depths range from 345 meters to 365 meters.

The proposed Hilo Site is approximately 9.3 kilometers northeast of Hilo, Hawaii, with center coordinates of 19°48'30" north latitude and 154°58'30" west longitude. Water depths range from 330 meters to 340 meters.

Section 102(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., (hereinafter "NEPA") requires that Federal agencies prepare EIS's on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The object of NEPA is to build into the Agency decision-making process careful consideration of all environmental aspects of proposed actions.

The EPA has prepared a Draft EIS entitled "Draft Environmental Impact Statement for Hawaii Dredged Material Disposal Site Designation." The Draft EIS was filed with the EPA Office of Environmenal Review on November 9, 1979, and a notice of availability for public review and comment was published in the **Federal Register** on November 19, 1979 (44 FR 66244). The public comment period on this Draft EIS closed January 15, 1980. The Final EIS was filed with the EPA Office of Environmental Review on October 1, 1980.

Based on the information reported in the Draft EIS, EPA proposes to designate these five sites for continuing disposal of dredged materials. these materials result from the maintenance dredging of six harbors in Hawaii, which generally becomes necessary in each harbor every five to ten years. For additional information regarding these sites and the anticipated environmental consequences of dumping dredged material at the sites, interested parties should examine the available EIS.

The designation of the five Hawaii dredged material disposal sites as EPA Approved Ocean Sites is being published as proposed rulemaking. Management authority on these sites will be delegated to the Regional Administrator of EPA Region IX.

EPA regulations provide for ambient site monitoring programs as deemed necessary by the Regional Administrator and the District Engineer, and for evaluation of disposal site impacts based on the results of such programs. See 40 CFR 228.3 and 228.9–228.10. The regulations further provide for modifications in site use or designation based upon the results of the analyses of impact or upon changed circumstances concerning use of the site. See 40 CFR § 228.11.

Interested persons may participate in this proposed rulemaking by submitting written comments within 60 days of the date of this publication to the address given above. A final decision concerning designation of these sites is scheduled for January 30, 1981.

Although these proposed site designations may have substantial local impacts in the vicinity of the dump sites and to those who use them, we have determined that this proposed rule is not a "significant" regulatory action within the meaning of Executive Order 12044, Improving Government Regulations (March 23, 1978).

(33 U.S.C. Sections 1412 and 1418)

Dated: November 7, 1980.

James N. Smith,

Associate Assistant Administrator for Water and Waste Management.

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is proposed to be amended by adding to Section 228.12(b) (9) through (13) five ocean dumping sites for Region IX as follows:

§ 228.12 Delegation of management authority for interim ocean dumping sites.

* * * * *

(b) * * *

(9) South Oahu Site—Region IX.
Location (center point): Latitude—21d 15' 10" N. Longitude—157d 56' 50" W.
Size: 2 kilometers wide and 2.6 kilometers long.
Depth: Ranges from 400 to 475 meters.
Primary Use: Dredged material.
Period of Use: Continuing use.
Restriction: Disposal shall be limited to dredged material.

(10) Nawiliwili Site—Region IX.
Location (center point): Latitude—21d 55' 00" N. Longitude—159d 17' 00" W.
Size: Circular with a radius of approximately 920 meters.
Depth: Ranges of 840 to 1,120 meters.
Primary Use: Dredged material.
Period of Use: Continuing use.
Restriction: Disposal shall be limited to dredged material.

(11) Port Allen Site—Region IX.
Location (center point): Latitude—21d 50′ 00″ N. Longitude—159d 35′ 00″ W.
Size: Circular with a radius of approximately 920 meters.
Depth: Ranges from 1,460 to 1,610 meters.
Primary Use: Dredged materials.
Period of use: Continuing use.
Restriction: Disposal shall be limited to dredged material.
(12) Kahului Site—Region IX.
Location (center point): Latitude—21d 04′ 42″ N. Longitude—156d 29′ 00″ W.
Size: Circular with a radius of approximately 920 meters.
Depth: Ranges from 345 to 365 meters.
Primary Use: Dredged material.
Period of Use: Continuing use.
Restriction: Disposal shall be limited to dredged material.
(13) Hilo Site—Region IX.
Location (center point): Latitude—19d 48′ 30″ N. Longitude—154d 58′ 30″ W.
Size: Circular with a radius of approximately 920 meters.
Depth: Ranges from 330 to 340 meters.
Primary Use: Dredged material.
Period of Use: Continuing use.
Restriction: Disposal shall be limited to dredged material.

[FR Doc. 80-35533 Filed 11-13-80; 8:45 am]
BILLING CODE 6560-29-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

Medicare and Medicaid Programs; Reimbursement for Services Furnished by Rural Health Clinics; Correction

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects omissions and technical errors in a proposed rule on Medicare and Medicaid reimbursement for services in rural health clinics that was published in the **Federal Register** on September 10, 1980. In that rule, we inadvertently omitted paragraphs that described the conditions for paying a clinic that is part of a hospital or other provider of services, and specified the appeal rights of independent clinics. The proposed rule also contained several incorrect citations.

DATE: To assure consideration, comments on the proposed rule should be received by November 10, 1980.

FOR FURTHER INFORMATION CONTACT: George Morey, 301-594-9779.

SUPPLEMENTARY INFORMATION: On September 10, 1980, we published a proposed rule that would establish a prospective method of Medicare and Medicaid payment for services of rural health clinics (45 FR 59734). The following corrections to that rule should be made.

1. On page 59743, in the first column, under § 405.2425 *Payment for rural health clinic services,* the following paragraph should be added immediately after paragraph (a)(1): (2) The clinic is operated with other departments of the provider under common licensure, governance, and professional supervision.

2. On page 59743, in the third column, the section number in the heading "§ 105.2477 *Retrospective method of payment"* should be § 405.2427.

3. On page 59745, in the second column, in paragraph (g)(1), the references to paragraphs (h)(2), (h)(3), and (h)(4) should read (g)(2), (g)(3), and (g)(4).

4. On page 59746, in the second and third columns, § 405.2431 *Clinic appeals* should read as follows:

§ 405.2431 Clinic appeals.

(a) *Reimbursement appeals of provider clinics.*

(1) If a provider clinic is dissatisfied with the payment received for covered services furnished during a reporting period, the provider that operates the clinic may, after the end of the period, request a hearing.

(2) The hearing will be held by the carrier or the Provider Reimbursement Review Board, as appropriate, subject to the procedures set forth in subpart R of this part for intermediary and Provider Reimbursement Review Board hearings.

(b) *Reimbursement appeals of independent clinics.*

(1) If an independent rural health clinic is dissatisfied with the payment received for covered services furnished during a reporting period and the amount in controversy is at least $1,000, the clinic may, either during the reporting period or after the end of the reporting period, request a hearing.

(2) Notwithstanding any provision in subpart R of this part to the contrary, the hearing will be before the carrier (if the amount in dispute is less than $10,000) or the Provider Reimbursement Review Board (if the amount is $10,000 or more), and will be conducted in accordance with the procedures set forth in subpart R of this part. However, § 405.1877 of this part dealing with judicial review does not apply to these appeals.

(3) A hearing for a clinic paid under the retrospective method (§ 405.2427) concerns whether the clinic has received the amount to which it is entitled for the period under this subpart.

(4) A hearing for a clinic paid under the prospective method (§ 405.2428) concerns one or more of the following issues:

(i) Whether the rate calculated for the period under § 405.2428(c) was accurate based on the facts available to the carrier when it was calculated;

(ii) Whether the clinic had reasonably justified to the carrier costs disallowed under screening guidelines;

(iii) Whether the rate recalculated by HCFA under § 405.2428(f) was accurate based on the facts available to HCFA when it was recalculated;

(iv) Whether the clinic had adequately demonstrated to HCFA that it is entitled to an exception for excess costs under § 405.2428(g); or

(v) Whether HCFA acted properly in recovering amounts it previously paid to a clinic based on inadequate reporting, under § 405.2429(d)(3).

(Sections 1102, 1833, 1861(aa), 1871, 1902(a) and 1905(a) of the Social Security Act (42 U.S.C. 1302, 1395l, 1395x(aa), 1395hh, 1396a(a), and 1396d(a))

(Catalog of Federal Domestic Assistance Program No. 13,774, Medicare-Supplementary Medicare Insurance; No. 13,761 Medical Assistance Program)

Dated: November 5, 1980.

Robert F. Sermier,

Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 80-35527 Filed 11-13-80; 8:45 am]
BILLING CODE 4110-35-M

Social Security Administration

45 CFR Part 205

Aid to Families With Dependent Children; Adjustment of Federal Share for Uncashed or for Cancelled Checks

AGENCY: Social Security Administration, HHS.

ACTION: Notice of decision to develop regulations.

SUMMARY: The Social Security Administration plans to publish regulations which would reinforce long established policy by specifying that the Federal share of checks voided or cancelled by the agency must be returned to the Federal government on the State's quarterly expenditure report for the quarter in which a check is voided or cancelled. The regulations will also require States to refund to the Federal government its share of all uncashed checks after 90 days from the date of issue.

The Federal share is the Government's matching funds the State has received for checks issued by the State either to recipients or for administrative expenses. Under present policy, States have the discretion to establish their own procedure for refunding the Federal share of uncashed, uncancelled checks. The proposed regulations will establish a uniform requirement for refund to the Federal government of its portion of checks outstanding after 90 days, as well as reinforce existing policy requiring refund of the Federal portion of checks voided or cancelled.

The proposed regulations will amend 45 CFR Part 205.

The Department of Health and Human Services has classified these regulations as policy significant.

FOR FURTHER INFORMATION CONTACT: Mr. John B. McDonald, Office of Family Assistance, 2100 2nd Street, S.W., Washington, D.C. 20024, telephone (202) 245-2056.

Dated: October 15, 1980.

William J. Driver

Commissioner of Social Security.

[FR Doc. 80-35531 Filed 11-13-80; 8:45 am]

BILLING CODE 4110-07-M

FEDERAL MARITIME COMMISSION

46 CFR Part 530

[Docket No. 80-70]

Status of Bulk Commodities

AGENCY: Federal Maritime Commission.

ACTION: Proposed interpretative rule: time for comments.

SUMMARY: Request of counsel for North European Conferences for an additional 30 days to comment on proposed rules on status of bulk commodities (45 FR 67711; October 14, 1980) is granted. Recent Commission rulemakings of equal importance provided 60 days for comment. A similar period is warranted here and that is accomplished by this action.

DATE: Comments due on or before December 12, 1980.

ADDRESSES: Comments (original and fifteen copies) to: Secretary, Federal Maritime Commission, 1100 L Street, NW., Room 11101, Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: None.

Francis C. Hurney,

Secretary.

[FR Doc. 80-35402 Filed 11-13-80; 8:45 am]

BILLING CODE 6730-01-M

Notices

Federal Register
Vol. 45, No. 222
Friday, November 14, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Adam's Rib Recreation Area, White River National Forest, Eagle County, Colo.; Revised Notice of Intent To Prepare an Environmental Impact Statement

A notice of intent to prepare an environmental impact statement for the Adam's Rib Recreation Area was published in the **Federal Register**, Volume 45, No. 21, p. 6813, January 30, 1980.

The estimated dates for filing the draft and final environmental impact statements with the Environmental Protection Agency and release to the public have been postponed. The draft environmental impact statement is now expected in June 1981, and the final environmental impact statement is proposed for release in October 1981.

All other conditions of the original notice of intent remain the same.

Dated: October 31, 1980.

Craig W. Rupp,

Regional Forester.

[FR Doc. 80-35428 Filed 11-13-80; 8:45 am]

BILLING CODE 3410-11-M

Forest Land and Resource Management Plan for the Bighorn National Forest, Sheridan, Johnson, Big Horn, and Washatie Counties, Wyo.; Revised Notice of Intent To Prepare an Environmental Impact Statement

A notice of intent to prepare an environmental impact statement for the Forest Land and Resource Management Plan (Forest Plan) for the Bighorn National Forest was published in the **Federal Register**, Volume 44, No. 97, p. 28833, May 17, 1979.

The estimated dates for transmitting the draft and final environmental impact statements to the Environmental Protection Agency and the public have been postponed. The draft environmental impact statement is now expected in March 1982, and the final environmental impact statement is proposed for release in December 1982.

The work plan for completing the Forest Plan is available for public review at the Forest Supervisor's Office, Bighorn National Forest, Columbus Building, 23 North Scott, P.O. Box 2046, Sheridan, Wyoming 82801, telephone (307) 672-2457.

The planning action documentation for public issues, management concerns, and management opportunities; planning criteria; data bases; and, analysis of the management situation are currently scheduled to be available for public review around September 1981.

Documentation for alternatives, effects of alternatives, and evaluation of alternatives will be available for public review as part of the draft environmental impact statement.

Please contact Jack Booth, Forest Supervisor, Bighorn National Forest, Columbus Building, 23 North Scott, P.O. Box 2046, Sheridan, Wyoming 82801, telephone (307) 672-2457, for further information and any adjustments in the scheduled availability of planning action documentation.

Dated: October 31, 1980.

Craig W. Rupp,

Regional Forester.

[FR Doc. 80-35423 Filed 11-13-80; 8:45 am]

BILLING CODE 3410-11-M

Forest Land and Resource Management Plan for the Grand Mesa, Uncompahgre, and Gunnison National Forests, Delta, Garfield, Gunnison, Hinsdale, Mesa, Montrose, Ouray, Saguache, San Juan, and San Miguel Counties, Colo.; Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement on the Forest Land and Resource Management Plan (Forest Plan) for the Grand Mesa, Uncompahgre, and Gunnison National Forests. This Forest Plan will be developed in accordance with Section 6 of the National Forest Management Act of 1976 and regulations issued pursuant to the Act.

The Grand Mesa, Uncompahgre, and Gunnison National Forests are located in Delta, Garfield, Gunnison, Hinsdale, Mesa, Montrose, Ouray, Saguache, San Juan, and San Miguel Counties, Colorado. The Forest Supervisor has administrative authority over approximately 3,000,000 acres of National Forest System lands.

The work plan for completing the Forest Plan is available for public review at the Forest Supervisor's Office, Grand Mesa, Uncompahgre, and Gunnison National Forests, P.O. Box 138, Delta, Colorado 81416, telephone (303) 874-7691.

The Forest Plan will provide management direction for these National Forest System lands and will replace the existing Forest and District multiple use plans and timber management plans.

Preliminary public issues have been identified through analysis of the comments received on previous planning efforts initiated by the Forest. These issues focus on recreation, wilderness management, water quantity and quality, access to National Forest System lands, maintenance of roads and trails, impact of mineral operations, conflicts between various resource uses, protection of scenic quality and cultural resources, reforestation and supply of wood products. The planning action documentation for public issues, management concerns, and management opportunities; planning criteria; data bases; and analysis of the management situation are currently scheduled to be available for public review around December 1981.

Alternatives will consider different ways of managing the Forests' resources within the scope of the Regional Plan. Alternatives will address public issues, management concerns and the Forests' resource use and development opportunities. Documentation for alternatives, effects of alternatives, and evaluation of alternatives will be available for public review as part of the draft environmental impact statement.

The Forest Service is beginning to gather and organize data and information for the planning effort as well as develop procedures for analyzing, evaluating and updating planning information.

The Forest Service will publish a media notice and validate the preliminary issues and management

concerns using a variety of public participation techniques including news releases, brochures, posters, office displays, personal letters, open houses, and/or workshop type meetings for interested publics including individuals, groups and other agencies.

The draft environmental impact statement is tentatively scheduled to be transmitted to the Environmental Protection Agency June 1982. A 90-day period for public review and comment will follow. The final environmental impact statement is tentatively scheduled to be transmitted to the EPA in March 1983 with implementation of the Forest Plan to begin in April 1983.

Craig W. Rupp, Regional Forester, Rocky Mountain Region, is the responsible official. Michael C. Johnson, Grand Mesa, Uncompahgre, and Gunnison National Forests, Delta, Colorado, will lead the interdisciplinary team in preparing the Forest Plan and environmental impact statement.

Please contact Jimmy R. Wilkins, Forest Supervisor, Grand Mesa, Uncompahgre, and Gunnison National Forests, P.O. Box 138, Delta, Colorado 81416, telephone (303) 874–7691, for further information and any adjustments in the scheduled availability of planning action documentation or for comments on this Notice of Intent and the Forest Plan.

Dated: October 31, 1980.

Craig W. Rupp,

Regional Forester.

[FR Doc. 80-35430 Filed 11-13-80; 8:45 am]

BILLING CODE 3410-11-M

Forest Land and Resource Management Plan for the Medicine Bow National Forest and Thunder Basin National Grassland; Revised Notice of Intent to Prepare an Environmental Impact Statement

A notice of intent to prepare an environmental impact statement for the Forest Land and Resource Management Plan (Forest Plan) for the Medicine Bow National Forest was published in the **Federal Register**, Volume 45, No. 30, p. 9305, February 12, 1980.

The estimated dates for transmitting the draft and final environmental impact statements to the Environmental Protection Agency and the public have been postponed. The draft environmental impact statement is now expected in June 1982, and the final environmental impact statement is proposed for release in March 1983.

The work plan for completing the Forest Plan is available for public review at the Forest Supervisor's Office, Medicine Bow National Forest, 605 Skyline Drive, Laramie, Wyoming 82070, telephone (307) 745–8971.

The planning action documentation for public issues, management concerns, and management opportunities; planning criteria; data bases; and, analysis of the management situation are currently scheduled to be available for public review around December 1981.

Documentation for alternatives, effects of alternatives, and evaluation of alternatives will be available for public review as part of the draft environmental impact statement.

Please contact Donald L. Rollens, Forest Supervisor, Medicine Bow National Forest, 605 Skyline Drive, Laramie, Wyoming 82070, telephone (307) 745–8971, for further information and any adjustments in the scheduled availability of planning action documentation.

Dated: October 31, 1980.

Craig W. Rupp,

Regional Forester.

[FR Doc. 80-35432 Filed 11-13-80; 8:45 am]

BILLING CODE 3410-11-M

Forest Land and Resource Management Plan for the Nebraska National Forest and Associated Units; Revised Notice of Intent To Prepare an Environmental Impact Statement

A notice of intent to prepare an environmental impact statement for the Forest Land and Resource Management Plan (Forest Plan) for the Nebraska National Forest was published in the **Federal Register**, Volume 44, No. 80, p. 24118, April 24, 1979.

The estimated dates for transmitting the draft and final environmental impact statements to the Environmental Protection Agency and the public have been postponed. The draft environmental impact statement is now expected to be completed in June 1981, and the final environmental impact statement is proposed for release in March 1982.

The work plan for completing the Forest Plan is available for public review at the Forest Supervisor's Office, Nebraska National Forest, 270 Pine Street, Chadron, Nebraska 69337, telephone (308) 432–3367.

The planning action documentation for public issues, management concerns, and management opportunities; planning criteria; data bases; and, analysis of the management situation are currently scheduled to be available for public review by December 31, 1980.

Documentation for alternatives, effects of alternatives, and evaluation of alternatives will be available for public review as part of the draft environmental impact statement.

Please contact Deen Boe, Forest Supervisor, Nebraska National Forest, 270 Pine Street, Chadron, Nebraska 69337, telephone (308) 432–3367, for further information and any adjustments in the scheduled availability of planning action documentation.

Dated: October 30, 1980.

Craig W. Rupp,

Regional Forester.

[FR Doc. 80-35422 Filed 11-13-80; 8:45 am]

BILLING CODE 3410-11-M

Forest Land and Resource Management Plan for the Pike and San Isabel National Forests and Associated Units in Colorado and Kansas; Revised Notice of Intent To Prepare an Environmental Impact Statement

A notice of intent to prepare an environmental impact statement for the Forest Land and Resource Management Plan (Forest Plan) for the Pike and San Isabel National Forests was published in the **Federal Register**, Volume 44, No. 92, p. 27462, May 10, 1979.

The estimated dates for transmitting the draft and final environmental impact statements to the Environmental Protection Agency and the public have been postponed. The draft environmental impact statement is now expected in June 1982, and the final environmental impact statement is proposed for release in March 1983.

The work plan for completing the Forest Plan is available for public review at the Forest Supervisor's Office, Pike and San Isabel National Forests, 910 Highway 50 West, Pueblo, Colorado 81008, telephone (303) 544–5277 ext. 321.

The planning action documentation for public issues, management concerns, and management opportunities; planning criteria; data bases; and, analysis of the management situation are currently scheduled to be available for public review around December 1981.

Documentation for alternatives, effects of alternatives, and evaluation of alternatives will be available for public review as part of the draft environmental impact statement.

Please contact Bruce H. Morgan, Forest Supervisor, Pike and San Isabel National Forests, 910 Highway 50 West, Pueblo, Colorado 81008, telephone (303) 544–5277, ext. 321 for further information and any adjustments in the scheduled availability of planning action documentation.

Dated: October 30, 1980.

Craig W. Rupp,

Regional Forester.

[FR Doc. 80-35429 Filed 11-13-80; 8:45 am]

BILLING CODE 3410-11-M

Forest Land and Resource Management Plan for the Routt National Forest, Moffat, Routt, Jackson, Grand, Rio Blanco, and Garfield Counties, Colo.; Revised Notice of Intent To Prepare an Environmental Impact Statement

A notice of intent to prepare an environmental impact statement for the Forest Land and Resource Management Plan (Forest Plan) for the Routt National Forest was published in the **Federal Register**, Volume 45, No. 80, p. 27459, April 23, 1980.

The estimated dates for transmitting the draft and final environmental impact statements to the Environmental Protection Agency and the public have been postponed. The draft environmental impact statement is now expected in December 1982, and the final environmental impact statement is proposed for release in September 1983.

The work plan for completing the Forest Plan is available for public review at the Forest Supervisor's Office, Routt National Forest, P.O. Box 1198, Steamboat Springs, Colorado 80477, telephone (303) 879–1722.

The planning action documentation for public issues, management concerns, and management opportunities; planning criteria; and analysis of the management situation are currently scheduled to be available for public review on or before October 1981; December 1981; and, June 1982, respectively.

Documentation for alternatives, effects of alternatives, and evaluation of alternatives will be available for public review as part of the draft environmental impact statement.

Please contact Jack Weissling, Forest Supervisor, Routt National Forest, P.O. Box 1198, Steamboat Springs, Colorado 80477, telephone (303) 879–1722, for further information and any adjustments in the scheduled availability of planning action documentation.

Dated: November 3, 1980.

Craig W. Rupp,

Regional Forester.

[FR Doc. 80-35433 Filed 11-13-80; 8:45 am]

BILLING CODE 3410-11-M

Forest Land and Resource Management Plan for the San Juan National Forest, Archuleta, Conejos, Dolores, Hinsdale, La Plata, Mineral, Montezuma, Rio Grande, San Juan, and San Miguel Counties, Colo., Revised Notice of Intent To Prepare an Environmental Impact Statement

A notice of intent to prepare an environmental impact statement for the Forest Land and Resource Management Plan (Forest Plan) for the San Juan National Forest was published in the **Federal Register**, Volume 44, No. 139, p. 41900, July 18, 1979.

The estimated dates for transmitting the draft and final environmental impact statements to the Environmental Protection Agency and the public have been postponed. The draft environment impact statement is now expected in June 1982, and the final environmental impact statement is proposed for release in March, 1983.

The work plan for completing the Forest Plan and planning action documentation for public issues, management concerns, and management opportunities and planning criteria are available for public review at the Forest Supervisor's office, San Juan National Forest, 701 Camino Del Rio, Room 200, Durango, Colorado 81301, telephone (303) 247–4874.

The planning action documentation for data bases and analysis of the management situation are currently scheduled to be available for public review around December 1981.

Documentation for alternatives, effects of alternatives, and evaluation of alternatives will be available for public review as part of the draft environmental impact statement.

Please contact P. C. Sweetland, Forest Supervisor, San Juan National Forest, 701 Camino Del Rio, Room 200, Durango, Colorado 81301, telephone (303) 247–4874, for further information and any adjustments in the scheduled availability of planning action documentation.

Dated: October 30, 1980.

Craig W. Rupp,

Regional Forester.

[FR Doc. 80-35431 Filed 11-13-80; 8:45 am]

BILLING CODE 3410-11-M

Little Annie Winter Sports Site, White River National Forest, Pitkin County, Colo.; Revised Notice of Intent To Prepare an Environmental Impact Statement

A notice of intent to prepare an environmental impact statement for the Little Annie Winter Sports Site was published in the **Federal Register**, Volume 44, No. 92, p. 27463, May 10, 1979.

The estimated dates for filing the draft and final environmental impact statements with the Environmental Protection Agency and release to the public have been postponed. The draft environmental impact statement is now expected in January 1981, and the final environmental impact statement is proposed for release in June 1981.

All other conditions of the original notice of intent remain the same.

Dated: October 31, 1980.

Craig W. Rupp,

Regional Forester.

[FR Doc. 80-35427 Filed 11-13-80; 8:45 am]

BILLING CODE 3410-11-M

Land and Resource Management Plan for the Shoshone National Forest, Park, Fremont, Hot Springs, Sublette, and Teton Counties, Wyo.; Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement for development of a Land and Resource Management Plan (Forest Plan) to cover National Forest System lands in the Shoshone National Forest. The Shoshone National Forest, located in northwestern Wyoming, contains 2,464, 927 acres. The Forest extends south from the Montana border to the vicinity of South Pass. On the west it is bordered by Yellowstone National Park and the Continental Divide. The eastern boundary abuts a combination of private, Bureau of Land Management, and Wind River Indian Reservation lands. Included within the Forest boundary are portions of Park, Fremont, Hot Springs, Sublette, and Teton counties.

The Forest Plan will be developed according to Secretary of Agriculture Regulations that were developed to implement the National Forest Management Act of 1976. These Regulations were published in the **Federal Register** on September 17, 1979, became effective October 17, 1979, and are part 219 of Title 36 of the Code of Federal Regulations.

The work plan for completing the Forst Plan is available for public review at the Forest Supervisor's Office, West Yellowstone Highway, P.O. Box 2140, Cody, Wyoming.

An interdisciplinary planning team on the Forest will develop a preliminary list of public issues and management

concerns from responses to previous planning efforts, and unscheduled public involvement activities which will then be verified through citizen contacts. Based on these preliminary issues and concerns, the interdisciplinary team will develop preliminary planning criteria, collect data and information, and prepare a preliminary management situation statement. The planning action documentation for public issues, management concerns, and management opportunities; planning criteria; data bases; and, analysis of the management situation are currently scheduled to be available for public review around March 1982.

Alternatives will be developed by the interdisciplinary team to respond to public issues and management concerns. Each alternative will represent to the extent practicable, the most cost-efficient combination of management practices that can meet the objectives established in the alternative. The alternatives will reflect a range of resource outputs and expenditure levels. Each alternative will be capable of being achieved. Each alternative will state: the condition and uses that will result from long-term application of the alternative; the goods and services to be produced, and the timing and flow of those goods and services; resource management standards and guidelines; and the purposes of the management direction proposed.

A "no action" alternative will be formulated. It will represent the most likely condition expected to exist in the future if current management direction would continue unchanged. Each alternative will provide for the orderly elimination of backlogs of needed treatment for the restoration of renewable resources as necessary to achieve the multiple use objectives of that alternative. The Forest Plan will be selected from the reasonable range of alternatives. Documentation for alternatives, effects of alternatives, and evaluation of alternatives will be available for public review as part of the draft environmental impact statement.

The Forest Service will publish a media notice and validate the preliminary issues and management concerns using a variety of public participation techniques including news releases, brochures, posters, office displays, personal letters, open houses, and/or workshop type meetings for interested publics including individuals, groups, and other agencies.

Craig W. Rupp, Regional Forester for Region Two of the Forest Service, is the responsible official. Randall R. Hall, Forest Supervisor of the Shoshone National Forest, will direct the environmental analysis and preparation of the environmental impact statement. Don I. Campbell, Planning Staff Officer, will be the team leader for conducting the planning effort.

The draft environmental impact statement is tentatively scheduled for completion in September 1982. A 90-day period for public review and comments will follow. The final environmental impact statement is tentatively scheduled for filing with the Environmental Protection Agency in April 1983 with implementation of the Forest Plan to begin in May 1983.

Please contact Randall R. Hall, Forest Supervisor, Shoshone National Forest, West Yellowstone Highway, P.O. Box 2140, Cody, Wyoming 82414, telephone (307) 587–2274, for further information and any adjustments in the scheduled availability of planning action documentation or for comments on this Notice of Intent and the Forest Plan.

Dated: October 31, 1980.

Craig W. Rupp,

Regional Forester.

[FR Doc. 80–35409 Filed 11–13–80; 8:45 am]

BILLING CODE 3410–11–M

Readjustment of Coal Lease Terms, Gunnison National Forest Gunnison County, Colo. and White River National Forest Pitkin County, Colo.; Intent to Apply Coal Unsuitability Criteria to Lease Areas

Pursuant to the Mineral Leasing Act of 1920, the Surface Mining Control and Reclamation Act of 1977 and the Memorandum of Understanding Between the Department of Agriculture and the Department of the Interior Providing for Coordination of Activities Pursuant to the Federal Coal Management Program, the Forest Service, Department of Agriculture will apply the unsuitability criteria set forth in 43 CFR 3461.1 to the following non-producing coal leases, which are being reviewed for readjustment of lease terms and conditions:

C–0125456:T.10S., R.90W., 6th P.M., part of Section 24

C–030345:T.10S., R.90W., 6th P.M., part of Section 25

C–09004:T.10S., R.89W., 6th P.M., part of Sections 6, 7, 18, and 19. T.10S., R.90W., 6th P.M., parts of Sections 1, 12, 13, and 24.

C–068389:T.14S., R.90W., 6th P.M., parts of Sections 16 and 21.

The purpose of applying the unsuitability criteria is to determine if all or part of the lease areas are still available for continued leasing. In applying the criteiral the Forest Service will consider the potential surface impacts from the anticipated underground operations.

Maps and rationale for application of the unsuitability criteria will be available for public review starting on December 1, 1980, in Forst Serivce Offices at 11th and Main Street, Delta, CO. and at the Old Federal Building, 9th and Grand, Glenwood Springs, CO. The public will be given 30 days for review and comment.

Comments on the application of the unsuitability criteria should be sent to Jimmy R. Wilkins, Forest Supervisor, Grand Mesa, Uncompahgre, and Gunnison National Forest Supervisor, Grand Mesa, Uncompahgre, and Gunnison National Forests, P.O. Box 138, Delta CO. 81416, prior to the close of business on December 30, 1980.

For further information contact Nils A. Arneson, U.S. Forest Service, 11th and Main Street, Delta, CO. 81416. Phone (303) 874–7691.

Dated: November 4, 1980.

Craig W. Rupp,

Regional Forester.

[FR Doc. 80–35541 Filed 11–13–80; 8:45 am]

BILLING CODE 3410–11–M

CIVIL AERONAUTICS BOARD

[Order 80–11–30; Docket 38524]

Air Fleets International, Inc.; Revocation of the Charter Air Carrier; Order To Show Course Certificates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of November, 1980.

By Orders 79–12–151, November 28, 1979, and 79–11–200, November 28, 1979, we issued certificates of public convenience and necessity to Air Fleets International, Inc. (AFI) authorizing it to engage in interstate, overseas and foreign charter air transportation.[1] AFI entered into an escrow agreement with the Irving Trust Company of New York City and obtained liability insurance through Southern Marine and Aviation Underwriters, Inc. in Atlanta. It filed public charter programs with us for a variety of domestic and international flights.[2]

On May 9, 1980, we received notice from Irving Trust that the bank was

[1] A fitness hearing was held as part of the *Former Large Irregular Service Investigation*, Docket 33363, before Administrative Law Judge Rudolf Soberheim. His recommended decision was adopted by us in Order 79–11–200.

[2] AFI filed public charter prospectuses jointly with numerous charterers: Charter Tours, Elliott Tours, Hamilton, Miller, Hudson and Fayne, Travelers Choice, Crimson Travel, Linkletter Travel, and Ulster Maple Leaf Club.

terminating its escrow agreement with AFI, effective July 28, 1980, because it believed the carrier to be operating in violation of our charter regulations.[3]

On May 27, 1980, counsel for AFI met with our staff to discuss AFI's problems. The attorneys acknowledged that there had been severe management and financial problems which the carrier was attempting to resolve. They explained that AFI obtained an equity investor which agreed to provide the necessary management and financial assistance to AFI in return for a 51 percent stock interest.[4]

On June 11, 1980, Southern Marine and Aviation Underwriters, Inc. notified the staff that AFI's liability insurance was being cancelled as of July 11, 1980, for nonpayment of premiums. The company extended its coverage several times; however the carrier's insurance finally expired on July 22, 1980.[5]

Throughout June and July the staff continued to receive reports concerning AFI's financial and operational problems. On July 22, 1980, a team of CAB staff members visited AFI's offices in Fort Lauderdale. They discovered that only a skeleton staff was on duty; the aircraft were not airworthy; and there was still a dispute over control of the company.

Because of these problems, and the staff's concern over the continuing fitness of AFI to operate pursuant to its certificates, we directed AFI to submit certain information to the Bureau of Domestic Aviation (BDA) to enable BDA to determine whether the carrier remained fit, willing and able to conduct charter operations.[6] AFI has not submitted the requested information.[7]

On September 9, 1980, we received notice that AFI had voluntarily surrendered its operating certificates to the FAA.

We have decided to issue an order to show cause why we should not revoke the charter certificates of AFI for failure to comply with the continuing fitness requirements of the Act.

Section 401(r) of the Act requires every air carrier to comply with the requirement that it continue to be fit, willing and able. It directs us, after notice and hearing, to modify, suspend, or revoke a carrier's authority for its failure to comply with this continuing fitness requirement or for its failure to file reports to enable us to determine its fitness.[8] The purpose of section 401(r) is to insure that the initial fitness requirement is a continuing one.[9]

Upon review of all the facts of this case, we have tentatively determined that we should revoke the certificates of AFI for its failure to comply with section 401(r) of the Act. The carrier has allowed its liability insurance to lapse. Its depository bank has terminated its escrow arrangement because of the bank's belief that the carrier was violating section 208.40(a)(1) of our Economic Regulations. It has no management team in clear control of the airline. Its FAA operating certificate has been surrendered. Based on these facts, we tentatively find that AFI is unfit. We also directed AFI to file specific information concerning its financial, managerial and operational fitness,[10] which it failed to do. Because of this inaction, and its failure to file any of the normal and routine reports required by Part 241 of our Economic Regulations, we tentatively conclude that it lacks a satisfactory compliance disposition and is in violation of section 401(r).

We regard the burden of proving fitness to be a continuing one; *i.e.*, when facts adverse to a carrier's fitness come to our attention, we consider it to be the burden of the carrier to present evidence which rebuts those facts.[11] We will usually direct the carrier to file information which can clarify its position. Where, as in this case, the carrier fails to respond to our request, we view this failure not only as a direct violation of both our order and section 401(r), but also as a failure to sustain its burden of proving that it continues to be fit.

We tentatively conclude that there are no material, determinative issues of fact which require an oral hearing for their resolution. We will give interested persons 30 days following the service date of this order to show cause why the tentative findings and conclusions set forth her should not be made final; replies will be due five days after that. If AFI requests an oral hearing, it should state in detail why it considers an oral hearing to be necessary and what material issues of decisional fact it would expect to establish that cannot be established in written pleadings. If no objections are filed, we will enter an order which will make final our tentative findings and conclusions and revoke the certificates of AFI.

Accordingly: 1. We direct interested persons to show cause why we should not make final our tentative findings and conclusions and revoke the certificates of Air Fleets International for failure to comply with the continuing fitness requirements of section 401(r) of the Act;

2. We direct any interested persons having objections to the issuance of an order making final any of the proposed findings or conclusions, to file in Docket 38524, and serve upon all persons listed in ordering paragraph 5, no later than December 8, 1980 a statement of objections, together with the evidence expected to be relied upon to support the objections; answers to objections shall be filed no later than December 15, 1980;

3. If timely and properly supported objections are filed, we will give full consideration to the matters or issues raised by the objections before we take further action;

4. In the event no objections are filed, we will enter an order making final our tentative findings and conclusions and revoking the certificates of AFI; and

5. We will serve a copy of this order on AFI, A.K. Rozawick, Charles F. Willis, Milton A. Fried, Floyd Anderson, Albert F. Bietel, James Burger, Joseph S. Norman, II, Bernard Berman, Shipp D. Harris, Lawrence H. Schaefer, John Anderson, Robert Kneisley, Alan W. Markham, Jerry W. Ryan, Federal Aviation Administration, and Gene C. Lange.

We will publish this order in the **Federal Register.**

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[3] Specifically, Irving Trust stated that some of the payment dates listed in AFI's charter contracts has passed without the payments having been deposited into the proper escrow account. In addition, the bank stated that it had received no payments from either Elliott Tours or its depository bank although AFI had operated flights for that operator. It learned that funds had been deposited in the depository bank and paid at AFI's direction directly to AFI. Irving Trust cites this as a violation of 14 CFR 208.40(a)(1).

[4] The staff later learned from AFI's counsel that this proposed acquisition was being challenged in court by one of AFI's original investors. It remains unresolved.

[5] On July 23, 1980, the staff advised AFI that it could not operate unless its insurance was reinstated, and that any operations conducted prior to that time would constitute a violation of the conditions set forth in its charter certificates.

[6] Order 80-7-162, July 25, 1980.

[7] By order 80-7-162, we directed AFI to comply with our request by August 7, 1980. The carrier requested two extensions of time, the latter until September 26, 1980. This last deadline has passed with no response.

[8] Section 401(r) reads as follows:

"(r) The requirement that each applicant for a certificate or any other authority under this title must be found to be fit, willing and able to perform properly the transportation covered by its application and to conform to the provisions of this Act and the rules, regulations, and requirements of the Board under this Act, shall be a continuing requirement applicable to each such air carrier with respect to the transportation authorized by the Board. The Board shall by order, entered after notice and hearing, modify suspend, or revoke such certificate or other authority, in whole or in part, for failure of such air carrier to comply with the continuing requirement that the air carrier be so fit, willing, and able, or for failure to file such reports as the Board may deem necessary to determine whether such air carrier is so fit, willing, and able."

[9] *See generally* S. Rep. No. 95-631, 95th Cong., 2d Sess. 98 (1978).

[10] Order 80-7-162, July 25, 1980.

[11] Section 401(d)(9)(A); section 401(r).

By the Civil Aeronautics Board.

Phyllis T. Kaylor,[12]

Secretary.

[FR Doc. 80-35628 Filed 11-13-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 38939]

Dallas/Ft. Worth-Yucatan Service proceeding; Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on Tuesday, November 25, 1980, at 10:00 A.M. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

Each party which wishes to participate in the oral argument shall so advise The Secretary, in writing, *on or before Tuesday, November 18, 1980* together with the name of the person who will represent it at the argument.

Dated at Washington, D.C., November 7, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-35630 Filed 11-13-80; 8:45 am]

BILLING CODE 1320-01-M

Lone Star Airways, Inc., Fitness Investigation; Postponement of Hearing

[Docket 38185]

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 13, 1980 (45 FR 70292, October 23, 1980) is postponed until November 19, 1980, at 10:00 a.m. (local time) in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., November 7, 1980.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 80-35629 Filed 11-13-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

National Laboratory Accreditation Criteria Committee for Thermal Insulation Materials; Termination

AGENCY: Office of the Assistant Secretary for Productivity, Technology, and Innovation.

ACTION: Notice of termination.

SUMMARY: The committee has concluded its work. The results are reflected in the criteria that were established for accrediting laboratories that test thermal insulation materials. The original criteria were published January 18, 1979 (44 FR 3886–3905) and revised and published January 23, 1980 (45 FR 5572–5600).

SUPPLEMENTARY INFORMATION: The National Laboratory Accreditation Criteria Committee for Thermal Insulation Materials was established in 1977 under the procedures of the National Voluntary Laboratory Accreditation Program, and in accord with the Federal Advisory Committee Act. The committee developed and recommended to the Secretary of Commerce criteria for accreditation of laboratories that test thermal insulation materials; evaluated public comment derived from publication of proposed criteria, and recommended to the Secretary approriate actions covering such criteria.

EFFECTIVE DATE: The effective date of termination is October 30, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. Howard I. Forman, Deputy Assistant Secretary for Product Standards Policy, Room 3876, U.S. Department of Commerce, telephone (202) 377–3221, or the Department's Committee Management Analyst, Mrs. Yvonne Barnes, telephone (202) 377–4217.

Dated: November 6, 1980.

Elsa A. Porter,

Assistant Secretary for Administration.

[FR Doc. 80-35559 Filed 11-13-80; 8:45 am]

BILLING CODE 3510-17-M

Economic Development Administration

Import Determinations; Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Robertson Shake Mill, Inc., 365 N.W. Chehalis Avenue, Chehalis, Washington 98532, a producer of cedar shakes, shingles and ridges (accepted October 21, 1980); (2) Victoria Fabrics Corporation, 12845 N.W. 45th Avenue, Opa Locka, Florida 33054, a producer of fabrics (accepted October 21, 1980); (3) Ljutic Industries, Inc., 918 North 5th Avenue, Yakima, Washington 98902, a producer of shotguns and accessories (accepted October 23, 1980); (4) Danzero, Inc., 1705 West 32nd Place, Hialeah, Florida 33012, a producer of men's suits (accepted October 24, 1980); (5) Feuer Leather Corporation, 3 Park Avenue, New York, New York 10016, a processor of leather (accepted October 27, 1980); (6) Lawrence E. Brackin, R.D. No. 1, 19 Landenberg Manor, Landenberg, Pennsylvania 19350, a producer of mushrooms (accepted October 27, 1980); (7) Ruth Robbins Sportswear, Inc., 3711 W. Rosecrans Avenue, Hawthorne, California 90250, a producer of women's athletic apparel (accepted October 27, 1980); (8) Bantamlite, Inc., 271 Buffalo Avenue, Paterson, New Jersey 07503, a producer of flashlights, office accessories and first aid kits (accepted October 30, 1980); (9) StyleMart, Inc., 15 East 3rd Avenue, Lexington, North Carolina 27292, a producer of men's and women's shirts, tops and pants (accepted November 3, 1980); (10) Circle Knit, Inc., 7110 Center Drive, Spartanburg, South Carolina 29303, a producer of knit fabrics (accepted November 3, 1980); (11) National Curtain Corporation, 31 West 27th Street, New York, New York 10001, a producer of curtains and draperies (accepted November 3, 1980); (12) D & L Shake & Ridge Company, Route 3, Box 1355F, Hoquiam, Washington 98550, a producer of cedar shakes, hips and ridges (accepted November 4, 1980); (13) Carl Gutmann & Company, Inc., 32 33rd Street, Brooklyn, New York 11232, a producer of men's shirts (accepted November 4, 1980); (14) North Vernon Forge, P.O. Box 220, North Vernon, Indiana 47265, a producer of wheel wrenches and other forgings (accepted November 5, 1980); and (15) Woodward Manufacturing and Sales Company, Inc., P.O. Box 507, Appleton, Wisconsin 54912, a producer of hand trucks (accepted November 5, 1980).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no

[12] All Members concurred except Member Smith who was not here.

later than the close of business of the tenth calendar day following the publication of this notice (November 24, 1980).

The Catalogue of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Insofar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–95 regarding review by clearinghouses do not apply.

Charles L. Smith,

Acting Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 80–35525 Filed 11–13–80; 8:45 am]

BILLING CODE 3510–24–M

International Trade Administration

Electronic Instrumentation Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration.

SUMMARY: The Electronic Instrumentation Technical Advisory Committee was initially established on October 23, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to electronic instrumentation, or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: December 2, 1980, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 1626, 14th Street and Constitution Ave., NW, Washington, D.C.

AGENDA: General Session:

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Briefing by Department of Commerce on existing controls affecting export of automatic test equipment (ATE) and software.

(4) Feedback and discussion on electronics manufacturing model.

(5) Discussion on calibration equipment trends and needs for new technology support.

(6) Equipment in the electronics manufacturing process.

(7) New Business.

Executive Session

(8) Discussion of matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

PUBLIC PARTICIPATION: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 11652 or 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202–377–4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT:

Mrs. Margaret Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202–377–2583.

Dated: November 10, 1980.

Saul Padwo,

Director of Licensing.

[FR Doc. 80–35636 Filed 11–13–80; 8:45 am]

BILLING CODE 3510–25–M

Leather Wearing Apparel From Argentina; Initiation of Countervailing Duty Investigation

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

ACTION: Initiation of Countervailing Duty Investigation.

SUMMARY: With this notice we inform the public that we are initiating a countervailing duty investigation in order to determine whether or not the Government of Argentina has given benefits which constitute bounties or grants within the meaning of the countervailing duty law on the manufacture, production or exportation of leather wearing apparel. Unless we extend this investigation, we will make a preliminary determination not later than January 8, 1981.

EFFECTIVE DATE: November 14, 1980.

FOR FURTHER INFORMATION CONTACT: Fred Howell, Import Administration Specialist, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202) 377–4804.

SUPPLEMENTARY INFORMATION: On October 14, 1980, Ralph Edwards Sportswear, Inc., Cape Girardeau, Missouri, filed a petition in proper form with the Department of Commerce (the Department), alleging that the Government of Argentina provides to manufacturers, producers or exporters of leather wearing apparel, certain subsidies which are bounties or grants within the meaning of section 303, Tariff Act of 1930, as amended by the Trade Agreements Act of 1979, (93 Stat. 190, 19 U.S.C. 1303) (hereinafter referred to as "the Tariff Act"). Because Argentina is not a "country under the Agreement," within the meaning of section 701(b) of the Tariff Act (93 Stat. 151, 19 U.S.C. 1671(b)), section 303 of the Act applies to this investigation.

The merchandise covered by this investigation is leather wearing apparel provided for in item number 791.76 of the Tariff Schedules of the United States.

The petitioner alleges that the Government of Argentina provides subsidies in the form of a reembolso or export rebate in the amount of 20 percent of the f.o.b. value on export shipments of leather apparel and a preferential export finance program allowing the exporting manufacturer liberal financing terms, including the borrowing of 40 percent of the value of a letter of credit at 1 percent per annum. We will also examine any income tax reduction based on export related income.

Petitioner has also alleged that critical circumstances exist within the meaning of section 703(e) of the Tariff Act (93 Stat. 154, 19 U.S.C. 1671b(e)) by reason of massive imports over a relatively short period of time. However, since Argentina is not a "country under the Agreement" and leather wearing apparel is dutiable, this provision does not apply. (Section 103(b) Trade Agreements Act of 1979 (93 Stat. 190)).

Leather wearing apparel from Argentina was the subject of an earlier countervailing duty investigation. The Treasury Department made a final negative determination concluding that investigation on January 17, 1979 (44 FR 3599). (Prior to January 1, 1980, the Treasury Department had responsibility for administering the countervailing duty law. With respect to the transfer of authority to the Department of Commerce, see Reorganization Plan No. 3 of 1979, 44 FR 69273). The Treasury Department determined in that investigation that the net benefits derived from government programs was de minimis and that, therefore, benefits paid or bestowed by the Government of Argentina on the manufacture/exportation of leather wearing apparel did not involve "bounties or grants" within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303). The petitioner, Ralph Edwards Sportswear, Inc., however, alleges that the offset of indirect taxes which was permitted in the earlier investigation is inconsistent with the Administrative Guidelines (19 CFR 355, Annex 1, paragraph 2, 45 FR 4949) published by the Department for determining when the payment of a lump sum calculated and identified as a non-excessive rebate of an indirect tax on an exported product or its components is not a subsidy. The Commerce Department most recently applied these guidelines in the investigations involving textile and textile mill products (45 FR 55502) and certain iron metal fasteners from India (45 FR 64611). In light of the above, I hereby determine that the Department should initiate an investigation to determine whether or not the Government of Argentina provides subsidies on the production, manufacture or export of leather wearing apparel. Since Argentina is not a "country under the Agreement" and none of the items covered by the petition enter the U.S. duty free, the Commerce Department need not have evidence of material injury or likelihood or material injury to a domestic industry before initiating a case nor must the case be referred to the U.S. International Trade Commission for a 45-day preliminary injury review. Pursuant to section 303(b) of the Tariff Act of 1930, as amended by section 103 of the Trade Agreements Act of 1979, (93 Stat. 190, 19 U.S.C. 1303(b)), the Commerce Department will make a preliminary determination as to whether a bounty or grant is being paid or bestowed on the manufacture, production or exportation of leather wearing apparel from Argentina not later than January 8, 1981, unless the investigation is otherwise extended. The Commerce Department publishes this notice pursuant to section 303(b) of the Tariff Act of 1930, as amended by section 103 of the Trade Agreements Act of 1979, (93 Stat. 190, 19 U.S.C. 1303).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 80-35556 Filed 11-13-80; 8:45 am]

BILLING CODE 3510-25-M

Management-Labor and Importers and Retailers' Textile Advisory Committees; Open Joint Meeting

AGENCY: International Trade Administration, Department of Commerce.

SUMMARY: The Management-Labor textile Advisory Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel. The Secretary of Commerce established the Importers and Retailers' Textile advisory Committee on August 13, 1963 to advise U.S. Government officials of the effects on import markets of cotton, wool and manmade fiber textile agreements.

TIME AND PLACE: December 3, 1980 from 1:30 p.m. to 3:00 p.m. The meeting will take place at the Main Commerce Building, Room 4830, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. (Public entrance to the building is on 14th Street, between Constitution Avenue and E Street, N.W.)

AGENDA: (1) Review of import trends, (2) Implementation of textile agreements, (3) Report on conditions in the domestic market, (4) Other Business.

PUBLIC PARTICIPATION: The meeting will be open to public participation to the extent time is available. The public may file written statements with the Committee before or after the meeting. Approximately 30 seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the D.A.S. for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202/377-3737

Dated: November 10, 1980.

Paul T. O'Day,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 80-35602 Filed 11-13-80; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Caribbean Fishery Management Council; Public Meetings

AGENCY: The Caribbean Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265), will hold its 32nd regular meeting to consider status reports on fishery management plans (FMP's) under development; draft FMP framework for shallow-water reef fishes; draft regulations for the Spiny Lobster FMP; National Marine Fisheries Service (NMFS) policy on joint preparation of FMP's; work plan for deep-water reef fishes and mollusks (conch and whelk); progress on preparation of a color-slide narrated presentation; administrative matters as well as other Council business.

DATES: The meetings, which are open to the public, will convene on Tuesday, December 9, 1980, at approximately 9:30 a.m., and will adjourn on Thursday, December 11, 1980, at approximately noon.

ADDRESS: The meetings will take place at the Government House, Conference Room, Municipality of Culebra, Commonwealth of Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918, Telephone: (809) 753-4926.

Dated: November 10, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-35635 Filed 11-13-80; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Public Hearing

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Notice of Public Hearing.

SUMMARY: The National Marine Fisheries Service will hold a public hearing for the purpose of public input on the Draft Fishery Management Plan (DFMP) for the Western Alaska King Crab, and amendments for 1981 to the Tanner Crab Fishery Management Plan (FMP) the Bering Sea Groundfish FMP, and the High Seas Salmon FMP.

DATE: Written comments on the DFMP for western Alaska king crab, and the amendments to the plans for Tanner crab, Bering Sea Groundfish and High Seas Salmon from members of the public may be submitted no later than December 9, 1980. Individuals or ogranizations wishing to comment on any of the above fishery management plans may do so at a public hearing to be held at the time and location listed below:

December 9, 1980: Sheraton-Renton Inn, Renton, Washington 98055, 9:30 a.m. to 5:00 p.m.

ADDRESS: Send comments to: Chairman, North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510. Public hearing location: Sheraton-Renton Inn, 800 Ranier Avenue, South Renton, Washington 98055.

FOR FURTHER INFORMATION CONTACT: Mr. Robert W. McVey, Regional Director, North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska, Telephone 907–274–4563.

Dated: November 11, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80–35634 Filed 11–13–80; 8:45 am]

BILLING CODE 3510–22–M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT–APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to the addresses cited for the agency-sponsors.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

U.S. Department of the Air Force, AF/JACP, 1900 Half Street SW., Washington, D.C. 20324

Patent 4,207,388: Copper (II) Chloride-Tetrachlorioaluminate Battery. Filed November 29, 1978, patented June 10, 1980, not available NTIS

Patent 4,207,407: Aromatic Heterocyclic Polymer Alloys and Products produced therefrom. Filed May 3, 1978, patented June 10, 1980, not available NTIS

Patent 4,207,460: Low Power Frequency Modulated Hybrid Fiber Optic Data Acquisition System. Filed October 12, 1978, patented June 10, 1980, not available NTIS

Patent 4,207,560: R F Area Intruder Detection and Tracking System. Filed August 23, 1978, patented June 10, 1980, not available NTIS

Patent 4,207,594: Electronic Indirect Measuring System. Filed July 21, 1977, patented June 10, 1980, not available NTIS

Patent 4,207,764: Precision-Fin Indexing Device for Wind Tunnel Models. Filed March 5, 1979, patented June 17, 1980, not available NTIS

U.S. Department of Energy , Assist. Gen. Couns. for Patents, Washington, D.C. 20545

Patent application 6,025,639: Energy Recovery System. Filed March 30, 1979

Patent application 6,028,780: Communications System Using a Mirror Kept in Outer Space by Electromagnetic Radiation Pressure. Filed April 10, 1979

Patent application 6,033,076: Process for Changing Caking Coals to Noncaking Coals. Filed April 25, 1979

Patent application 6,061,167: Improved Method for Producing Small Hollow Spheres. Filed July 26, 1979

Patent application 6,076,528: Method of Fabricating Thin-Walled Articles of Tungsten-Nickle-Iron Alloy. Filed September 18, 1979

Patent 4,159,757: Bulk Material Handling System. Filed May 4, 1977, patented July 3, 1979, not available NTIS

Patent 4,161,687: Method for Locating Underground Anomalles by Diffraction of Electromagnetic Waves. Passing between Spaced Boreholes. Filed September 12, 1977, patented July 17, 1979, not available NTIS

Patent 4,169,283: Step-Control of Electromechanical Systems. Filed April 4, 1977, patented September 25, 1979, not available NTIS

Patent 4,171,644: Means for Ultrasonic Testing when Material Properties Vary. Filed February 28, 1978, patented October 23, 1979, not available NTIS

Patent 4,172,398: Present Pivotal Tool Holder. Filed February 28, 1978, patented October 30, 1979, not available NTIS

Patent 4,174,145: High Pressure Electrical Insulated Feed Thru Connector. Filed December 29, 1976, patented November 13, 1979, not available NTIS

Patent 4,174,510: Rf Transformer. Filed December 28, 1977, patented November 13, 1979, not available NTIS

Patent 4,175,048: Gaseous Insulators for High Voltage Electrical Equipment. Filed September 6, 1977, patented November 20, 1979, not available NTIS

Patent 4,183,744: Method of Foaming a Liquid Metal. Filed July 28, 1978, patented January 15, 1980, not available NTIS

Patent 4,189,647: Open Cycle Ocean Thermal Energy Conversion System. Filed August 17, 1978, patented February 19, 1980, not available NTIS

Patent 4,189,660: Electron Beam Collector for a Microwave Power Tube. Filed November 16, 1978, patented February 19, 1980, not available NTIS

U.S. Department Health & Human Services, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, MD 20205

Patent 4,209,860: System and Method for Multifunctional Control of Upper Limb Prosthesis via EMG Signal Identification. Filed February 13, 1978, patented July 1, 1980, not available NTIS

U.S. Department of the Navy, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA 22217

Patent application 6,122,335: Fiber Optic System for Transmission of Video Signals by Pulse-Frequency-Modulation. Filed February 19, 1980

Patent application 6,139,077: Soil Stabilization Materials and Methods. Filed April 10, 1980

Patent application 6,140,398: Two Color Narrow Bandwidth Detector. Filed April 14, 1980

Patent application 6,143,399: Pulse Compression System. Filed April 24, 1980

Patent application 6,144,462: A Method and Apparatus for Boresighting an Aircraft. Filed April 28, 1980

Patent application 6,147,412: Thermochemical Energy Transport Process. Filed May 6, 1980

Patent application 6,150,381: Closed Torque Test Machine. Filed May 16, 1980

Patent application 6,153,114: Developer for Dry Silver Paper. Filed May 27, 1980

Patent application 6,153,473: Precision Laser Pulse Radiometer. Filed May 27, 1980.

Patent application 6,155,719: Fuseless Explosive Propellant Cartridge. Filed June 2, 1980

Patent application 6,157,723: Electromagnetic Arming Rate Regulator. Filed June 9, 1980

Patent application 6,157,925: Micro-Power Magnetometer. Filed June 6, 1980.

Patent 4,144,540: Tunable Infrared Detector with Narrow Bandwidth. Filed February 6, 1978, patented March 13, 1979, not available NTIS

Patent 4,174,177: False Target Warning System. Filed August 14, 1978, patented November 13, 1979, not available NTIS

Patent 4,178,855: Explosive Actuated Arming Switch Device. Filed March 20, 1978, patented December 18, 1979, not available NTIS

Patent 4,185,497: Adiabatic Laser Calorimeter. Filed October 30, 1980, not available NTIS

Patent 4,185,557: Stress Reducing Liner and Method of Fabrication. Filed April 28, 1972, patented January 29, 1980, not available NTIS

Patent 4,196,055: Method of Determining the Presence of Stray Electrical Currents in a Solution. Filed August 25, 1975, patented April 1, 1980, not available NTIS

Patent 4,196,775: Shock-Mounted, Liquid Cooled Cold Plate Assembly. Filed September 19, 1977, patented April 8, 1980, not available NTIS

Patent 4,199,809: Programmable Data Terminal Set. Filed April 5, 1976, patented April 22, 1980, not available NTIS

Patent 4,200,669: Laser Spraying. Filed November 22, 1978, patented April 29, 1980, not available NTIS

National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, NASA Code GP–2, Washington, D.C. 20546

Patent application 6,116,310: Autocatalytic Coal Liquefaction Process. Filed January 28, 1980

Patent application 6,161,253: Low Temperature Cross Linking Polyimides. Filed June 20, 1980

Patent application 6,161,254: A Silicon-Slurry/Aluminide Coating. Filed June 20, 1980

Patent application 6,161,255: Cell and Method for Electrolysis of Water and Anode Therefor. Filed June 20, 1980

Patent application 6,161,257: Improved Method for Driving Two-Phase Turbines with Enhanced Efficiency. Filed June 20, 1980

Patent application 6,163,838: Preparation of Perfluorinated 1,2,4 Oxadiazoles. Filed June 27, 1980

Patent application 6,163,839: Preparation of Perfluorinated Imidolyamidoximes. Filed June 27, 1980

Patent application 4,203,723: Vitra-Violet Process for Producing Flame Resistant Polyamides and Products Produced Thereby. Filed December 6, 1976, patented May 20, 1980, not available NTIS

Patent application 4,204,154: Portable Device for Use in Starting Air-Start-Units for Aircraft and Having Cable Lead Testing Capability. Filed March 9, 1978, patented May 20, 1980, not available NTIS

Patent application 4,204,899: Cork-Resin Abiative Insulation for Complex Surfaces and Method for Applying the Same. Filed September 12, 1978, patented May 27, 1980, not available NTIS

Patent application 4,206,970: Chromatically Corrected Virtual Image Visual Display. Filed October 23, 1978, patented June 10, 1980, not available NTIS

[FR Doc. 80-35413 Filed 11-13-80; 8:45 am]

BILLING CODE 3510-04-M

Office of the Secretary

[Dept. Organization Order Revocation Notice]

Appeals Board; Revocation

Effective Date: October 14, 1980.

This order effective October 14, 1980 supersedes the material appearing at 44 FR 63127 of November 2, 1979.

Revocation

Department Organization Order 20–11, dated October 12, 1979, is hereby revoked.

Explanation

The contract appeals functions of the Appeals Board have been transferred to the Department of Interior under the Governmentwide centralization program for such activities. The remaining functions of the Board have been returned to the International Trade Administration.

Elsa A. Porter,

Assistant Secretary for Administration.

[FR Doc. 80-35569 Filed 11-13-80; 8:45 am]

BILLING CODE 3510-17-M

[Dept. Organization Order 10–5]

Assistant Secretary for Administration; Statement of Organization and Functions and Delegations of Authority

Effective Date: October 1, 1980.

This order effective October 14, 1980 supersedes the material appearing at 43 FR 12354 of March 24, 1978 and 44 FR 3303 of January 16, 1979.

Section 1. Purpose

.01 This Order prescribes the scope of authority and the duties and responsibilities of the Assistant Secretary for Administration (the "Assistant Secretary" hereinafter), and provides for the organizational structure of the Assistant Secretary's office.

.02 The purpose of this revision is to abolish the position of Deputy Assistant Secretary for Administration; establish the positions and prescribe the responsibilities of the Deputy Assistant Secretary for Resources Management, Deputy Assistant Secretary for Acquisition, Grants, and Information Management (Sections 4., 5.); delete the requirement to provide administrative support for the Appeals Board, which is being abolished, since its functions have been transferred to the Department of Interior or otherwise reassigned; and delete certain functions which have been transferred to the Office of the Inspector General.

Section 2. Administrative Designation

The position of Assistant Secretary of Commerce established by Section 304 of Pub. L. 83–471 of July 2, 1954 (68 Stat. 430; 15 U.S.C. 1506) shall continue to be designated as the Assistant Secretary for Administration. The Assistant Secretary is appointed by the President by and with the advice and consent of the Senate.

Section 3. Scope of Authority.

.01 Pursuant to the authority vested in the Secretary of Commerce by law, and subject to such policies and directives as the Secretary may prescribe, the Assistant Secretary is hereby delegated the authority of the Secretary on administrative management matters of the Department. This delegation shall include the conduct of all administrative management functions required in the overall management of the Department as well as the provision of administrative management services directly to the Office of the Secretary and, as may be determined, to all or some organizational units of the Department, or to other governmental organizations for which the Secretary may be assigned responsibility.

.02 The authority delegated to the Assistance Secretary in paragraph .01 above shall include:

a. Serving as "agency head" with respect to the authorities in Chapter 4, Title 41 of the U.S. Code, which deal with purchases and contracts for property or services, and other authorities of the Secretary relating to procurement.

b. Carrying out the Secretary's responsibilities for fulfilling the objectives and effecting compliance throughout the Department with the requirements of Title VI of the Civil Rights Act of 1964, the Equal Employment Opportunity Act of 1972, and all other statutes, Executive Orders and regulatory provisions relating to equal opportunity under which the Secretary or the Department may have responsibilities. For purposes of carrying out these responsibilities, and as required by the applicable Executive Orders or implementing regulations of the Office of Personnel Management, the Equal Employment Opportunity Commission, the Department of Justice, and the Department of Health and Human Services, the Assistant Secretary is designated as the Director of Equal Employment Opportunity for the Department and is authorized to (1) upon recommendations of the heads of operating units, and with the approval of the respective Program Secretarial

Officers involved, designate Equal Employment Opportunity Officers for the operating units; and (2) designate Equal Employment Opportunity Officers for the Office of the Secretary.

c. Carrying out the Secretary's responsibilities under the Federal Advisory Committee Act (5 U.S.C. appendix), and implementing directives of the General Services Administration and the Department of Justice.

d. Coordinating Departmentwide the preparation of the national emergency plans and the development of the preparedness programs required by section 901 of Executive Order 11490, as amended.

e. Carrying out the Secretary's responsibilities with respect to gifts and bequests under 15 U.S.C. 1525–1527 (Pub. L. 91–412).

.03 Subject to applicable laws and regulations, the Assistant Secretary for Administration may redelegate the authorities under this section to any officer or employee of the Department subject to such conditions in the exercise of the authority as the Assistant Secretary may prescribe; however, the Assistant Secretary's authority to designate Equal Employment Opportunity Officers may not be redelegated.

Section 4. Office of Assistant Secretary for Administration

The Office of the Assistant Secretary shall consist of:

a. The Deputy Assistant Secretary for Operations.

b. The Deputy Assistant Secretary for Resources Management, who shall act as the Assistant Secretary during the latter's absence.

c. The Deputy Assistant Secretary for acquisition, Grants, and Information Management.

d. Such Departmental offices as the Assistant Secretary may establish to assist in carrying out the administrative management functions prescribed by this Order. A list of these Departmental Offices shall be maintained current by the Assistant Secretary in an appendix to this Order.

Section 5. Duties and Responsibilities

.01 The Assistant Secretary shall serve as the principal adviser to the Secretary and as the chief officer of the Department on administrative management. As such, the Assistant Secretary shall be concerned with:

a. Personnel programming and management, including labor-management relations, employee occupational health, the direction, administration, and processing of all personnel matters, and development and implementation of programs and activities to assist managers in the area of human development/work improvement.

b. The improvement of management structures, systems, tools and practices towards achieving the highest practical degree of effectiveness, efficiency and economy in programs of the Department.

c. The planning, budgeting and management of financial resources so as to assure optimum utilization of funds in carrying out programs of the Department.

d. The interpretation of Presidential directives in matters of program planning, management control, and operational evaluation; and the initiation of appropriate actions (including studies) relevant thereto.

e. The policy, planning, procurement, and management of the Department's automatic data processing (ADP) and associated telecommunications systems and resources to assure their optimum utilization in carrying out Commerce programs.

f. The efficient provision of common administrative and related support services required for the effective conduct of programs of the Department. These services shall include procurement, property, space, safety, motor vehicle, mail, communications, library, and related activities.

g. The achievement by the Department of a high state of planning and readiness for responding to national emergencies and major disasters.

h. The conduct of certain investigations, security matters and physical protection assignments, as set forth in Department Organization Order 20–6.

i. The provision of printing (including micropublishing), design, graphics, editorial and related promotional, distribution and publishing control services as will contribute to the effectiveness of the Department's programs, and other printed materials, with due regard for reasonable costs.

j. The conduct of activities to ensure equal employment opportunity in the Department, including affirmative action for employees and job applicants; and nondiscrimination in Federally-assisted programs, activities and projects.

k. The provision of grants and acquisition policy and guidance, and the conduct of related services within the Department.

l. The conduct of activities to provide a focal point in the Department for foreign intelligence matters to support the requirements of Commerce officials and organizational units.

.02 In carrying out the above responsibilities, the Assistant Secretary shall:

a. Develop and issue policies, standards and procedures for administrative management functions throughout the Department, and provide functional appraisal and supervision in the conduct of such functions by organizational units.

b. Directly provide the administrative management services required by the Office of the Secretary and, as determined by the Secretary or by agreement (e.g., between the Assistant Secretary and the Secretarial Officer concerned), directly provide particular administrative management services to specified organizational units of the Department or to other organizations.

c. Conduct a centralized procurement function that shall serve the Office of the Secretary and, as determined by the Assistant Secretary, various organizational units of the Department, and other Government organizations as may be arranged.

d. Provide central publications, printing, and related services for organizational units of the Department, and other organizations as may be arranged, except as the Secretary may authorize particular organizations to provide some such services, as specified, for themselves.

e. Take appropriate action, in accordance with law and pertinent Department orders, with respect to claims and claim procedures involving the Department.

.03 The Assistant Secretary shall be responsible for coordination and liaison with the Office of Management and Budget, the Office of Personnel Management, the General Services Administration, the General Accounting Office, the House Operations Committee, and the Government Printing Office on all applicable matters of administrative management, provide central liaison for the Department with the Budget Committees and Appropriations Committees of the Congress, coordinate administrative management matters with other departments and agencies, and otherwise represent the Department on such matters with public or private groups.

.04 The Assistant Secretary shall be assisted in performing the duties and responsibilities prescribed in this section, as follows:

a. The Deputy Assistant Secretary for Operations shall manage and deliver a wide range of administrative support services for the Office of the Secretary and certain other organizational units, to include:

1. Providing a full range of administrative services for the Department, including supply, property, library, motor vehicle, occupational safety and health, telecommunications, mail, historic preservation, energy conservation, traffic, word processing, certain aspects of records managment, space management and utilization.

2. Providing publications, printing (both microform and conventional), and related management services for the Department.

3. Providing accounting and related services for the Office of the Secretary, Regional Action Planning Commissions, and other assigned organizational units; establishing policies and procedures on official travel; and administering the Working Capital Fund and the General Administration budget account.

4. Conducting certain Departmental investigations; serving as the focal point for personnel security matters; establishing policies and procedures for documentary security and physical security; advising on security matters and representing the Department as appropriate on security matters; and carrying out physical protection assignments for officials of the Department.

5. Serving as the focal point in the Department for foreign intelligence support, and establishing policies and procedures for providing such support to officials and organizations of the Department.

6. Providing personnel services to the Office of the Secretary and other assigned oganizational units.

b. The Deputy Assistant Secretary for Resources Management shall have Departmentwide responsibility for the development, integration, and administration of policies, processes, and procedures which facilitate the efficient and effective use of resources pursuant to the mission and goals of the Department. Specifically, the Deputy Assistant Secretary shall be concerned with:

1. Personnel policy, planning, and management, including work force planning, labor-management relations, employee health, management training and personnel systems design, implementation, and evaluation.

2. Planning, budgeting, and management of financial resources, including budget guidance, formulation, presentation, justification and execution, establishment of fiscal policies and procedures, and the monitoring and control of resource utilization.

3. Planning and management of Department program evaluation activities to ensure effective service delivery of Departmental programs.

4. Performing management consulting, organizational review, management improvement, directives management, information policy, and emergency preparedness functions. In support of information management activities, the Commerce Information Policy Issues Committee, chaired by the Assistant Secretary, shall consider and seek solutions for a wide range of information policy issues within, or impacting from outside the Department.

5. Conducting activities to ensure equal employment opportunity in the Department, including affirmative action; nondiscrimination in Federally-assisted programs; and signing final decisions on EEO complaints.

6. Integration of the above functions and the linkage of these with other administrative functions in order to improve service to Departmental top management as well as program offices.

c. The Deputy Assistant Secretary for Acquisition, Grants, and Information Management shall have Departmentwide responsibility for the development, coordination, and implementation of policies and practices to assure effective and efficient acquisition through contract of goods, services, and equipment in support of the Department's mission and programs; assure implementation of an effective grants management program consistent with the objectives of the activities which the grants support; and provide effective information resources and automated management systems to support management at all levels of the Department. Specifically, the Deputy Assistant Secretary shall be concerned with:

1. Development, coordination, and implementation of policies and procedures, and programs which assure the effective use of the Department's ADP resources and information systems.

2. Assuring Departmentwide planning for ADP and information management resources and facilitating linking the development of such plans with the plans for the programs which they support.

3. Providing a full range of ADP and information management system support for the Office of the Secretary and designated operating units; including the effective operation of a central ADP facility.

4. Conducting procurement activities in support of program goals and objectives and consistent with procurement laws and regulations, and with the objective of obtaining necessary goods, services, and equipment at a minimum cost to the Government.

5. Cooperating with appropriate organizations to achieve socio-economic program objectives, such as those of the Small Business Program, through the procurement process.

6. Providing a focal point for grant administration policies and practices.

7. Providing the opportunity for full participation from all interested organizations within the Department in the performance of the above activities so that policies and services fully support Departmental line management.

Section 6. Savings Provisions

Appropriate Department Organization and Department Administrative Orders, circulars or memoranda which prescribe the Assistant Secretary's administrative authority and functions, are hereby constructively amended or superseded accordingly.

The Assistant Secretary will schedule and accomplish all transfers of personnel, funds, records, and property pursuant to the implementation of the provisions of this Order.

Elsa A. Porter,

Assistant Secretary for Administration.

Appendix—Deputy Assistant Secretaries and Departmental Offices and Units In the Office of the Assistant Secretary for Administration

Deputy Assistant Secretary for Operations

Office of Administrative Services.
Office of Budget Operations.
Office of Financial Operations.
Office of Intelligence Liaison.
Office of Investigations and Security.
Office of Personnel Operations.
Office of Publications.

Deputy Assistant Secretary for Resources Management

Office of Budget.
Office of Civil Rights.
Office of Financial Management.
Office of Organization and Management Systems.
Office of Personnel.
Office of Program Evaluation.

Deputy Assistant Secretary for Acquisition, Grants, and Information Management

Office of Acquisition and Grants Management.
Office of Information Management.

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[Dept. Organization Order 20-17]

Office of Acquisition and Grants Management; Statement of Organization and Functions and Delegations of Authority

Section 1. Purpose

.01 This Order establishes and prescribes the functions and organization of the Office of Acquisition and Grants Management.

.02 This Order also reflects the division of the former Office of Procurement and ADP Management into two separate offices and transfer of grants functions from the former Office of the Controller (see Section 4.); and the change in reporting line of authority resulting from the reorganization of the Office of the Assistant Secretary for Administration, and establishment of the position of Deputy Assistant Secretary for Acquisition, Grants and Information Management (DOO 10-5).

Section 2. Status and Line of Authority

The Office of Acquisition and Grants Management (OAGM), a Departmental office, shall be headed by a Director who shall report and be responsible to the Deputy Assistant Secretary for Acquisition, Grants, and Information Management. The Director shall be assisted by a Chief, Acquisition and Grants Policy Division, a Chief, ADP and Equipment Procurement Division, a Chief, Research and Services Procurement Division, and a Chief, Contract Administration and Support Division, one of whom may act in the Director's absence, as determined by the Director. The Director shall also have a Cost and Price Analysis Staff and an Industry Relations Staff.

Section 3. Functions

Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10-5, and subject to such policies and directives as the Assistant Secretary and the Deputy Assistant Secretary for Acquisition, Grants, and Information Management may prescribe, OAGM shall:

Develop, coordinate, and implement the policies and programs which govern acquisition of all equipment, materials and services (including ADP and construction) required by the Department. The Office shall be responsible for developing, coordinating, and promulgating grant and cooperative agreement administrative policies for the Department; and shall be responsible for award and administration of grants and cooperative agreements entered into on behalf of the Office of the Secretary and designated organization units. The Office shall be the Deputy Assistant Secretary's principal source of assistance in managing the centralized contracting organization for all elements of the Department in the Washington metropolitan area; and shall ensure proper liaison with appropriate Executive Branch central management agencies and the Congress on all grant and acquisition matters. Under the direction and supervision of the Director, the functions of OAGM shall be organized and carried out as follows:

a. The *Acquisition and Grants Policy Division* shall develop, coordinate and implement grant and cooperative agreement administrative policies, and acquisition policy, including implementation of OMB Circular A-109; provide policy guidance to operating units for grant, cooperative agreement, and acquisition matters; and serve as the principal Departmental external liaison in grant, cooperative agreement, and acquisition policy matters. The Division shall develop and implement training programs for Department personnel engaged in the grants or acquisition processes; prepare general and special provisions, and standard schedule articles for contracts; review and revise where appropriate, all forms and financial assistance documents for compliance with applicable requirements; and provide oversight on audit report recommendations. The Division shall provide assistance to the Director in the management of the Department's grant, cooperative agreement, and acquisition programs; and manage the Department's data base requirements for conducting grant and acquisition programs. The Division shall be responsible for functional management review programs, including the review of operating unit grants administrative systems for compliance with Departmental and central agency requirements.

b. The *ADP and Equipment Procurement Division* shall provide procurement services for the acquisition of equipment and supplies and for acquisition of ADP equipment, software and services.

c. The *Research and Services Procurement Division* shall provide procurement services for the acquisition of construction, research and development, and similar services or studies; and be responsible for the preparation of grant awards for the Office of the Secretary and for designated operating units.

d. The *Contract and Grants Administration and Support Division* shall administer approved contracts and shall process contract terminations and claims actions. The Division shall also be responsible for the Departmental satellite procurement offices.

e. The *Cost and Price Analysis Staff* shall perform cost and price analyses of proposals, when appropriate, and provide recommendations to the responsible contract or grant official. The Staff shall be the principal assistant to the Director in the development, control and reporting of the office's budget and disbursement accounts.

f. The *Industry Relations Staff* shall serve as the primary industry interface for the Office. The Staff will implement and maintain contractor source files and performance evaluation records. The Staff shall have responsibility for Federal socio-economic programs, such as, small and small disadvantaged businesses, women-owned businesses, labor surplus area firms, and the socio-economic subcontracting program.

Savings Provisions

All Department Orders which refer to procurement functions under the Office of Procuarement and ADP Management, or OP&ADPM, are hereby constructively amended to refer to the Office of Acquisition and Grants Management, or OAGM.

Elsa A. Porter,

Assistant Secretary for Administration.

[FR Doc. 80-35575 Filed 11-13-80; 8:45 am]

BILLING CODE 3510-17-M

[Dept. Organization Order 20-1]

Office of Administrative Services; Statement of Organization and Functions and Delegations of Authority

Effective Date: October 14, 1980.

This order effective October 14, 1980 supersedes the material appearing at 44 FR 2412 of January 11, 1979 and 45 FR 6145 of January 25, 1980.

Section 1. Purpose.

.01 This Order prescribes the functions and organization of the Office of Administrative Services.

.02 This revision reflects the change in reporting line of authority resulting from the reorganization of the Office of the Assistant Secretary for Administration and the establishment of the position of the Deputy Assistant Secretary for Operations (DOO 10-5). This revision also incorporates the outstanding amendment to the Order.

Section 2. Status and Line of Authority.

The Office of Administrative Services (OAS), a Departmental office, shall be

headed by a Director who shall report and be responsible to the Deputy Assistant Secretary for Operations. The Director shall be assisted by a Deputy Director who shall perform the functions of the Director during the latter's absence.

Section 3. Functions.

Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10–5 and subject to such policies and directives as the Assistant Secretary and the Deputy Assistant Secretary for Operations may presecribe, OAS shall:

a. Have Departmentwide staff management responsibility for: supply (other than procurement), space and property, library facilities, motor vehicles, occupational safety and health, telecommunications, mail facilities, historic preservation, energy conservation, traffic, office automation (including word processing), and certain aspects of records management.

b. Provide services in the functional areas, enumerated in subparagraph a. above, required by the Office of the Secretary and as relevant to other organization units located in the Main Commerce Building; and

c. Within the scope of services, provided under a., above, develop, implement, and maintain a Commerce "Facility Self-Protection Program" in accordance with the provisions of the General Services Administration's Federal Property Management Regulations (Subpart 101–20.5).

d. Coordinate and participate with the Departmental Office of Information Management in the development and implementation of policies and procedures pertaining to data communications, and textual (word) processing computer based systems, networks, and equipment.

Section 4. Specified Authority.

In addition to the authority implicit in and essential to carrying out the functions assigned OAS and related to the exercise of such functions, the Director is hereby designated Claims Officer and delegated the authority vested in the Assistant Secretary for Administration by Department Administrative Order 203–22 to settle and pay claims for damage to, or loss of personal property incident to an employee's service, under the provisions of 31 U.S.C. 240–243, filed by an employee (or the employee's duly authorized representative) of the Office of the Secretary.

Section 5. Organization.

Under the direction and supervision of the Director, the functions of OAS shall be organized and carried out as provided below:

a. The *Library Division* shall provide library services for the Office of the Secretary and organization units located in the Main Commerce Building, and serve as a reference source for other libraries of operating units Departmentwide.

b. The *Communications and Transportation Division* shall be responsible for Departmentwide review and approval of word processing acquisition and implementation; review of major changes to telecommunications systems as defined by FPMR 101–37; and shall be the focal point in the Department for coordination, and be responsible for initiation of Departmentwide policy and procedures concerning those functions assigned to its area of responsibility. The Division shall be responsible for the coordination, supervision, and implementation of policies and procedures pertaining to the following services provided by OAS for the Office of the Secretary and organization units in the Main Commerce Building, assigned Commerce annexes, the Regional Commissions and, upon request, other outlying and independently operated buildings not regularly serviced by the Division: word processing, telecommunications services, including the centralized Departmental phase of the State Department's telecommunications network, mail and messenger services, travel arrangements, receiving and shipping services in the Main Commerce Building, motor pool services, imprest fund services, and distribution of publications for the Department and its component units. The Division is also responsible for preparation of the Commerce Telephone Directory.

c. The *Property and Buildings Management Division* shall serve as the principal liaison between operating units and the GSA headquarters and regional offices on all real property and space management matters, including Fedeal Building Fund transactions. The Division shall be responsible for initiation of Departmentwide policy and procedures concerning those functions assigned to its area of responsibility; for the assignment of space and assuring compliance with Departmental policies for space assignments and utilization practices by the Office of the Secretary and operating units in the Washington, D.C. area; exercising personal property utilization surveillance over all operating units nationwide; providing labor services and building liaison services with GSA and all organization units in the Main Commerce Building; and operating an automated personal property system for the Office of the Secretary and designated operating units. The Division shall also be responsible for the implementation and maintenance of a Commerce "Facility Self-Protection Program", as required by subparagraph 3.c. of this Order, and administering the Combined Federal Campaign, and Savings Bond Campaign.

d. The *Records Management Division* shall exercise Departmentwide responsibility, in accordance with the provisions of 101–11.102 of the Federal Property Management Regulations, for establishment and maintenance of an active, continuing, program for the economical and efficient management of records of the Department. The Division shall, among other things, provide for the effective control over the creation, organization, maintenance and use, and disposition of all Department records; cooperation with GSA in developing and applying standards, procedures, and techniques designed to improve the management of records, assure the maintenance and security of records of continuing value, and facilitate the segregation and disposal of all records of temporary value; and for assuring compliance with the provisions of the Federal Records Act of 1950 and with regulations issued thereunder. The Chief, Records Management Division is responsible for maintaining Departmental liaison with the National Archives and Records Service. The Division shall perform files, records disposition, forms and correspondence management services for the Office of the Secretary and, as approved by the Assistant Secretary for Administration, for designated operating units. The Division is also responsible for operation of a central Departmental forms supply store and arranges for the disposition and retrieval of retired records for those operating units for which the Division has operational responsibilities.

e. The *Policy and Program Analysis Division* is responsible for initiation of Departmentwide policy and procedures concerning those functions assigned to its area of responsibility; for advising and supporting other OAS divisions in development of policy and procedures initiated by these divisions; and for the issuance and implementation of all Departmentwide policy and procedures developed by OAS. The Division plans the overall framework of Department programs in administrative services

areas to include systems, standards, methods, procedures, reports and controls; reviews and prepares recommendations pertaining to proposed Federal/Military Specifications; when requested, prepares comments on legislation; and provides specialists, in OAS' areas of responsibility, to represent the Department on interagency study groups, committees, and task groups established by OMB, GSA, or other Executive agencies or public and private organizations. The Division reviews, evaluates, and advises the Director, Deputy Director, and other OAS division Chiefs on matters concerning newly established Governmentwide regulations and procedures, Executive orders, or OMB Circulars relating to all areas of OAS staff and line responsibilities; and observes and studies the implementation of new or existing policies or procedures for impact on operating activities. The Division is also responsible for management and operations of a variety of special programs to include Energy Conservation, Historic Preservation, and Occupational Safety and Health.

Section 6. Department of Commerce Administrative Services Council

There shall be a Department of Commerce Administrative Services Council, which shall consist of the Director, OAS, as Chairperson, the Deputy Director, and the chief administrative services officers of the operating units of the Department. The Council will meet on a call from the Chairperson for the purpose of advising and assisting in the development of policy and programs for the maximum effectiveness of administrative services throughout the Department.

Elsa A. Porter,

Assistant Secretary for Administration.

[FR Doc. 80-35561 Filed 11-13-80; 8:45 am]

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[Dept. Organization Order 20-16]

Office of Budget Operations; Statement of Organization and Functions and Delegation of Authority

This order is effective October 14, 1980.

Section 1. Purpose

.01 This Order establishes and prescribes the functions and organization of the Office of Budget Operations.

.02 This Order also reflects a reallocation of the functions of the former Office of the Controller (see Section 5.); and the change in reporting line of authority resulting from the reorganization of the Office of the Assistant Secretary for Administration, and the establishment of the position of Deputy Assistant Secretary for Operations (DOO 10-5).

Section 2. Status and Line of Authority

The Office of Budget Operations, a Departmental office, shall be headed by a Director, who shall report and be responsible to the Deputy Assistant Secretary for Operations. The Director shall be assisted by a Deputy Director who shall perform the functions of the Director during the latter's absence.

Section 3. Functions

.01 The Director shall be the advisor to, and representative of, the Assistant Secretary for Administration for financial management and control of all dollar and personnel resources in the Office of the Secretary. This shall include the Salaries and Expenses appropriation, Advances and Reimbursements, the Working Capital Fund, appropriations connected with Special Foreign Currency, Participation in U.S. Expositions, Trust Funds, and the Gift and Bequest account. The Director shall also serve as advisor to other Secretarial Officers and office directors with respect to these matters.

.02 Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10-5, and subject to such policies and directives as the Assistant Secretary and the Deputy Assistant Secretary for Operations may prescribe, the Office shall:

a. Provide budgetary services for the Office of the Secretary, other organizational units of Commerce, and other government agencies; as assigned.

b. Provide financial management oversight and control of all Working Capital Fund operations. This shall include, but not be limited to, establishing rates for services, rebating surpluses or recovering deficits, controlling purchases of capital equipment, approving budget levels, and distributing and collecting charges.

c. Provide management oversight and control of all end-of-year employment authorities ("ceiling slots") assigned to the Office of the Secretary.

d. Exercise other such authorities of the Assistant Secretary for Administration as are implicit in and essential to carrying out the functions assigned by this Order.

e. Act as approval authority, within limitations established by the Assistant Secretary for Administration, for all requests to use the Office of Secretary Gift and Bequest account; and review and recommend appropriate action on all requests by other Commerce elements, which exceed the approved dollar thresholds for this account.

Section 4. Organization

Under the direction and supervision of the Director, the functions of the Office shall be organized and carried out as provided below.

.01 The *Budget Division* shall be responsible for budget administration for the Office of the Secretary, including budget formulation and preparation and monitoring of operating budgets; shall administer the Office of the Secretary trust funds (consisting of contributions from non-public sources and payments from private sources), and the special foreign currency and U.S. expositions programs; and shall develop, negotiate, and execute, subject to the approval of the Deputy Assistant Secretary for Operations, reimbursable agreements with the Executive Office of the President, other Departments and agencies, and the Departmental offices and operating units of Commerce with regard to services to be performed by or for the Office of the Secretary. The Division shall also monitor employment levels and allocation of hiring authorities.

.02 The *Management Division,* headed by the Working Capital Fund Administrator, shall be responsible for financial management of the Office of the Secretary Working Capital Fund and for financial services to other Office of the Secretary accounts, as appropriate. The Division shall assure that the Working Capital Fund is being operated in accordance with the authority, guidelines, and procedures laid down for its operation and that the results of its operation are fairly shown and consonant with sound management practices. This shall include periodic analysis of cash flows; establishment of rate setting functions; consultation with clients and managers of the Fund; evaluation of budgets, programs, and proposed changes; establishment of recapitalization policies; and development of productivity measurement systems.

Elsa A. Porter,

Assistant Secretary for Administration.

[FR Doc. 80-35574 Filed 11-13-80; 8:45 am]

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[Dept. Organization Order 20-3]

Office of Budget: Statement of Organization and Functions and Delegation of Authority

Effective Date: October 14, 1980.

This order effective October 14, 1980 supersedes the material appearing at 42 FR 39695 of August 5, 1977.

Section 1. Purpose

.01 This Order establishes and prescribes the functions and organization of the Office of Budget.

.02 This revision reflects the division of the former Office of Budget and Program Evaluation into two separate offices: the Office of Budget, and the Office of Program Evaluation; and the change in reporting line of authority resulting from the reorganization of the Office of the Assistant Secretary for Administration, and the establishment of the position of Deputy Assistant Secretary for Resources Management (DOO 10–5).

Section 2. Status and Line of Authority

The Office of Budget, a Departmental office, shall be headed by a Director who shall report and be responsible to the Deputy Assistant Secretary for Resources Management. The Director shall be assisted by a Deputy Director who shall perform the functions of the Director in the latters' absence. The Director shall conduct the budget process in a manner which identifies the major issues, provides analysis of these issues, and permits Department officials to consider and make decisions; and shall provide guidance for the execution of the Department's budget.

Section 3. Functions

Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10–5, and subject to such policies and directives as the Assistant Secretary and the Deputy Assistant Secretary for Resources Management may prescribe, the Office shall:

a. Have Departmentwide staff responsibility for all matters relating to budget formulation, presentation, justification and execution, including the development of multi-year budget/program plans and the analysis, monitoring and reporting of fiscal and program status;

b. Have Departmentwide responsibility for the development and operation of selective aspects of comprehensive planning and management processes, such as the Integrated Planning and Management (IPM) effort.

c. Serve as the Department's principal contact with OMB, the Budget and Appropriations Committees of the Congress, and other government agencies on budget and related matters. Operating units of the Department shall work through the Office for all contacts with OMB, the Committees or members of the Committees on these matters.

Section 4. Organization

.01 Under the direction and supervision of the Director, the functions of the Office shall be organized and carried out as provided below.

a. The *Budget Coordination and Reports Division* shall:

1. Establish standards, criteria and procedures for preparing budget estimates and justifications, including the maintenance of necessary budget and program analysis handbook(s); and develop standards, procedures and operational instructions for resource allocation systems in the Department, such a zero-base budgeting;

2. Coordinate budget programs and activities that require consolidated action by the Department, and coordinate the preparation of budget estimates;

3. Interpret OMB directives on budget matters;

4. Maintain information on the status of Congressional actions on the Department's budget;

5. Prepare budget summaries and analyses;

6. Maintain the Department's budget history;

7. Maintain liaison with OMB staff and with staffs of Budget and Appropriations Committees on budget matters as necessary to carry out the Division's responsibilities;

8. Coordinate the establishment of reporting requirements from operating units on fiscal plans and status, budget execution, and program accomplishments; and analyze, consolidate or otherwise treat the reports as will best meet the needs of the Secretary and Secretarial Officers, incorporating material furnished by the program divisions and other offices;

9. Prepare special reports or briefings for the Secretary and Secretarial Officers on significant fiscal, budget and program execution problems, incorporating material furnished by the program divisions and other offices;

10. Examine and recommend appropriate action on apportionment requests;

11. Maintain control numbers on employment ceilings and outlay estimates;

12. Provide technical assistance to operating units on budget matters; and

13. Maintain multi-year plans, ceilings, and estimates.

b. The *Business and Economics Programs Division* and the *Science and Environment Programs Division,* for their respective areas of responsibility, shall:

1. Cooordinate the development of advance program guidance and plans for resource allocation in accordance with policy goals of the Department and recommend new or revised policy positions which are associated with program development and budgeting;

2. Examine and analyze all budget proposals in terms of effective allocation of Departmental resources, conformance to policies, adequacy of justification and appropriation language, existence of statutory authorization, feasibility and economy of operations, accuracy and consistency of schedules, and conformity with instructions governing submission of budget estimates, out-year plans, and impacts;

3. Review zero-based decision packages for consistency with Departmental policy goals and priorities and make recommendations for changes in content and levels of resources to policy officials, including the Secretary and Deputy Secretary;

4. Participate in identifying and setting priorities on major issues and problems and, where appropriate, participate in the conduct of special studies and evaluations;

5. Monitor, on a selective basis, various operational and long-range planning issues under the Department's Integrated Planning and Management effort;

6. Review and evaluate the Department's program budget structure and recommend modifications as necessary;

7. Participate in the development of selective legislative proposals affecting the Department's plans and programs; review all legislative proposals; review and comment on proposed testimony by officials of the Department on plans and programs; and review and comment on Congressional and other agency requests for Departmental positions on pending or draft legislation concerning plans and programs;

8. Examine and recommend appropriate action on apportionment requests;

9. Provide technical assistance to operating units on budget matters;

10. Analyze fiscal and program plans and reprogramming proposals for continuous review of the status of obligations, expenditures and program progess;

11. Evaluate budgeting policies and programs and make recommendations to appropriate officials for improvements;

12. Provide continuous liaison and be the point of contact between officials in assigned program areas and appropriate staff of the Office of the Secretary and OMB on budget matters;

13. Review and comment on GAO reports, Departmental audits, and Congressional surveys and investigations as appropriate; and

14. Analyze and recommend changes to multi-year budget/program plans.

.02 Respective areas of organizational responsibility for these Divisions shall be assigned by the Director. Current areas of responsibility are shown in Appendix A.

Elsa A. Porter,

Assistant Secretary for Administration.

Appendix A—Areas of Responsibility for the Business and Economics Program Division and the Science and Environment Programs Division

Business and Economics Programs Division

Office of the Secretary.
Bureau of Economic Analysis.
Bureau of the Census.
Bureau of Industrial Economics.
Economic Development Administration.
Regional Development Program.
International Trade Administration.
Minority Business Development Agency.
United States Travel Service.
Maritime Administration.

Science and Environment Programs Division

National Oceanic and Atmospheric Administration.
National Bureau of Standards.
Patent and Trademark Office.
National Technical Information Service.
National Telecommunications and Information Administration.
Office of Productivity, Technology, and Innovation.

[FR Doc. 80-35562 Filed 11-13-80; 8:45 am]
BILLING CODE 3510-17-M

[Dept. Organization Order 20-10]

Office of Civil Rights; Statement of Organization and Functions and Delegations of Authority

This order effective October 14, 1980 supersedes the material appearing at 43 FR 3608 of January 26, 1978.

Section 1. Purpose.

.01 This Order prescribes the functions and organization of the Office of Civil Rights.

.02 This revision reflects the change in reporting line of authority resulting from the reorganization of the Office of the Assistant Secretary for Administration and the establishment of the position of Deputy Assistant Secretary for Resources Management (DOO 10-5), and generally updates the Order.

Section 2. Status and Line of Authority.

The Office of Civil Rights, a Departmental office, shall be headed by a Director who shall report and be responsible to the Deputy Assistant Secretary for Resources Mangement. The Director shall be the Deputy Assistant Secretary's and the Assistant Secretary for Adminstrations's adviser with respect to these officials' responsibilities for fulfilling the objectives of, and effecting compliance throughout the Department with, the requirements of Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights of 1964, as amended by the Equal Employment Act of 1972, Title IX of the Education Amendments of 1972, Sections 501 and 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Age Discrimination in Employment Act of 1967, as amended, Section 7151 of the Civil Service Reform Act of 1978, Executive Orders 11764, 11914, 11948 and all other statues, Executive Orders, and regulatory provisions relating to equal opportunity, nondiscrimination, and civil rights.

Section 3. Functions.

.01 The functions of the Office of Civil Rights relate generally to two major areas of responsibility. These are:

a. Insuring equal employment opportunity, including affirmative action for employees and job applicants within the Department of Commerce.

b. Insuring nondiscrimination in activities and projects supported by Department of Commerce, including Title VI, nondiscrimination for the handicapped, and all other civil rights mandates.

.02 In carrying out these responsibilities the Director and the Office of Civil Rights shall:

a. Develop, direct, and coordinate Departmental programs policies and activities to insure the effective fulfillment by the Department and all elements of its EEO and civil rights responsibilities and evaluate the implementation of these actions.

b. Advise and assist the operating units in the performance of their EEO and civil rights responsibilities.

c. Develop and administer evaluation programs to determine the effectiveness of Departmental operating units in the area of EEO and civil rights, and report the results of such evaluations to the Deputy Assistant Secretary for Resources Management and the head of the operating unit.

d. Recommend to the Deputy Assistant Secretary for Resources Management final decisions on EEO complaints within the Department.

e. In consultation with the General Counsel, and the Legal Advisor, Office of Civil Rights, advise the Assistant Secretary of any violations of civil rights or EEO statutes, Executive Orders, or regulations over which the Department has jurisdiction and for which legally sufficient corrective action has not been initiated, and recommend such corrective action by the Assistant Secretary.

f. Represent the Department and the Assistant Secretary with other Federal agencies, including the Equal Employment Opportunity Commission, Office of Personnel Management, Department of Justice, Department of Health and Human Services, Department of Education, and with States, municipalities, labor unions, and other public and private groups, with respect to equal opportunity and affirmative action policies and programs of the Department.

g. Maintain liaison with, and solicit the views of, minority groups and women's organizations within and outside of the Department, with respect to equal opportunity and affirmative action policies and programs of the Department.

Section 4. Organization.

Under the supervision and direction of the Director, the functions of the Office will be organized and carried out as follows:

.01 *Equal Employment Opportunity (EEO) Division.* The EEO Division shall:

a. Provide policy direction, advice, and guidance to the Departmental Office of Personnel and the operating units in establishing and maintaining effective affirmative action employment programs.

b. Review and assess policies and practices throughout the Department relating to affirmative action and equal employment opportunity and, on the basis of such study, develop and recommend the adoption of new or revised Department programs and policies.

c. Develop policy and provide technical assistance in the special emphasis programs, such as the Federal Women's Program, Hispanic Program, and Program for the Handicapped.

d. Develop orders, policy statements, regulations and other directives relating to affirmative action and monitor the effectiveness of their implementation.

e. Develop and operate a program to evaluate the EEO programs and activities of the operating units. Provide the results of evaluation and, as appropriate, corrective recommendations to the Assistant Secretary for Administration and heads of operating units.

f. Provide leadership and guidance to operating units in the development of Affirmative Action Plans (including the

Federal Equal Opportunity Recruitment Program); take appropriate measures to assure their adequacy; and arrange for the submission of plans requiring approval by the Equal Employment Opportunity Commission and the Office of Personnel Management.

g. Provide information; gather and synthesize materials for reports; and review proposed and existing legislation and make recommendations for implementation with respect to EEO and affirmative action policies and programs of the Department.

h. As designated, represent the Department and the Deputy Assistant Secretary for Resources Management in meetings and conferences with other government agencies and private groups with respect to EEO an affirmative action policies and programs of the Department.

i. Perform such other functions as the Director may assign.

j. The EEO Division shall include Program Coordinators assigned responsibility for the following programs.

Federal Women's Program;
Hispanic Program;
Program for the Handicapped; and
Upward Mobility Program.

The coordinators shall be responsible for the development and coordination of their programs within the Office of Civil Rights and operating units.

.02 *Compliance Division.* The Compliance Division shall:

a. Program policy direction, advice and assistance to the operating units with respect to their implementation of external civil rights and equal opportunity programs, including Title VI, Title IX, the aged, and handicapped.

b. Maintain technical review of, and provide guidance to, the operating units in the implementation of the Department's external civil rights responsibilities, policies and regulations with respect to the conduct of compliance reviews, complaint investigations, and other matters related to negotiation, conciliation, and enforcement. Develop recommendations to improve the processing, investigation, and adjudication of such complaints.

c. Assist operating units in establishing a uniform internal EEO complaint processing system, including arranging for the training of EEO Officers and Counselors.

d. Review and assess policies and practices throughout the Department related to internal EEO complaints, and evaluate their effectiveness. Develop and recommend new or revised policies and programs, and corrective action.

e. Provide staff assistance to the Director and the Deputy Assistant Secretary with respect to the investigation, adjustment, and adjudication of EEO complaints, and the preparation of reports on the status of complaints. Develop recommended final determinations on EEO complaints within the Department.

f. In consultation with the General Counsel and the Legal Advisor, Office of Civil Rights, advise the Director of any apparent violations of civil rights or EEO statutes, Executive Orders, or regulations over which the Department has jurisdiction and, as directed, prepare recommendations for corrective action of such violations.

g. Work closely with the Departmental Office of Internal Security in matters relating to that Office's responsibility for investigating internal EEO complaints. Provide training and information to the EEO investigators in the area of EEO policy, procedures and requirements.

h. Provide information; gather and synthesize materials for reports; and review proposed and existing legislation and make recommendations concerning implementation, with respect to equal opportunity and affirmative action policies and programs of the Department.

i. As designated, represent the Department and the Deputy Assistant Secretary for Resources Management in meetings and conferences with other government agencies and private groups with regard to internal EEO complaints and external civil rights matters.

j. Perform such other functions as the Director may assign.

.03 The *Legal Advisor* shall, under the professional supervision of the Assistant General Counsel for Administration, serve in the immediate Office of the Director as the adviser on law and policy; and have responsibility for legal services in the Office of Civil Rights.

Elsa A. Porter,

Assistant Secretary for Administration.

[FR Doc. 80-35568 Filed 11-13-80; 8:45 am]
BILLING CODE 3510-17-M

[Dept. Organization Order 20-5]

Office of Financial Management; Statement of Organization and Functions and Delegations of Authority

This order effective October 14, 1980, supersedes the material appearing at 43 FR 6132 of February 13, 1978.

Section 1. Purpose.

.01 This Order establishes and prescribes the functions and organization of the Office of Financial Management.

.02 This Order also reflects a reallocation of the functions of the former Office of the Controller to four new offices (see Section 5.); and the change in reporting line of authority resulting from the reorganization of the Office of the Assistant Secretary for Administration, and the establishment of the position of Deputy Assistant Secretary for Resources Management (DOO 10-5).

Section 2. Status and Line of Authority.

The Office of Financial Management, a Departmental office, shall be headed by a Director, who shall report and be responsible to the Deputy Assistant Secretary for Resources Management. The Director shall be assisted by a Chief Accountant in performing the accounting functions of the Office.

Section 3. Functions.

.01 Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10-5, and subject to such policies and directives as the Assistant Secretary and the Deputy Assistant Secretary for Resources Management may prescribe, the Office shall:

a. Have Departmenwide staff responsibility for all matters related to carrying out the Secretary's responsibility, under the Budget and Accounting Act of 1950, for establishing and maintaining adequate systems of accounting and internal control.

b. Formulate and monitor the implementation of policies on matters pertaining to the effectiveness and efficiency of the Department's financial management operations and practices.

c. Develop control systems to support the Department's planning and management processes, and to carry out initiatives promulgated by central agencies.

d. Evaluate the financial management aspects of the Department's management and administrative systems, and assist in formulating methods of administering management information resources.

.02 The Director shall be the adviser to, and representative of, the Assistant Secretary for Administration and the Deputy Assistant Secretary for Resources Management for financial management and control matters; and shall provide Departmental leadership and coordination in setting financial management policy, and in the resolution of financial management issues and problems.

.03 The Director shall advise and assist Department officials in fulfilling their respective functions in matters

relating to financial management and coordinate with them the activities of the Office in matters of mutual concern.

.04 The Director shall advise and assist the offices under the Deputy Assistant Secretary for Resources Management in the fulfillment of their respective functions in matters relating to financial management and coordinate with them the activities of the Office in matters of mutual concern.

Section 4. Organization.

Under the direction and supervision of the Director, the functions of the Office shall be organized and carried out as provided below:

.01 The *Chief Accountant* shall be the Department's principal technical authority on accounting, and shall:

a. Formulate standards applicable to accounting practices.

b. Review accounting systems design and coordinate approval of such systems with the Office of Management and Budget and the General Accounting Office.

c. Advise the Office of Personnel on accounting and financial management training for program managers and staffs.

d. Participate in the review of proposed legislation affecting the Department's accounting and financial management policies.

.02 The *Systems and Review Division* shall:

a. Conduct evaluations of management and internal controls with respect to budget systems, obligations systems, limitation systems, and accounting systems, including costs systems, payrolling, and vouchering.

b. Participate in revies of Commerce financial management functions.

c. Develop systems for utilizing budgeting, accounting, and performance measurement information to support the Department's planning and management processes.

d. Participate in the design of and major modifications to Commerce financial systems.

e. Conduct analyses of financial management policies, practices, and information support mechanisms.

f. Manage task forces and special studies related to the Department's financial management.

g. Coordinate machine systems planning and technology with the Departmental Office of Information Management.

h. Provide central agencies and oversignt bodies with timely and accurate financial data.

i. Prepare management accounting reports and conduct analyses to assist in monitoring budget and program performance.

Elsa A. Porter,

Assistant Secretary for Administration.

[FR Doc. 80-35564 Filed 11-13-80; 8:45 am]

BILLING CODE 3510-17-M

[Dept. Organization Order 20-13]

Office of Financial Operations; Statement of Organization and Functions and Delegation of Authority

This order is effective October 14, 1980.

Section 1. Purpose.

.01 This Order establishes and prescribes the functions and organization of the Office of Financial Operations.

.02 This Order also reflects a reallocation of the functions of the former Office of the Controller (see Section 5.); and the change in reporting line of authority resulting from the reorganization of the Office of the Assistant Secretary for Administration, and the establishment of the position of Deputy Assistant Secretary for Operations (DOO 10-5).

Section 2. Status and Line of Authority.

The Office of Financial Operations, a Departmental office, shall be headed by a Director, who shall report and be responsible to the Deputy Assistant Secretary for Operations. The Director shall be assisted by a Deputy Director who shall act as Director during the latter's absence.

Section 3. Functions.

.01 Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10-5, and subject to such policies and directives as the Assistant Secretary and the Deputy Assistant Secretary for Operations may prescribe, the Office shall provide accounting and related services for the Office of the Secretary, Regional Action Planning Commissions, and operating units as assigned; be responsible for the consolidated billings of the Department, and for preparation of consolidated accounting statements required of the Department; and shall exercise staff responsibility for Departmentwide policies and procedures on official travel.

.02 The Director shall also provide accounting guidance and certain management support for the Working Capital Fund of the Office of the Secretary, which shall consist of proposing accounting policies on operating the Fund, giving accounting instruction to heads of Departmental offices responsible for services being financed through the fund, and advising on actions to be taken to maintain liquidity of the Fund.

Section 4. Organization.

Under the direction and supervision of the Director, the functions of the Office shall be organized and carried out as provided below.

.01 The *Systems and Procedures Division* shall design, coordinate, and maintain financial systems required to furnish accounting and payrolling services. The Division shall also be the principal contact of the Office with the data processing support units of the Office of the Secretary, and shall be responsible for processing and implementing Departmentwide policies and procedures on official travel.

.02 The *Accounting Operations Division* shall be responsible for the recording of reservations, obligations, accrued expenditures, and disbursements; and shall process payrolls and travel vouchers, and prepare all reports dealing with personnel services.

.03 The *Accounting Control Division* shall be responsible for the maintenance of general ledgers, the preparation of all internal and external accounting reports, control of cash and accounts receivable, and providing accounting analysis services.

.04 The *Commissions Coordination Staff* shall be responsible for all coordination between the Office and the Regional Action Planning Commissions, the Appalachian Regional Commission, the offices of the Federal Co-Chairman, and the Departmental Office of Regional Development. This shall include providing accounting guidance to the various entities, preparing and issuing special reports, and furnishing analysis and advice as requested.

Elsa A. Porter,

Assistant Secretary for Administration.

[FR Doc. 80-35571 Filed 11-13-80; 8:45 am]

BILLING CODE 3510-17-M

[Dept. Organization Order 20-14]

Office of Information Management; Statement of Organization and Functions and Delegations of Authority

Effective Date: October 14, 1980.

This order effective October 14, 1980 supersedes the material appearing at 44 FR 47973 of August 16, 1979.

Section 1. Purpose

.01 This Order establishes and prescribes the functions and

organization of the Office of Information Management.

.02 This Order also reflects the division of the former Office of Procurement and ADP Management into two separate offices (see Section 4.); and the change in reporting line of authority resulting from the reorganization of the Office of the Assistant Secretary for Administration, and establishment of the position of Deputy Assistant Secretary for Acquisition, Grants, and Information Management (DOO 10-5).

Section 2. Status and Line of Authority

The Office of Information Management (OIM), a Departmental office, shall be headed by a Director who shall report and be responsible to the Deputy Assistant Secretary for Acquisition, Grants, and Information Management. The Director shall be assisted by the Chief, Information Technology Policy Division; the Chief, Information Management and Application Development Division, and the Chief, Computer Services Division, one of whom may be designated by the Director to act in the latter's absence.

Section 3. Functions

Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10-5, and subject to such policies and directives as the Assistant Secretary and Deputy Assistant Secretary for Acquisition, Grants, and Information Management may prescribe, OIM shall:

Develop, coordinate and implement policies and programs which govern the development, use and management of the Department's ADP resources and information systems; and shall be the Deputy Assistant Secretary's principal source of assistance in providing information technology operations, coordination, and related support for the Office of the Secretary and other designated organization units. OIM shall be the Department's focal point for and ensure proper liaison with central management agencies and Congressional oversight committees concerning Federal ADP policies and issues. The Director shall serve as the Executive Director of the Information Management Committee, the Department's review and steering group for uniform management information and administrative systems; and shall also coordinate and participate with the Director, Office of Administrative Services (OAS) in the development of policies and implementation of the procedures pertaining to data communications, textual (word) processing computer based systems, networks, and equipment. Under the direction and supervision of the Director, the functions of OIM shall be organized and carried out as follows:

a. The *Information Technology Policy Division* shall develop and monitor the execution of plans, policies, and procedures for the management and use of automatic data processing and information management resources within the Department. In carrying out these functions, the Division shall provide consultation and assistance to Department units and contracting officials in ADP requirements definition, specifications development, acquisition procedures, contract negotiations, and evaluation and selection. The Division shall review and make appropriate recommendations regarding ADP information systems requirements and associated budget requests submitted by Department units; develop and monitor Department procedures relating to ADP equipment, data and physical security and information systems activities; develop, implement and monitor Departmentwide ADP standards; implement and monitor Federal Information Processing Standards (FIPS), for information systems and computer facility management; conduct an evaluation program for computer facility performance and management; review and refine proposed Department specifications for ADP resource acquisitions; and interface with the central management agencies on ADP matters. The Chief, Information Technology Policy Division shall be responsible for providing the coordination and participation with OAS on the Department policies, procedures of data communications, textual (word) processing computer based systems, networks, and equipment as required.

b. The *Information Management and Application Development Division* shall provide central project and programmatic management, analysis design, development, research, data base administration and application software maintenance of ADP systems supporting the Office of the Secretary and other designated organization units. This includes the initiation, development, and implementation of plans, policies, directives, and procedures required to provide such support.

The Division shall serve as a resource to these users for the administration of automated data information systems, data base administration, development methodology, project/programmatic control and technical administration of application systems software throughout their life cycles. This Division shall also provide the information management planning system service for the Office of the Secretary and other designated organization units.

c. The *Computer Center Services Division* shall operate a central ADP resource facility to support the Office of the Secretary and for other designated organization units; provide computer resources for the selected automated applications of other government agencies. The Division shall make available the information technology resources necessary to support the information requirements of the Office of the Secretary and certain other designated organization units. These services include, but are not limited to, on-line/real-time interactive processing; batch processing, teleprocessing services/systems for textual (word) processing, data conversion/entry, technical data base management and interactive program development.

The Division also provides the Office of the Secretary and certain designated organization units with a central ordering/control of all necessary information technology equipment which will use the Computer Center's technical facilities in order to assure that computer capability will exist to support this equipment; provides technical resources for the overflow capacity from the other organization units; and acquires resources that are shared by these other organization units.

Section 4. Savings Provisions

All Department Orders which refer to ADP functions, except for those related to ADP procurement, under the Office of Procurement and ADP Management, or OP&ADPM, are hereby constructively amended to refer to the Office of Information Management, or OIM.

Elsa A. Porter,

Assistant Secretary for Administration.

[FR Doc. 80-35572 Filed 11-13-80; 8:45 am]

BILLING CODE 3510-17-M

Dept. Organization Order 20-15]

Office of Intelligence Liaison; Statement of Organization and Functions and Delegation of Authority

This order effective October 14, 1980 supersedes the material appearing at 43 FR 15476 of April 13, 1978.

Section 1. Purpose.

.01 This Order prescribes the organization and functions of the Office of Intelligence Liaison.

.02 This revision reflects the change in reporting line of authority resulting from the reorganization of the Office of the Assistant Secretary for

Administration, and the establishment of the position of Deputy Assistant Secretary for Operations (DOO 10–5). This revision also adds the intelligence support functions prescribed in subparagraph 4.05c., and generally updates the language of the Order.

Section 2. Status and Line of Authority.

The Office of Intelligence Liaison (the "Office"), a Departmental office, shall be headed by a Director who shall report and be responsible to the Deputy Assistant Secretary for Operations.

Section 3. Definitions.

Appendix A provides further information on the terminology and acronyms used in this Order.

Section 4. Functions.

.01 Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10–5, and subject to such policies and directives as the Assistant Secretary and the Deputy Assistant Secretary for Operations may prescribe, and as further provided for in the Memorandum of Understanding of May 5, 1977 between the Department and the participating member agencies of the National Foreign Intelligence Board (NFIB):

a. The Director, Office of Intelligence Liaison shall be the Foreign Intelligence Control Officer (FICO) for the Department and as such will be responsible for the administration of all requirements for foreign intelligence products in the Department, and will control the receipt and dissemination of foreign intelligence materials within the Department.

b. The Office shall serve as the focal point for foreign intelligence support within the Department, and establish policies and procedures for providing foreign intelligence support to officials and organization components throughout the Department. To implement these responsibilities, the Office shall perform the functions enumerated in paragraphs .02 through .07 of this section.

.02 *Foreign Intelligence Support, Requirements, and Tasking.* The Office shall:

a. Provide day-to-day foreign intelligence support to the Secretary, the Deputy Secretary, and other key officials of the Department having policy or program responsibilities in the international area. This support shall include the "tasking" of the Intelligence Community with special requests and requirements for support through briefings, the preparation of special analytical papers, and/or the collection of additional foreign intelligence information.

b. Coordinate and serve as the channel for the levying of Departmental foreign intelligence requirements on the Intelligence Community. This function shall generally include but not be limited to the transmittal of significant, periodic collection and/or analytical tasking requirements as determined by the Director, Office of Intelligence Liaison in conjunction with the affected Departmental offices and operating units. The performance of this function shall be consistent with, and in no way supersede, the authorities and responsibilities of such Departmental offices and operating units to maintain routine working relationships and contacts with the Intelligence Community.

c. Maintain a continuing assessment of the Department's foreign intelligence needs.

d. Provide the channel for Departmental requests for existing foreign intelligence reports and materials from the Intelligence Community, including memoranda, maps, and similar data.

e. Act as the Department's central referent on all foreign biographic information; this function includes requesting and distributing biographic reports, and maintaining the central storage files and distribution system for such reports.

f. Prepare a daily Departmental foreign intelligence summary for key Department officials covering major international developments.

g. Promote and facilitate relationships and working level contacts between Department analysts and desk officers who have responsibilities for international affairs matters, with their counterparts in the Intelligence Community to ensure that the Department is fully aware of and utilizing the capabilities of the foreign intelligence agencies to provide foreign intelligence support.

h. Provide, as required, special foreign intelligence support for key Department officials traveling abroad.

.03 *Intelligence Registry, Screening and Dissemination.* The Office shall:

a. Act as the *only* accredited initial receiving point and registry for foreign intelligence materials in the Main Commerce Building. This foreign intelligence registry shall serve as the control point for all foreign intelligence materials received at the Main Commerce Building.

b. In coordination with the Departmental Office of Internal Security (OIS), concur in the selection of foreign intelligence primary control centers and officers for Department facilities not located in the Main Commerce Building, which are to receive foreign intelligence reports and materials, and provide, as required, guidance and coordination of their activities.

c. In coordination with OIS, concur in the selection of foreign intelligence secondary control centers and officers in the Department, which are to receive foreign intelligence reports and materials through the registry or a primary control center, and provide, as required, guidance and coordination of their activities.

d. Be responsible for the procedures by which foreign intelligence reports and materials received by the Department are screened and disseminated to the appropriate Department organization components and officials.

.04 *Vault Storage and Classified Reading Room.* The Office, in accordance with the provisions of the Memorandum of Understanding, shall:

a. Provide vault storage for all Sensitive Compartmented Information (SCI) foreign intelligence reports and materials received at the Main Commerce Building from NFIB intelligence agencies.

b. Maintain a classified reading room and reference library for appropriately cleared Department officials. This includes alerting appropriate Departmental officials of the receipt at the library of sensitive intelligence reports pertinent to their area of responsibility.

.05 *Advice, Liaison, and Representation.* The Office shall:

a. Serve as the principal source of advice within the Department with respect to foreign intelligence support matters.

b. Serve as the Department's principal point of liaison with the Intelligence Community on foreign intelligence matters.

c. Provide appropriate briefings and support to the Department's representative to the NFIB, and provide the Department's alternate representative at NFIB meetings.

d. Represent the Department, or coordinate the representation of the Department, as required, on NFIB committees or subcommittees, and other interagency intelligence committees dealing with national foreign intelligence matters, as appropriate.

e. Coordinate and serve as the channel for intelligence community requests to the Department (as an NFIB participant) for substantive contributions to NFIB publications and requirements when appropriate.

.06 *Compartmented Security Clearances.* The Office and OIS shall coordinate on SCI security clearance matters.

.07 *Miscellaneous.* The Office shall:

a. Maintain a secure telephone service in the Main Commerce Building available for use by Department officials needing to carry on classified telephone conversations with other agencies.

b. In conjunction with the Departmental Office of Information Management and OIS, review and approve all existing uses and proposals for the use of any ADP equipment (including computers, word processing devices, and related equipment) in the processing of classified foreign intelligence.

c. In consultation with the Departmental Office of Information Management, provide, operate, and maintain specialized information retrieval systems in support of its mission to the Department.

Elsa A. Porter,

Assistant Secretary for Administration.

Appendix A—List of Definitions

1. *Memorandum of Understanding (MOU):* The interagency agreement of May 5, 1977, signed by the Department of Commerce, the Central Intelligence Agency (CIA), the State Department (Bureau of Intelligence and Research—IRN), the Defense Intelligence Agency (DIA) and the National Security Agency (NSA) which establishes the procedures and conditions under which the "Intelligence Community" will provide foreign intelligence to the Department of Commerce and the procedures by which the Department will receive, process and store it.

2. *National Foreign Intelligence Board (NFIB):* Formerly called the United States Intelligence Board (USIB), it is the formal structure of the "Intelligence Community". It is composed of representatives from CIA, State/INR, DIA, NSA, FBI, Department of Energy and Treasury. The Chiefs of Intelligence for the three military services also sit on it as observers. It is chaired by the Director of Central Intelligence, and has some 12 committees and numerous subcommittees.

3. *Foreign intelligence:* (For the purposes of this order), information collection and/or produced by the NFIB agencies, relating to the capabilities, intentions and activities of foreign powers, organizations, or persons. Foreign intelligence materials include "Sensitive Compartmented Information" (SCI) and collateral classified intelligence from NFIB agencies.

4. *Foreign intelligence support:* (For purposes of this order), this includes the control of foreign intelligence; administration and coordination of foreign intelligence requirements; dissemination of advice and information on foreign intelligence matters; and other appropriate activities necessary for the full Departmental implementation of the MOU. It does not, however, include responsibility for the security of foreign intelligence which, in the Department, is assigned to OIS.

5. *Foreign intelligence registry:* The only point in the Main Commerce Building accredited, according to MOU criteria, for the initial reception, logging, and control of foreign intelligence materials.

6. *Primary control center:* A secretariat in Department offices geographically separate from the Main Commerce Building (which cannot be served in timely fashion by the foreign intelligence registry) approved, according to MOU criteria, for receipt of foreign intelligence materials directly from the NFIB agencies.

7. *Secondary control center:* A subsidiary secretariat for processing foreign intelligence materials. According to MOU criteria, a secondary control center may receive or send foreign intelligence materials only through a primary control center or the foreign intelligence registry.

8. *Sensitive Compartmented Information (SCI):* Special categories of classified intelligence, which require special security clearances for access, special handling and special storage facilities not normally covered by Confidential, Secret and Top Secret classification procedures.

9. *Collateral intelligence:* All other Top Secret, Secret and Confidential intelligence.

[FR Doc. 80-35573 Filed 11-13-80; 8:45 am]

BILLING CODE 3510-17-M

[Dept. Organization Order 20-1]

Office of Organization and Management Systems; Statement of Organization and Functions and Delegations of Authority

This order effective October 14, 1980 supersedes the material appearing at 41 FR 50321 of November 15, 1976, 42 FR 1368 of March 1, 1977, 43 FR 6132 of February 13, 1978, 43 FR 21498 of May 18, 1978 and 44 FR 2413 of January 11, 1979.

Section 1. Purpose.

.01 This Order prescribes the functions and organization of the Office of Organization and Management Systems.

.02 This revision reflects the change in reporting line of authority resulting from the reorganization of the Office of the Assistant Secretary for Administration and the establishment of the position of Deputy Assistant Secretary for Resources Management (DOO 10-5). This revision also changes the title of the Information Management Division to the Information Policy Division, and incorporates outstanding amendments to the Order.

Section 2. Status and Line of Authority.

The Office of Organization and Management Systems (OOMS), a Departmental office, shall be headed by a Director, who shall report and be responsible to the Deputy Assistant Secretary for Resources Management. The Director shall be assisted by a Deputy Director, who shall perform the functions of the Director during the latter's absence.

Section 3. Functions.

.01 Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10-5, and subject to such policies and directives as the Assistant Secretary and the Deputy Assistant Secretary for Resources Management may prescribe, the Office shall:

a. Perform, on a Departmentwide basis, management consulting, organizational review, management improvement, directives management, information policy, and related management service functions, as specified in Section 4. of this Order.

b. Serve as the principal staff component within the Department for coordinating and assisting in the development, implementation, and continuation of a Departmentwide emergency preparedness program, particularly as applicable to the requirements of Executive Order 11490, excluding the functions under GSA's FPMR, Subpart 101-20.5, (which are assigned, in DOO 20-1 to the Office of Administrative Services).

.02 The Director shall be the adviser to, and representative of, the Assistant Secretary for Administration and the Deputy Assistant Secretary for Resources Management on organization and management systems matters, and shall serve as adviser to other Department officials with respect to these matters.

Section 4. Organization.

Under the direction and supervision of the Director, assisted by the Deputy

Director as determined by the Director, the functions of the Office shall be organized and carried out as provided below:

.01a The *Management Analysis Division* shall plan and conduct management studies and surveys of the Department or of specific organization units or functions; direct or participate in joint management task force activities involving other elements of Administration or of the Department; conduct activities to promote management improvement efforts by organization of the Department and to stimulate the use and extension of effective management tools and techniques; and, as directed, develop and institute new or revised policies, requirements, standards, and procedures on Departmentwide management and administrative matters. The Division is also responsible for analyzing proposed changes to the Department's primary organization structure and for reviewing proposed legislation and proposals within the Executive Branch involving organizational matters affecting the Department. The Division shall work with its counterpart organizations within the operating units to improve and coordinate the management analysis function throughout the Department.

b. The Division's *Directives Management Staff* shall serve as the principal staff component of the Department on directives management; assuring compliance with Governmentwide directives from the Executive Office of the President, including the assignment of responsibility for response and/or implementation; and for managing the system for promulgating the Department's primary organization structure.

.02 The *Information Policy Division* shall develop policies, procedures, standards, and relevant rules and orders to assure Department compliance with the provisions of the Freedom of Information Act as amended, the Privacy Act of 1974, the Federal Advisory Committee Act, The Government in the Sunshine Act, and the public access provisions of the Ethics in Government Act; monitor policy compliance by units of the Department; review the units' implementation of relevant rules and orders; function as the focal point in coordination with the Department's Office of the General Counsel in the administration of the referenced statutes; operate the Department's Central Reference and Records Inspection Facility for the public inspection and copying of information and records under these statutes; supplement and support the functions of the Commerce Information Policy Issues Committee, which will consider major information policy issues within or impacting upon the Department; and serve as the principal staff component of the Department on information policy and committee management functions.

.03a. The *Emergency Planning and Coordination Division* shall serve as the principal staff component concerning all emergency plans and programs in the field of continuity of government, natural disaster recovery assistance, civil preparedness, and domestic crises; assist operating units in the development of their emergency plans and review these plans for adequacy in terms of assigned functions; administer the Department's National Defense Executive Reserve Program; manage emergency assignments for the Secretary, Secretarial Officers and others, as required, and brief these officials on the current status of the Department's emergency functions; establish and maintain an emergency alerting procedure for headquarters and field personnel, including emergency tests and exercises conducted by the Department; coordinate all disaster assistance and crises management programs, including Departmental reports to the Federal Emergency Management Agency (FEMA) and other Federal agencies; evaluate budget requests of other units of the Department concerned with emergency activities; manage the acquisition, maintenance, staffing, and operations of all emergency operating facilities. The Division Chief shall also perform the functions of Emergency Coordinator for the Department, as prescribed in Federal Preparedness Circular No. 10 of August 20, 1976, and issue instructions and guidance to the Department's Regional Emergency Coordinators, as provided for in Appendix A to this Order.

b. The Division shall serve as the Department's focal point for the clearance of public use reports, as required by the Federal Reports Act of 1942, and participate in the implementation of Executive Order 12174 concerning the reduction of the paperwork burden on the public.

Savings Provisions

All outstanding Department Orders, delegations, memoranda, agreements, proceedings, investigations, or other such actions affecting the former Departmental Office of Emergency Readiness shall continue and remain in force until they expire, are amended, or are revoked by appropriate authority.

Elsa A. Porter,

Assistant Secretary for Administration.

Appendix A—Regional Emergency Coordinators

Emergency programs at the field level shall be coordinated by the Bureau of Field Operations District Office Directors selected to represent the Secretary in each of the ten Federal Regional Council cities (e.g., Boston, New York, Philadelphia, Atlanta, Chicago, Dallas, Kansas City, Denver, San Francisco, and Seattle).

The Bureau of Field Operations District Office Directors in the ten cities are hereby designated Regional Emergency Coordinators and as such they shall be the principal advisers and contact points for the Department in their respective regions, and shall provide staff liaison concerning activities of interest to the Department. Also, they shall maintain a list of specialists from other Commerce field elements whom they can call on for expertise related to a particular plan or program.

Acting in accordance with instructions and guidance issued by the Chief, Emergency Planning and Coordination Division, OOMS, through the Bureau of Field Operations, ITA, the Regional Emergency Coordinators shall:

1. Represent the Department on regional, State and local government committees, boards and working groups involved in emergency preparedness plans and programs, including continuity of essential functions, emergency management of resources, civil preparedness, disaster assistance, and related activities;

2. Provide guidance and assistance to those elements of State governments charged with preparedness planning for the emergency management of resources for which the Department has been assigned responsibilities;

3. Serve as the Department's principal advisers to the Directors of the respective FPA/GSA Defense Civil Preparedness Agency (DCPA) regions on matters relating to the functions of the operating units of the Department;

4. Serve as liaison between the field installations of the Department and the FPA/GSA/DCPA Regional Directors in emergency preparedness matters;

5. Establish and maintain an emergency essential records file at the FPA/GSA/DCPA Federal Regional Centers, and provide guidance and advice to field installations on provisions for emergency essential records;

6. Establish and maintain a Regional Alerting Procedure for Commerce regional emergency cadres;

7. Participate, as directed by national headquarters, in planning and evaluating periodic regional, State and local government emergency preparedness tests and exercises;

8. Prepare, as necessary or required by the Emergency Planning and Coordination Division, OOMS, reports on the status of emergency preparedness plans, programs and operations; and

9. Inform the Emergency Planning and Coordination Division, OOMS, of their activities and emergency programs to enable that Division to fulfill its Department wide liaison and coordinating role.

[FR Doc. 80-35565 Filed 11-13-80; 8:45 am]
BILLING CODE 3510-17-M

[Dept. Organization Order 20-8]

Office of Personnel; Statement of Organization and Functions and Delegations of Authority

This order effective October 14, 1980 supersedes the material appearing at 44 FR 72111 of December 13, 1980.

Section 1. Purpose.

.01 This Order establishes and prescribes the functions and organization of the Office of Personnel.

.02 This revision reflects the division of the former Office of Personnel into two offices: the Office of Personnel, and the Office of Personnel Operations; and the change in reporting line of authority resulting from the reorganization of the Office of the Assistant Secretary for Administration and the establishment of the position of the Deputy Assistant Secretary for Resources Management (DOO 10-5).

Section 2. Status and Line of Authority.

The Office of Personnel, a Departmental office, shall be headed by a Director who shall report and be responsible to the Deputy Assistant Secretary for Resources Management. The Director shall be assisted by a Deputy Director for Personnel Administration and a Deputy Director for Personnel Development. The Director shall designate one of these officials to perform the functions of the Director during the latter's absence.

Section 3. Delegation of Authority.

In addition to the authority implicit in and essential to carry out the functions assigned to the Office and related to the exercise of such functions, the Director, Office of Personnel:

a. Is delegated all authorities and responsibilities vested in the Assistant Secretary for Administration pertaining to personnel programming and management, other than equal employment opportunity, including the direction, administration, processing, and authority to take final action on all personnel actions and other personnel matters;

b. Is authorized to redelegate such authority to appropriate officials of the Office of Personnel and other officials of the Department, subject to such conditions in the exercise of such authority as may be prescribed; and

c. As Director of Personnel for the Department, shall be the adviser to and serve as the representative of, the Assistant Secretary and the Deputy Assistant Secretary for Resources Management in all matters of personnel utilization, management, and administration, except for equal employment opportunity policies and programs.

Section 4. Functions

Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10-5, and subject to such policies and directives as the Assistant Secretary and the Deputy Assistant Secretary for Resources Management may prescribe, the Office shall have Departmentwide staff responsibility for all matters, other than equal employment opportunity, relating to personnel management and administration, including executive resources management, staffing controls, recruitment, employee utilization and development, classification and position management, performance appraisal, human development/work improvement, pay administration, labor relations, training, employee benefits and services, personnel management evaluation, occupational health, incentives programs, prevention of prohibited personnel practice, and compliance with and enforcement of applicable civil service laws, rules, and regulations; and establish and maintain close working relationships with the Office of Personnel Management (OPM) and other Government agencies, as appropriate.

Section 5. Organization

Under the direction and supervision of the Director, the functions of the Office shall be organized and carried out as provided below.

.01 The *Policy Support Staff* shall provide staff assistance and technical advice on policy, regulatory, and procedural matters, including personnel management aspects of the Freedom of Information Act, Privacy Act, and Ethics in Government Act, to the Director, other components of the Office, and the operating units; coordinate comments on and clearance of proposed legislation, issuances, and other materials; and plan, develop, and oversee a variety of special projects or studies peculiar to the overall functions of the Office. In conjunction with other components of the Office, the Staff shall plan the development and issuance of Department personnel policy, regulations, and instructions. The Staff shall plan, direct, and review the labor-management relations policies and programs of the Department, and shall provide technical advice, guidance, and assistance to the Director, to other components of the Office, and to operating units on all aspects of labor-management relations.

.02 The *Deputy Director for Personnel Administration* shall be the Director's principal assistant for personnel administration matters and shall supervise the following organizational units:

a. The *Information Systems Staff* shall be responsible for the personnel management information system; for oversight of automated personnel systems in use throughout the operating units; for ensuring compliance with the OPM requirements for the Central Personnel Data File—and ultimate conversion to the Federal Personnel Management Information System; and shall serve as the control point for all Departmentwide personnel management forms, reports, statistical evaluations, and analyses.

b. The *Classification and Position Management Division* shall plan and coordinate Departmentwide programs and activities in the areas of position classification and position management for employees other than executive employees; administer and monitor the Department's average grade control efforts, including the vacancy review and maintenance review programs; maintain liaison with the OPM on matters dealing with job evaluation and related program activities; formulate and issue policy guidance on matters peculiar to non-executive excepted positions, overseas allowances and differentials, and hours of duty; develop and issue a variety of special non-executive salary and wage schedules applicable to Department organizations throughout the country; and coordinate classification and qualification standard activites. The Division shall provide Departmental review on all non-executive job classification appeals.

c. The *Staffing and Employee Relations Division* shall plan and

develop career management programs and programs pertaining to staffing, employee utilization, employee relations, and a variety of programs peculiar to the health and welfare of the work force (e.g., alcoholism and drug abuse). It shall provide staff assistance, policy guidance, and interpretation to operating units on all matters pertaining to employment, recruitment, placement, employee relations, career management programs, and reduction in force, with particular emphasis on the mandatory and priority placement programs associated with the Department's saved grade program maintain contacts with colleges, outside organizations, and other Federal agencies on matters pertaining to these programs; and monitor a variety of employee services programs, serving as the Department's liaison between the OPM and the operating units' personnel offices. The Division shall administer the Department's special employment programs, and coordinate such programs closely with the OPM; provide staff guidance to personnel officers of the Department on the implementation, special funding and reporting requirements of these programs; and monitor or prepare the Department's narrative and statistical reports pertaining to these programs.

d. The *Employee Development and Awards Division* shall plan, direct, and review Department programs for employee training and development, and shall work in conjunction with the Deputy Director for Personnel Development to administer and coordinate executive development and awards programs for the Department. In this capacity, the Division shall plan and operate the Department's management training center; provide staff assistance to operating units on interpretation and implementation of the Government Employees Training Act; and coordinate and approve Department nominations for special programs. The Division shall administer the Department's awards and recognition programs and provide staff assistance to operating units' personnel offices on all phases of the suggestions, awards and recognition programs; provide the Executive Secretary to the Incentive Awards Board; plan, schedule, and oversee the Department's annual and special award and employee-recognition ceremonies as required; and shall represent the Department with the OPM on all matters of training, employee development, and awards.

e. The *Medical Division* shall plan and coordinate Departmentwide policies and programs in employee health services, represent the Director of Personnel in maintaining professional medical liaison with the U.S. Public Health Service, the OPM and other appropriate agencies; and provide advice, assistance, and consultative services to operating units in employee health matters as requested. The Division shall be responsible for planning and administering the employee health service program for the Department's central health unit.

.03 The *Deputy Director for Personnel Development* shall be the Director's principal assistant for all performance appraisal systems and specified compensation programs and for executive personnel management and development policy matters and shall supervise the following organizational units:

a. The *Performance Appraisal and Compensation Division* shall be responsible for the development of policy and guidance concerning performance appraisal systems for senior executives, merit pay employees, and the general work force, and shall oversee the planning, development, and administration of such systems; develop and administer the Department's pay and compensation policy and guidance for the Senior Executive Service (SES) and other executive positions and for merit pay employees; and assure that compensation and performance appraisal systems are integrated with other Departmental management systems. The Division shall provide technical advice and assistance to the Department's Executive Resources Board (ERB), operating units, and Performance Review Boards (PRB's) on the above matters; provide administrative support to PRB's; develop and administer means of training executives and managers regarding these matters; evaluate the effectiveness of performance appraisal systems in operating units; and maintain coordination with the OPM and other organizations outside the Department.

b. The *Executive Resources Management Division* shall plan, organize, and administer executive resources management systems and activities; control executive position authorizations; advise and make recommendations to the Assistant Secretary for Administration as to the designation of positions in the SES and the classification of those executive positions outside the SES; compile data on SES positions and submit it biennially to OPM; develop and implement means for executive search, location, and recruitment and for qualification determination and approval; monitor performance related reassignments, transfers, and removals; develop and manage an executive mobility clearinghouse, including consultation with intra-agency and inter-agency placement of SES executives; provide technical advice and assistance to the Department's ERB, PRB's, and operating units; provide administrative support to ERB's; and maintain coordination with the OPM, OMB, GAO, and other organizations outside the Department regarding these matters. The Division shall evaluate overall executive resources programs as implemented within operating units; review executive development activities and conduct and test experimental and innovative executive development programs and one-time projects; and develop and implement programs and activities to assist executives and managers in the area of human development/work improvement and advise and assist operating units in establishing such programs.

Elsa A. Porter,

Assistant Secretary for Administration.

[FR Doc. 80-35566 Filed 11-13-80; 8:45 am]

BILLING CODE 3510-17-M

[Dept. Organization Order 20-12]

Office of Personnel Operations: Statement of Organization and Functions and Delegations of Authority

This order is effective October 14, 1980.

Section 1. Purpose.

.01 This Order establishes and prescribes the functions and organization of the Office of Personnel Operations.

.02 This revision reflects the division of the former Office of Personnel into two offices: the Office of Personnel and the Office of Personnel Operations; and the change in reporting line of authority resulting from the establishment of the position of Deputy Assistant Secretary for Operations (DOO 10-5).

Section 2. Status and Line of Authority.

The Office of Personnel Operations, a Departmental office, shall be headed by a Director who shall report and be responsible to the Deputy Assistant Secretary for Operations.

Section 3. Functions.

The Office of Personnel Operations shall plan, organize, and administer a complete operating personnel management program responsive to the needs of the Office of the Secretary and various other organizational units as

specified by the Assistant Secretary for Administration and the Deputy Assistant Secretary for Operations. The program shall include all activities relating to recruitment, placement, position management and classification, pay determinations, employee utilization, employee relations, special programs (e.g., summer employment, handicapped, and employee assistance programs), labor-management relations, employee recognition and awards, workforce effectiveness, performance appraisal, employee/supervisory development and training, executive development, employee records and processing systems, and other employee service and benefit programs. The Office also shall assure compliance with applicable Civil Service laws, rules, regulations, and Executive Orders; carry out the policies and directions initiated by the Assistant Secretary for Administration, and the Deputy Assistant Secretary for Operations, and the Departmental Office of Personnel.

Section 4. Organization.

Under the direction and supervision of the Director, the functions of the Office shall be organized and carried out as provided below:

.01 The *Policy and Special Programs Staff* within the immediate Office of the Director, shall develop the policies, directives, and operating instruction necessary to implement personnel management in the Office of the Secretary and in serviced organizational units. The Staff shall represent serviced organizations in labor-management relations, provide assistance to these units relative to proposed contracts for services, and implement and coordinate special employment and assignment programs, e.g., affirmative action, employment of handicapped, cooperative education, veterans programs, alcohol/drug abuse, minority recruitment and upward mobility; administer systems for the Office regarding the Freedom of Information and Privacy Acts; and shall process financial disclosure statements required under the Ethics in Government Act and other conflict-of-interest statutes or regulations. The Staff shall also provide technical guidance and assistance to serviced organizations and to other units within the Office regarding the interpretation or impact of Federal personnel statutes and regulations and Comptroller General decisions.

.02 The *Personnel Management Division* shall provide a full range of services in the areas of recruitment and staffing, position management and classification, and pay determinations, and shall advise and provide assistance regarding reorganizations, reductions-in-force, employee utilization, employee relations, adverse actions, appeals and grievances. The Division shall provide retirement counseling and services involving workers' compensation claims; and serve as a liaison with other Office units on matters involving training, awards, labor-management relations, merit assignment and affirmative action.

.03 The *Employee Development and Incentive Awards Division* shall be responsible for a comprehensive employee development, training and awards program encompassing supervisory, management, and executive development and the identification of training and orientation needs for employees at all grade levels. The Division shall manage the incentive awards program, which includes both monetary and honorary recognition; and administer systems for employee appraisals, performance and career counseling. The Division shall also provide administrative and technical support to Executive Resource and Performance Review Boards; and administer the Intergovernmental Personel Act and various other programs such as the President's Executive Interchange Program.

.04 The *Recruitment and Merit Assignment Division* shall conduct general recruitment with special emphasis on the employment, placement, and effective utilization of secretarial and clerical employees. Recruitment activities shall support affirmative action programs and special employment programs, such as summer, stay-in-school and work-study employment. The Division shall coordinate Merit Assignment Program activities and ensure that program activities adhere to competitive requirements prescribed by the Office of Personel Management and the Department; and administer programs which afford special consideration for the re-employment or repromotion of involuntarily separated and demoted employees, i.e., Re-employment Priority Lists and the Department's Priority Placement Program.

.05 The *Processing and Records Division* shall process all personel actions, ensure proper documentation (for legality and propriety), and maintain control over the content and disposition of Official Personnel Folders. The Division shall coordinate with ADP personnel and officials concerning processing and records documentation, improvements, or needs relating to personnel management and administration; and provide ADP input necessary to generate SF–13 Reports and a variety of statistical, personnel and employee information reports. The Division shall provide advice and assistance to serviced organizations concerning employment benefits/entitlements, e.g., health plans and insurance programs. The Division also arranges for the National Agency checks by the Office of Personnel Management and assists the Office of Internal Security to update employee security clearances.

Elsa A. Porter,

Assistant Secretary for Administration.

[FR Doc. 80–35570 Filed 11–13–80; 8:45 am]

BILLING CODE 3510–17–M

[Dept. Organization Order 20–4]

Office of Program Evaluation; Statement of Organization and Functions and Delegations of Authority

This order is effective October 14, 1980.

Section 1. Purpose

.01 This Order establishes and prescribes the functions and organization of the Office of Program Evaluation.

.02 This revision reflects the division of the former Office of Budget and Program Evaluation into two separate offices: the Office of Budget (DOO 20–3) and the Office of Program Evaluation; and the change in reporting line of authority resulting from the reorganization of the Office of the Assistant Secretary for Administration, and the establishment of the position of Deputy Assistant Secretary for Resources Management (DOO 10–5).

Section 2. Status and Line of Authority

.01 The Office of Program Evaluation, a Departmental office, shall be headed by a Director who shall report and be responsible to the Deputy Assistant Secretary for Resources Management.

.02 The Director for Program Evaluation shall advise and assist the Deputy Assistant Secretary in the area of program evaluation, including its relationship to the budget process, shall develop an annual program evaluation plan, and shall supervise the Program Evaluation Divisions. The Director for Program Evaluation also shall provide support and assistance to strengthen and improve evaluation capabilities at both the Departmental and operating unit level; and advise and assist the Deputy Assistant Secretary in the application of program evaluation techniques and systems analysis to the program planning and budget process.

Section 3. Functions

Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10–5, and subject to such policies and directives as the Assistant Secretary and the Deputy Assistant Secretary for Resources Management may prescribe, the Office shall:

a. Have Departmentwide staff responsibility for all matters pertaining to program evaluations, including issuance of guidance, development of Departmental evaluation plans, and review of proposed program evaluation plans to assure coordination among programs and responsiveness to Secretarial concerns.

b. Have Departmentwide responsibility for the development and operation of certain comprehensive planning and management processes such as the Integrated Planning and Management (IPM) effort.

c. Serve as the Department's principal contact with the OMB, Committees of the Congress, and other government agencies on program evaluation and certain comprehensive planning and management matters. Operating units of the Department shall work through the Office for all contacts with OMB on these matters.

Section 4. Organization

.01 Under the direction and supervision of the Director for Program Evaluation, the functions of the program evaluation division shall be organized and carried out as provided below.

a. The *System Support Division,* the *Economic Development, Information, and Trade Division,* and the *Science and Technology Division,* for their respective areas of responsibility, shall:

1. Assemble and provide analytically based information pertinent to major planning and other program management decisions;

2. Plan and conduct special studies and evaluations of the impact, effectiveness, and efficiency of Department programs. Prepare recommendations based on such studies, including the examination of alternate program approaches;

3. Conduct activities to promote program evaluation efforts by organizations of the Department and to stimulate the use and extension of effective evaluation tools and techniques;

4. Develop evaluation plans for the Department. Issue guidance to the operating units on evaluation programs, survey the operating units on their evaluation programs, identify gaps in the use of resources for evaluation, provide operating units with technical assistance on evaluations;

5. Develop and institute new or revised policies, requirements, standards, and procedures on Departmentwide program evaluation matters, including the issuance and maintenance of Departmental Evaluation Guidelines;

6. Monitor and/or participate in selected evaluations and studies conducted by the operating units which are of interest to the Office of the Secretary;

7. Review evaluation-related services purchased through procurement by operating units of the Department;

8. Monitor, on a selective basis, various operational and long-range planning issues under the Department's Integrated Planning and Management effort;

9. Review and comment on GAO reports, Departmental audits, and Congressional surveys and investigations as appropriate; and

10. Assist in developing program planning requirements and selectively analyze and monitor plans submitted by operating units of the Department.

b. The *System Support Division,* in addition shall have responsibility for matters relating to the development, implementation, operation and monitoring of certain comprehensive Departmental planning and program management processes such as the IPM effort. This responsibility includes coordinating the development of Departmental policies and procedures for integrating strategy development and long-range program planning with budget formulation and operational planning as well as linking individual performances with organizational/program performance. The Division provides technical assistance to Departmental offices and operating units in determining these linkages; assists in the identification of critical policy, program, and management issues for inclusion in the Department's planning and management processes; and, reviews proposed administrative systems to determine the extent of support to Departmental planning and management policy. These respnsibilities will be carried out in cooperation with the affected elements of the Department.

.02 Respective areas of organizational responsibility shall be assigned by the Director for Evaluation. Current areas of responsibility are shown in Appendix A.

Elsa A. Porter,

Assistant Secretary for Administration.

[FR Doc. 80-35583 Filed 11-13-80; 8:45 am]

BILLING CODE 3510-17-M

[Dept. Organization Order 20–9]

Office of Publications; Statement of Organization and Functions and Delegations of Authority

This order effective October 14, 1980 supersedes the material appearing at 43 FR 31058 of July 19, 1978.

Section 1. Purpose

.01 This Order prescribes the functions and organization of the Office of Publications.

.02 This revision reflects the change in reporting line of authority resulting from the reorganization of the Office of the Assistant Secretary for Administration and the establishment of the position of Deputy Assistant Secretary for Operations (DOO 10–5). This revision also adds functions transferred from the Office of Public Affairs (paragraph 5.07); establishes the Editorial Policy and Review Division; and abolishes the position of Staff Assistant.

Section 2. Status and Line of Authority

The Office of Publications, a Departmental office, shall be headed by a Director, who shall report and be responsible to the Deputy Assistant Secretary for Operations.

Section 3. Functions

.01 Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10–5 and subject to such policies and directives as the Assistant Secretary and the Deputy Assistant Secretary for Operations may prescribe, the Office of Publications shall provide publishing, printing (both conventional and microform), and related services to Departmental offices or operating units of the Department. To carry out this responsibility, the Office shall perform the following functions:

a. Formulate policies on publishing (e.g., use of color and tastefulness, as distinct from Department policies related to agency mission), and develop standards for essentiality, utility, content, format, style, and design of all publications; and advise officials of the Department on these matters.

b. Provide printing and publications management services, which shall consist of performing composition, design, graphics and photographic

services, determining the method of printing for particular publications, operating a central printing plant and a central micrographic service, providing final editorial review of all publications prior to printing, managing the Working Capital Fund for printing and related activities, requisitioning and/or approving for procurement all printing and related work, and performing or overseeing publications mailing services.

c. Conduct or coordinate, on behalf of all elements of the Department, all contacts with the Joint Committee on Printing and with the Government Printing Office, including the Superintendent of Documents, directly related to its authority as defined herein.

d. Conduct or coordinate, on behalf of all elements of the Department, all contacts with the Office of Management and Budget (OMB) on matters involving OMB approval of Department periodicals.

e. Review for approval all requests for the purchase or rental of printing (conventional or microform), binding, photographic, composing, and related equipment, including copying machines.

f. Carry out principal Departmental responsibility for coordinating and processing all requirements for seals and emblems (as prescribed in DAO 201–1), and for stationery specifications (as prescribed in DAO 214–2).

.02 In order to assure Departmentwide conformance with printing and publishing regulations, the authority of the Office described in this Order shall apply to all Departmental publications, defined as any material printed by request of a Departmental office or operating unit intended for distribution to the public.

Section 4. Specified Authority.

In addition to the authority implicit in and essential to carrying out the functions assigned the Office and related to the exercise of such functions, the Director, Office of Publications is hereby expressly delegated the authority to approve or disapprove prices proposed by Departmental offices or operating units of the Department for the sale of Commerce publications which are not sold through the Superintendent of Documents, except that the authority shall not apply to publications sold by the National Technical Information Service. (15 U.S.C. 1152 *et. seq.*)

Section 5. Organization.

Under the direction and supervision of the Director, the functions of the Office shall be organized and carried out as provided below.

.01 *Office of Director.* The Director shall be the advisor to and serve as the representative of the Deputy Assistant Secretary for Operations on publishing, printing and related activities. In managing the Office, the Director shall be assisted by a *Deputy Director* who shall be the Director's principal assistant in day-to-day operations, and shall perform the functions of the Director during the latter's absence.

.02 The *Program Analysis and Support Staff* shall plan and direct the financial control operations related to the Department's central printing plant; develop guidelines for cost controls for all printing, composition, binding and related activities; review and evaluate costs of printing, binding and related activities and develop uniform price schedules; and prepare required reports relating to the printing activities of the Office.

.03 The *Design and Graphics Division* shall, for all Departmental offices or operating units of the Department, provide central art direction; prepare necessary design, illustration, photographic, art, and graphics services for all general audience publications, printed materials, and visual presentations; approve or provide, requisition, or approve for procurement, all design, illustration, photographic, art, and graphic services; provide related technical support where necessary; and photographically record all newsworthy or historic subjects or occasions.

.04 The *Printing Division* shall requisition and/or approve for procurement all printing and binding, and related services for all Departmental offices or operating units of the Department; control and schedule all printing operations; operate the Department's central printing plant including its addressing and mailing services; perform periodic surveys and inspect printed material produced by all Departmental Printing and Duplicating plants; manage a coordinated system of copying machine installations; prescribe guidelines, policies and procedures for establishing microform programs, acquiring microform equipment, and using microforms in the Department; and investigate and analyze new printing methods.

.05 The *Micrographic Division* shall operate the Department's central microform and related reproduction services facility.

.06 The *Composition Division* shall requisition and/or approve for procurement all composition, and/or contractor services for composition involving machine readable input and related services, for all Departmental offices and operating units of the Department; control and schedule all composition; provide planning and preplanning services; operate the Department's computerized composition system and peripheral equipment; conduct GPO liaison for all photocomposition requirements; and investigate and evaluate all new composition systems.

.07 The *Editorial Policy and Review Division* shall formulate policies on publishing and develop standards for the essentiality, utility, content, format, and style for all publications; provide final review, for conformance, with these policies and standards, for all publications prior to printing; monitor compliance with government publishing regulations; conduct or coordinate all Department contacts with the Superintendent of Documents on matters concerning pricing or distribution of Department publications; conduct or coordinate all Department contacts with OMB on matters concerning approval of Department periodicals; review stationery requests for compliance with government regulations; and review requests for seals and emblems, and coordinate other Department clearances required for approval of such requests.

Elsa A. Porter,

Assistant Secretary for Administration.

[FR Doc. 80-35567 Filed 11-13-80; 8:45 am]

BILLING CODE 3510-17-M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts will next meet in open session on Tuesday, December 9, 1980, at 10:00 a.m. in the Commission's offices at 708 Jackson Place NW., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

Dated in Washington, D.C., November 6, 1980.

Charles H. Atherton,

Secretary.

[FR Doc. 80-35408 Filed 11-13-80; 8:45 am]

BILLING CODE 6330-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

November 4, 1980.

The USAF Scientific Advisory Board Operational Test and Evaluation Advisory Group will meet at Kirtland Air Force Base, New Mexico, on December 11 and 12, 1980. The meeting will convene at 8:00 a.m. with no scheduled adjournment time on December 11 and will convene at 8:00 a.m. and adjourn at 2:00 p.m. on December 12.

The Group will receive classified briefings on AFTEC's role in evaluating nuclear survivability. The meetings will be closed to the public in accodance with Section 552b(c) of this Title 5, United States Code, specifically subparagraph (1) thereof.

For further information contact the Scientific Advisory Board Secretariat at (202) 697–4811.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 80–35426 Filed 11–13–80; 8:45 am]

BILLING CODE 3910–01–M

Chief of Engineers; Department of the Army

Environmental Advisory Board; Open Meeting

Pursuant to Section 10(a)92) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that the next meeting of the Chief of Engineers Environmental Advisory Board (EAB) will be held December 2–5, 1980, at the Sheraton-Atlanta Hotel, Atlanta, Georgia, concomitant with a Recreation Resources/Environmental Management Conference. The initial EAB session will be held at 0800, December 2, in the Georgian Ballroom. Times and subjects of all EAB sessions are as follows:

Tuesday, December 2

0800—Meeting convened.
0800–1000—Briefing on Recreation Resources/Environmental Management Conference (RR/EMC).
1000–1015—Public comments.
1015—Meeting adjourned.

Wednesday, December 3

1900—Meeting convened.
1900–2045—Civil Works R&D Research Needs System.
2045–2100—Public comments.
2100—Meeting adjourned.

Thursday, December 4

1300—Meeting convened.
1300–1450—OCE response to EAB report on Corps R&D Program.
1450–1505—Break.
1505–1700—RR/EMC, panel discussion on conference topics.
1700–1715—Public comments.
1715—Meeting adjourned.

Friday, December 5

0800—Meeting convened.
0800–1200—EAB prepares report to COE.
1200–1315—Lunch.
1315–1400—EAB meets with division engineers for general discussions.
1400–1500—EAB reports to COE.
1500–1515—Public comments.
1515—Meeting adjourned.

Meeting room(s) has limited seating capacity. Written statements, to be made part of the minutes, may be submitted prior to or up to 10 days following the meeting. Persons planning to attend or desiring further information should contact LTC George F. Boone, Assistant Director of Civil Works, Environmental Programs, Office of the Chief of Engineers. Telephone: 202–272–0103.

John O. Roach, II,

Army Liaison Officer with the Federal Register.

[FR Doc. 80–35398 Filed 11–13–80; 8:45 am]

BILLING CODE 3710–92–M

Department of the Army

Military Traffic Management Command, Military Personal Property Claims Symposium; Open Meeting

Announcement is made of a meeting of the Military Personal Property Claims Symposium. This meeting will be held on December 10, 1980, at Headquarters, Military Traffic Management Command, Nassif Building, Room 714, 5611 Columbia Pike, Falls Church, Virginia 22041. The meeting will convene at 0930 hours and adjourn at approximately 1500 hours.

Proposed agenda: The purpose of the Symposium is to provide an open discussion and free exchange of ideas with the public on mutual problems arising from claims for loss, damage or destruction of personal property while in transit or storage.

This Symposium will be open to the public. Due to limited seating capacity, interested parties are requested to make reservations by contacting the Commander, Military Traffic Management Command, ATTN: MT–PPM, Washington, DC 20315, telephone (202) 756–1808.

Topics recommended for discussion should be submitted in writing to the address given in the preceding paragraph. Topics to be discussed should be received on or before December 1, 1980.

Dated: November 3, 1980.

Robert F. Waldman,

Deputy Director, Directorate of Personal Property.

[FR Doc. 80–35399 Filed 11–13–80; 8:45 am]

BILLING CODE 3710–08–M

National Board for the Promotion of Rifle Practice; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

Name of committee: Executive Committee of the National Board for the Promotion of Rifle Practice (NBPRP)
Date of meeting: 5 December 1980
Place: Chief of Staff Conference Room, Room 3E635, The Pentagon
Time: 0900 Hours

Proposed Agenda

1. Five Year NBPRP Budget Program
2. Membership for the NBPRP
3. Development of Program Objectives
4. Improved Accuracy for Service Ammunition 7.62mm
5. Small Arms Firing School for Pistol
6. Establishment of a President's Match for Pistol
7. Awards for President's Match
8. Pit Change During the National Trophy Rifle Team Match
9. Support of State Rifle and Pistol Teams
10. Improvement of Camp Perry Ranges
11. Lease for Camp Perry
12. Support for Junior Shooters Attending International Matches
13. New Shooter Rule for Junior Teams

This meeting is open to the public.

Persons desiring to attend the meeting should contact the Office of the Director of Civilian Markmanship (202) 272–0810 prior to 5 December 1980 to arrange entry into the Pentagon.

Persons unable to make prior arrangements should call X75673 *upon* arrival at the Pentagon.

Jack R. Rollinger,

Colonel, Infantry Executive Officer.

[FR Doc. 80–35548 Filed 11–13–80; 8:45 am]

BILLING CODE 3710–08–M

United States Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Blood Products and Preservation; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee meeting:

Name of committee: United States Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Blood Products and Preservation
Date of meeting: 5 December 1980
Time and place: 0900 hrs, Conference Room AS3102, Letterman Army Institute of Research, Presidio of San Francisco, CA

Proposed Agenda

This meeting will be open to the public on 5 December 1980 from 0900–0930 hrs to discuss the scientific research program on Blood Products and Preservation at Letterman Army Institute of Research. Attendance by the public at open session will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 0930–1715 for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

J. Ryan Neville, Ph. D., Assistant Director, Research Contract Management, Letterman Army Institute of Research, Presidio of San Francisco, CA 94129, (415) 561–4367, will furnish summary minutes, roster of Committee members and substantive program information.

For the Commander.

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 80-35547 Filed 11-13-80; 8:45 am]

BILLING CODE 3710-08-M

Defense Logistics Agency

Intent To Prepare a Draft Environmental Impact Statement for Proposed Construction of a Fuel Pier and Associated Structures on the Terminal Island Mole, Long Beach, Ca.

AGENCY: Defense Logistics Agency (DLA), DOD.

ACTION: Notice of intent to prepare a draft environmental impact statement.

PURPOSE: The Defense Logistics Agency will serve as the lead agency in the preparation of a Draft Environmental Impact Statement (DEIS) prepared in connection with the proposed construction of a fuel pier at the Terminal Island Mole, Long Beach, California. This Notice of Intent (NOI) to prepare the statement is published pursuant to the regulations of the Council on Environmental Quality, Title 40, Code of Federal Regulations, § 1501.7.

SUMMARY: 1. *Description of the Proposed Action:* The action proposed is the construction of approximately 1,800 feet of berthing for use as a fuel handling pier at the Terminal Island Mole, Long Beach, California. The construction also includes associated structures, such as submarine and buried land pipelines, operating tanks, pumps and manifold system and a reclamation plant. The pier will serve as a loading and off-loading point for tankers and a filling point for military vessels. Submarine and buried land pipelines will connect the pier to the Defense Fuel Support Point San Pedro.

2. *Proposed Alternatives:* a. No action. This alternative would require the continued use of berths 37, 38, 39 and 40 presently leased at the City of Los Angeles harbor in San Pedro, California.

b. Long-term lease of a commercial pier with associated facilities which lie within a two-mile radius of the existing San Pedro pier and which meet DLA and Navy refueling needs.

c. Consideration of various siting and design alternatives.

3. *Scoping Process:* a. Lead Agency: The Defense Logistics Agency is the lead agency responsible for the preparation of the DEIS. The Naval Facilities Engineering Command (Western Division) and the U.S. Army Corps of Engineers, Los Angeles District will be participating as cooperating agencies.

b. Scoping Meeting: A scoping meeting will be held on December 18, 1980 in the Activity Room at the Bixby Park Community Center, 1st Street and Cherry Avenue, Long Beach, California 90802 at 7:30 p.m. The issues to be addressed include: Air quality, water quality, vessel traffic patterns, land use and permit requirements.

c. Interested agencies, organizations and the general public are invited to attend the scoping meeting and to assist DLA/DFSC during the scoping process, in identifying significant environmental issues and concerns.

d. Timing: The estimated date for availability of the DEIS is June 1981.

FOR FURTHER INFORMATION CONTACT: Mr. F. H. Khattat, Ecologist, Defense Fuel Supply Center (DFSC), Defense Logistics Agency, Cameron Station, Alexandria, VA 22314, ATTN: DFSC–AE, Telephone: (202) 274–6989.

Lawrence R. Smith,

Colonel, USA, Staff Director, Installation Services and Environmental Protection.

[FR Doc. 80-35410 Filed 11-13-80; 8:45 am]

BILLING CODE 3620-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

November 7, 1980.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION								
*ADOBE OIL & GAS CORPORATION					RECEIVED: 10/24/80 JA: TX			
8103302	P3055	4246131501	103		WILKINSON NO 1	SPRABERRY (TREND AREA)	30.0	PHILLIPS PETROLEUM C
*AMERICAN PETROFINA COMPANY OF TEXAS					RECEIVED: 10/24/80 JA: TX			
8103270	P2925	4205730837	103		IRMA MAY SMITH ET AL GU NO 2L	SHERIFF EAST (9400)	555.0	UNITED TEXAS TRANSMI
*AMERICAN PUBLIC ENERGY CO					RECEIVED: 10/24/80 JA: TX			
8103113	P0144	4229530690	103		H C BRILLHART A NO 1	KIOWA CREEK (CLEVELAND)	450.0	NORTHERN NATURAL GAS
*AMERICAN QUASAR PETROLEUM CO					RECEIVED: 10/24/80 JA: TX			
8103184	P1478	4218130648	103		PETRO LEWIS-KUSCH #1	HIRAM W BAILEY SURVEY A-	2737.0	DOW CHEMICAL CO
8103231	P2378	4243532291	103		SHURLEY RANCH 1-3	SEC 3 RUSK TRANSP CO SUR	73.0	EL PASO NATURAL GAS
*AMOCO PRODUCTION CO					RECEIVED: 10/24/80 JA: TX			
8103054	16428	4236530739	103		BURNETT BROS NO 13	CARTHAGE (TRAVIS PEAK)	328.5	TENNESSEE GAS PIPELI
*8103265	P2909	4207931129	103		C S DEAN C #20	SLAUGHTER	2.9	AMOCO PRODUCTION CO
8103218	P2229	4220130583	103		DRILLING DISTRICT 22 #6	HOUSTON SOUTH (OLIGOCENE	12.0	AMOCO GAS CO
8103219	P2236	4220130772	103		DRILLING DISTRICT 24 #4	HOUSTON SOUTH (OLIGOCENE	12.0	AMOCO GAS CO
8103278	P2981	4213532116	103		E F COWDEN D #7	COWDEN SOUTH/CANYON 8790	41.0	PIONEER NATURAL GAS
8103264	P2908	4223531471	103		ELA C SUGG P #2	ELA SUGG (WOLFCAMP)	137.0	CRA INC
*8103092	19336	4203931313	103		FANNIE DRAKE #26	HASTINGS WEST	58.0	TEXAS EASTERN TRANSM
8103162	P1104	4235531470	103		G H MCCANN #37-C	ARNOLD-DAVID (CHAPMAN)	122.0	VALLEY GAS TRANSMISS
8103283	P2987	4221530899	103		J J SWEENY #5	DONNA/7560/	139.0	CELANESE CHEMICAL CO
8103131	P0652	4203931319	103		J M LEGARE #3	HASTINGS WEST	50.6	TEXAS EASTERN TRANSM
8103209	P2066	4218930304	103		J T HOWELL #4	ANTON IRISH	1.0	PIONEER NATURAL GAS
8103190	P1663	4239130587	103		M E OCONNOR #42	MARY ELLEN OCONNOR/FQ-30	32.8	LA ROSA CORP
8103156	P0913	4239130584	103		M E OCONNOR #45	M E OCONNOR/FQ-40/	67.5	LA ROSA CORP
8103160	P1052	4239131218	103		M E OCONNOR #50	M E OCONNOR/STRAY A/	5.5	LA ROSA CORP
*8103282	P2985	4216730753	103		MARRS MCLEAN A R/A D NO 11	HIGH ISLAND	17.3	WINNIE PIPELINE CO
8103211	P2096	4200331809	103		MIDLAND FARMS N GRAYBURG UNIT #69	MIDLAND FARMS N (GRAYBUR	0.7	PIONEER NATURAL GAS
8103067	17123	4219530690	103		RILEY GAS UNIT WELL #2	HANSFORD/MIDDLE MORROW	183.0	NORTHERN NATURAL GAS
8103228	P2298	4203931476	102		STANGER GAS UNIT #1	OLD OCEAN NE (10800)	547.0	AMOCO GAS CO
8103065	17032	4222731741	103		TEX LAND/MTGE CO /A/ R/A /B/ #52	IATAN EAST/HOWARD/	1.5	GETTY OIL CO
8103279	P2982	4213532798	103		W E COWDEN B #2	COWDEN SOUTH/CANYON 8790	11.0	PIONEER NATURAL GAS
8103280	P2983	4213532095	103		W E COWDEN E #1	COWDEN SOUTH/CANYON 8790	31.4	PIONEER NATURAL GAS
8103281	P2984	4213532160	103		W E COWDEN F #1	COWDEN SOUTH/CISCO 8640/	2.0	PIONEER NATURAL GAS
*ANGEL T FULLER					RECEIVED: 10/24/80 JA: TX			
8103069	17837	4223931337	102		KOOP GAS UNIT #1	EAST ANITA (6200 FRIO) F	183.0	UNITED GAS PIPELINE
*ARCO OIL AND GAS COMPANY					RECEIVED: 10/24/80 JA: TX			
8103204	P1930	4207931075	103		F O MASTEN #13	LEVELLAND (SAN ANDRES)	14.6	CITIES SERVICE GAS C
8103202	P1927	4207931074	103		F O MASTEN #14	LEVELLAND (SAN ANDRES)	19.2	CITIES SERVICE GAS C
8103203	P1929	4207931073	103		F O MASTEN #17	LEVELLAND (SAN ANDRES)	10.9	CITIES SERVICE GAS C
8103205	P1981	4207931148	103		F O MASTEN #18	LEVELLAND (SAN ANDRES)	5.6	CITIES SERVICE GAS C
8103107	P0006	4241330852	103		VIRGIL J POWELL TR A #10	TILLERY	146.0	ARCO OIL AND GAS CO
*ARGONAUT ENERGY CORPORATION					RECEIVED: 10/24/80 JA: TX			

JD NO	JA DKT	API NO	SEC	D WELL NAME	FIELD NAME	PROD	PURCHASER
8103257	p2626	4229530696	102	STUART RANCH #4	STUART RANCH (MORROW LOW	1656.0	NORTHERN NATURAL GAS
=ATAPCO				RECEIVED: 10/24/80 JA: TX			
8103197	p1849	4237132879	102	UNIVERSITY A-1-16 25691	ATAK (PENN DETRITAL)	5.0	
8103197	p1849	4237132879	103	UNIVERSITY A-1-16 25691	ATAK (PENN DETRITAL)	5.0	
=BAR-MAC & HOLLUB DRILLING CO				RECEIVED: 10/24/80 JA: TX			
8103057	j6573	4205130414	103	MORTON NO 1 ID #12466	INEZ JAMESON (NAVARRO)	22.0	FURGUSON CROSSING PI
=BASS ENTERPRISES PRODUCTION CO				RECEIVED: 10/24/80 JA: TX			
8103290	p3013	4230130242	103	BASS STATE 2 NO 2	WHEAT (DELAWARE)	50.0	
8103291	p3014	4230130243	103	BASS STATE 2 NO 3	WHEAT (DELAWARE)	55.0	
8103292	p3015	4230130245	103	BASS STATE 2 NO 4	WHEAT (DELAWARE)	55.0	
8103300	p3035	4247532004	103	J F HATHAWAY NO 30	ESTES BLOCK 34 (PENN)	300.0	CABOT CORP
=BELCO PETROLEUM CORPORATION				RECEIVED: 10/24/80 JA: TX			
8103071	j8179	4210531114	108	UNIVERSITY 13-2 71656	INGHAM (DEVONIAN)	0.0	EL PASO NATURAL GAS
=BLADE OIL CO				RECEIVED: 10/24/80 JA: TX			
8103111	p0065	4223300000	103	SANFORD #4 (04278)	PANHANDLE	0.0	PHILLIPS PETROLEUM C
=BRIGHT & COMPANY				RECEIVED: 10/24/80 JA: TX			
8103175	p1247	4224731116	102	F W STROMAN #1	ALBERCAS (JACKSON 1200)	0.0	NATURAL GAS PIPELINE
8103175	p1247	4224731116	103	F W STROMAN #1	ALBERCAS (JACKSON 1200)	0.0	NATURAL GAS PIPELINE
=BRITTANY DRILLING CO				RECEIVED: 10/24/80 JA: TX			
8103249	p2491	4214930345	102	C H HARRIS #1 ID-12407	GIDDINGS (AUSTIN CHALK)	142.0	PHILLIPS PETROLEUM C
8103248	p2490	4214930315	102	LEWIS P LEHMANN #1 ID-12189	GIDDINGS (AUSTIN CHALK)	10.0	PHILLIPS PETROLEUM C
=CANUS PETROLEUM INC				RECEIVED: 10/24/80 JA: TX			
8103163	p1144	4235500000	102	#1 CARROLL UNIT	NORTH INEZ (PROPOSED)	73.0	TEJAS GAS CORP
8103235	p2418	4235500000	102	#3 TALBERT	CORPUS CHRISTI WEST (110	365.0	UNITED GAS PIPE LINE
8103186	p1583	4223900000	103	FELICE B FRANEK #6L	CORDELE EAST (2800) & (3	219.0	CFM GAS GATHERING CO
8103187	p1584	4223900000	103	FELICE B FRANEK #6U	CORDELE EAST (2800) & CO	219.0	CFM GAS GATHERING CO
=CASHCO ENERGY CORPORATION				RECEIVED: 10/24/80 JA: TX			
8103188	p1634	4218500000	102	BEULAH YEAGER NO 1	IOLA (GLEN ROSE) FIELD	146.0	LONE STAR GAS CO
8103188	p1634	4218500000	103	BEULAH YEAGER NO 1	IOLA (GLEN ROSE) FIELD	146.0	LONE STAR GAS CO
=CAVALLA ENERGY EXPLORATION CO				RECEIVED: 10/24/80 JA: TX			
8103072	j8180	4228500000	102	S A LOWRANCE NO 1 - ID#85078	LOWRANCE (3100) FIELD	182.5	TEXAS EASTERN TRANSM
8103072	j8180	4228500000	103	S A LOWRANCE NO 1 - ID#85078	LOWRANCE (3100) FIELD	182.5	TEXAS EASTERN TRANSM
=CENTEX OIL & GAS INC				RECEIVED: 10/24/80 JA: TX			
8103217	p2199	4224500000	102	HIGH IS BLOCK 10-L GULF #6	HIGH ISLAND BLOCK 10-L G	1277.0	TRANSCONTINENTAL GAS
=CHAMPLIN PETROLEUM COMPANY				RECEIVED: 10/24/80 JA: TX			
8103120	p0247	4240130783	102	BAILEY SHEPPARD NO 4	E EASON (COTTON VALLEY)	308.0	HYDROCARBON TRANSFER
8103120	p0247	4240130783	103	BAILEY SHEPPARD NO 4	E EASON (COTTON VALLEY)	308.0	HYDROCARBON TRANSFER
8103199	p1904	4236500000	103	CARTHAGE GAS UNIT 4 NO 2	CARTHAGE (COTTON VALLEY)	547.5	TENNESSEE GAS PIPELI
=CITIES SERVICE COMPANY				RECEIVED: 10/24/80 JA: TX			
8103161	p1071	4249700146	108	SLAY #6	BOONSVILLE (BEND CONGL G	15.7	CITIES SERVICE CO
=CONOCO INC				RECEIVED: 10/24/80 JA: TX			
8103110	p0021	4238900000	108	FORD GERALDINE UNIT #312 (#21021)	GERALDINE FORD	0.0	EL PASO NATURAL GAS
8103096	j9385	4238900000	108	G E RAMSEY JR 7 #11 ID #21019	GERALDINE FORD	6.1	EL PASO NATURAL GAS
8103108	p0017	4213500000	108	KLOH A #8 ID #00818	COWDEN NORTH	0.1	AMOCO PRODUCTION CO
8103109	p0018	4243300000	108	W FLOWERS UNIT #51 ID #11787	FLOWERS WEST	0.1	CITIES SERVICE OIL C
8103121	p0271	4247932357	103	WILLIAM HUBBERD-D NO 17 (85963)	LAREDO (8080)	1825.0	VALERO TRANSMISSION
=CONVEST ENERGY CORP				RECEIVED: 10/24/80 JA: TX			
8103181	p1427	4226330625	102	WAYNE WILLIAMS ET AL NO B-1	POLLAN/ELLENBURGER	0.0	EL PASO NATURAL GAS
=CROMERA OIL & GAS CO				RECEIVED: 10/24/80 JA: TX			
8103176	p1253	4223732842	103	J R HALSELL A #1	ARCO (CONGLOMERATE) FIE	105.0	SOUTHWESTERN GAS PIP
=CROWN CENTRAL PETROLEUM CORP				RECEIVED: 10/24/80 JA: TX			
8103200	p1908	4203931233	103	A P GEORGE NO 1	WEST COLUMBIA (FRIO 1030	190.0	NATURAL GAS PIPELINE

JD NO	TA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
=DALLAS PRODUCTION INC					RECEIVED: 10/24/80 JA: TX			
8103226	R2292	4236731626	103		GURSKY-SNOWDEN NO 1	MUIR (STRAWN 4400)	134.0	SOUTHWESTERN GAS PIP
8103189	R1661	4222130384	102		RANDLE NO 1	NEW DISCOVERY	63.0	ALEDO GAS CO LTD
=DAVIS OIL COMPANY					RECEIVED: 10/24/80 JA: TX			
8103182	R1461	4232130938	103		HANS J NELSON #1	N PHEASENT NELSON SAND	219.0	HOUSTON PIPELINE CO
=DELRAY OIL INC					RECEIVED: 10/24/80 JA: TX			
8103258	R2686	4208332030	103		BERTIE E STONE NO 5	BURT-OGDEN-MABEE	100.0	LONE STAR GAS CO
=DIAMOND SHAMROCK CORPORATION					RECEIVED: 10/24/80 JA: TX			
8103313	R3125	4235730963	103		CARL ELLIS D NO 3	ELLIS RANCH	100.0	NATURAL GAS PIPELINE
8103090	R9313	4239330715	103		VERNON M FLOWERS EST NO 3	MENDOTA NW	20.0	
=DISCOVERY OPERATING INC					RECEIVED: 10/24/80 JA: TX			
*8103317	R6601	4241330775	103		DELONG #1	KA-ZE-SA (CANYON)	180.0	CRA INC
*8103240	R2467	4241330803	103		LIN #1	WILDCAT	216.0	CRA INC
*8103242	R2470	4241330803	102		LIN #1	W O D (CANYON)	180.0	CRA INC
*8103243	R2471	4241330813	102		LIN A #2	W O D (CANYON)	180.0	CRA INC
=DORCHESTER EXPLORATION INC					RECEIVED: 10/24/80 JA: TX			
8103207	R2045	4243130815	103		TERRY 17 NO 2	W A M FUSSELMAN	441.0	ESPERANZA PIPELINE C
=EDWIN L COX					RECEIVED: 10/24/80 JA: TX			
8103132	R0656	4247531956	103		EDWARDS NO 6	CRAWAR (GLORIETA)	12.0	WARREN PETROLEUM CO
=EL PASO NATURAL GAS COMPANY					RECEIVED: 10/24/80 JA: TX			
8103157	R0926	4217923757	108		WILSON #1	PANHANDLE WEST-BROWN DOL	13.8	EL PASO NATURAL GAS
8103260	R2721	4208726316	108		WISCHKAEMPER A #1	PANHANDLE EAST-BROWN DOL	21.0	EL PASO NATURAL GAS
=ENSERCH EXPLORATION INC					RECEIVED: 10/24/80 JA: TX			
8103146	R0689	4223700000	108		ALLISON YATES NO 4	BOONSVILLE	2.0	LONE STAR GAS CO
8103139	R0681	4223700000	108		DURHAM KEMPNER NO 1	BOONSVILLE	16.0	LONE STAR GAS CO
8103143	R0686	4249700000	108		E L VAUGHT NO 1	BOONSVILLE	5.0	LONE STAR GAS CO
8103137	R0679	4249700000	108		G H COCANOUGHER NO 2	BOONSVILLE	7.0	LONE STAR GAS CO
8103133	R0674	4249700000	108		G R TAYLOR NO 1	BOONSVILLE	14.0	LONE STAR GAS CO
8103138	R0680	4249700000	108		KATE CHANDLER NO 1	BOONSVILLE	20.0	LONE STAR GAS CO
8103122	R0273	4220330699	103		LEDBETTER-JONES NO 2	WHELAN	260.0	TEXAS EASTERN TRANSM
8103141	R0684	4223700000	108		MILDRED DURHAM NO 11	BOONSVILLE	7.0	LONE STAR GAS CO
8103142	R0685	4223700000	108		MILDRED DURHAM NO 8	BOONSVILLE	7.0	LONE STAR GAS CO
8103148	R0691	4249700000	108		MYRTLE ARWINE NO 1	BOONSVILLE	9.0	LONE STAR GAS CO
8103147	R0690	4223700000	108		ORNEE STEWART NO 1	BOONSVILLE	4.0	LONE STAR GAS CO
8103145	R0688	4249700000	108		R A HUDSON NO 1	RHOME	6.0	LONE STAR GAS CO
8103144	R0687	4249700000	108		R F MCDERMOTT NO 1	BOONSVILLE	13.0	LONE STAR GAS CO
8103136	R0677	4249700000	108		ROSIE BOAZ NO 1	BOONSVILLE	5.0	LONE STAR GAS CO
8103135	R0676	4249700000	108		TARRANT CTY WATER BD UNIT 4 #1	BOONSVILLE	15.0	LONE STAR GAS CO
8103134	R0675	4249700000	108		TARRANT CTY WATER BD UNIT 5 #1	BOONSVILLE	13.0	LONE STAR GAS CO
8103140	R0682	4249700000	108		W J DURHAM NO 1	BOONSVILLE	19.0	LONE STAR GAS CO
=ERGON ENERGY CORP					RECEIVED: 10/24/80 JA: TX			
8103233	R2394	4235730866	103		BENNETT #1	FARNSWORTH-CONNER (DES M	14.4	PHILLIPS PETROLEUM
=ERSO INC					RECEIVED: 10/24/80 JA: TX			
8103230	R2353	4236500000	103		CARTHAGE UNIT #33	CARTHAGE	365.0	TENNESSEE GAS PIPELI
=ESENJAY PETROLEUM CORP					RECEIVED: 10/24/80 JA: TX			
8103273	R2933	4202531194	103		JOYCE NOLEN NO 1	BLANCONIA VICKSBURG (500	91.0	UNITED GAS PIPELINE
=EXXON CORPORATION					RECEIVED: 10/24/80 JA: TX			
8103272	R2931	4207330151	103		BRISBY STATE NO 3	NECHES (WOODBINE)	5.9	UNITED GAS PIPELINE
8103252	R2548	4215731013	103		C C NELSON #25	SUGARLAND	90.0	UNITED TEXAS TRANSMI
8103271	R2930	4200130640	103		CARRIE E SMITH #11	NECHES (WOODBINE)	38.0	UNITED GAS PIPELINE
8103130	R0630	4222731993	103		DOUTHIT UNIT #311	HOWARD GLASSCOCK	0.1	PHILLIPS PETROLEUM C
8103298	R3028	4235730967	103		DUDE WILSON GAS UNIT 4 #3	ELLIS RANCH (CLEVELAND)	76.0	TRANSWESTERN PIPELIN

JD NO	TA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
*8103299	p3029	4200332194	103	FULLERTON CLFK UNIT #2425	FULLERTON	0.7	PHILLIPS PETROLEUM C
8103070	j8139	4247531792	107	GULF #1	WILDCAT	2304.6	
8103297	p3027	4210332209	103	J B TUBB A/C 1 #215U	SAND HILLS (MCKNIGHT)	251.0	EL PASO NATURAL GAS
8103112	p0126	4200331707	108	J E PARKER A/C 2 #87	GOLDSMITH NORTH	5.0	NORTHERN NATURAL GAS
8103296	p3026	4216531687	103	ROBERTSON CLFK UNIT #76	ROBERTSON N (CLFK 7100)	9.0	PHILLIPS PETROLEUM C
8103316	p5005	4226130533	102	SARITA FIELD D&G UNIT 151-D	SARITA (6-8)	88.0	NATURAL GAS PIPELINE
8103103	j9906	4213133918	103	V KOHLER A-128 ID #06096	VIGGO (QUEEN CITY #1)	24.0	TENNESSE GAS PIPELIN
-FLOURNOY PRODUCTION COMPANY				RECEIVED: 10/24/80 JA: TX			
8103234	p2415	4248930616	102	TODD GAS UT 1 #1 C(WEBER)	CHESS SW	0.2	TENNESSEE GAS PIPELI
8103245	p2476	4248930616	102	TODD OIL UT 1 #1 (FURLOW)	CHESS SW	0.2	TENNESSEE GAS PIPELI
-FOUR C OIL & GAS CORP				RECEIVED: 10/24/80 JA: TX			
8103151	p0831	4250131768	103	WAPLES PLATTER #1	WASSON	10.0	AMOCO PRODUCTION CO
-GARY D TURNER DBA TURNER PROPERTIES				RECEIVED: 10/24/80 JA: TX			
8103227	p2293	4208130818	103	TURNER PROPERTIES TUBB NO 2	JAMESON (STRAWN)	43.9	SUN GAS CO
-GAS PRODUCING ENTERPRISES INC				RECEIVED: 10/24/80 JA: TX			
8103201	p1913	4237530686	103	BIVINS 59-18	W PANHANDLE (RED CAVE)	19.0	COLORADO INTERSTATE
8103210	p2090	4237530671	103	MASTERSON 83-16RO	WEST PANHANDLE	23.0	COLORADO INTERSTATE
-GENE POWELL				RECEIVED: 10/24/80 JA: TX			
8103125	p0384	4240130852	103	GLADNEY GAS UNIT #1	OAKHILL (COTTON VALLEY)	730.0	UNITED GAS PIPE LINE
-GENERAL AMERICAN OIL COMPANY OF TEX				RECEIVED: 10/24/80 JA: TX			
*8103062	j6908	4213133363	103	WELDER HEIRS B-3	NE LOMA NOVIA (WILCOX)	65.0	TENNESSEE GAS PIPELI
-GETTY OIL COMPANY				RECEIVED: 10/24/80 JA: TX			
8103212	p2124	4236530961	103	S S HARRIS NO 3	CARTHAGE (COTTON VALLEY)	728.0	UNITED GAS PIPELINE
8103127	p0413	4236530969	103	VELMA FRANCIS NO 1	CARTHAGE (TRAVIS PEAK 64	750.0	UNITED GAS PIPELINE
-GOLDKING PRODUCTION COMPANY				RECEIVED: 10/24/80 JA: TX			
8103193	p1785	4208931050	103	A M JANSA #1 (85155)	MUSTANG CREEK (2050)	172.0	HOUSTON PIPE LINE CO
8103194	p1787	4208931100	103	JACKSON NO 2-C	EATON (MIOCENE 2000)	160.0	HOUSTON PIPE LINE CO
-GREAT PLAINS EXPLORATION CO III				RECEIVED: 10/24/80 JA: TX			
8103099	j9590	4246730386	102	BASS J W SR NO 1 (80923)	MARTINS MILL (RODESSA)	250.0	LONE STAR GAS CO
-GULF OIL CORPORATION				RECEIVED: 10/24/80 JA: TX			
8103269	p2920	4236531043	103	CARTHAGE UNIT 110 WELL NO 2	CARTHAGE (COTTON VALLEY)	0.0	UNITED GAS PIPE LINE
8103268	p2919	4236531034	103	CARTHAGE UNIT 111 WELL NO 2	CARTHAGE (COTTON VALLEY)	0.0	UNITED GAS PIPE LINE
8103309	p3094	4215702549	103	F I BOOTH ET AL A NO 46	THOMPSON	11.0	UNITED TEXAS TRANSMI
8103255	p2607	4249531114	103	KEYSTONE CATTLE CO NO 351	KEYSTONE (COLBY	78.0	CABOT CORP
8103308	p3093	4260230021	103	STATE TR 888-S #1-A #71978	MUSTANG ISL BLK 883 (990	300.0	HOUSTON PIPE LINE CO
-H & L OPERATING COMPANY				RECEIVED: 10/24/80 JA: TX			
8103215	p2140	4235730927	103	BRILLHART #1 (04498)	PERRYTON (MORROW LOWER)	12.0	PHILLIPS PETROLEUM C
-HANOVER MANAGEMENT CO				RECEIVED: 10/24/80 JA: TX			
8103263	p2852	4249731528	103	E L SCHOOLING #1-A	BOONSVILLE (BEND) CONGL	182.0	NATURAL GAS PIPELINE
-HARRISON INTERESTS LTD				RECEIVED: 10/24/80 JA: TX			
8103061	j6881	4210532350	102	NO 12 UNIVERSITY LANDS 19-33	HOWARDS CREEK (PENN)	110.0	INTRATEX GAS CO
8103061	j6881	4210532350	103	NO 12 UNIVERSITY LANDS 19-33	HOWARDS CREEK (PENN)	110.0	INTRATEX GAS CO
-HI-PLAINS PRODUCTION INC				RECEIVED: 10/24/80 JA: TX			
8103198	p1863	4248300000	108	1A BELL	PANHANDLE WHEELER COUNTY	2.2	RAEL GAS CO
-HINTON PRODUCTION COMPANY				RECEIVED: 10/24/80 JA: TX			
8103128	p0416	4240130822	102	CHANNEL UNIT NO 1 WELL NO 1	TRAWICK NE (TRAVIS PEAK)	0.0	TEJAS GAS CORP
8103225	p2291	4240130878	102	TEMPLE NO 1	TRAWICK	0.0	TEJAS GAS CORP
-HOOVER & BRACKEN ENERGIES				RECEIVED: 10/24/80 JA: TX			
8103259	p2710	4219530724	103	TRUEBLOOD #1-33	SHARE SE (MORROW UPPER)	250.0	HIGH PLAINS NATURAL
-HOU-TEX OIL & GAS CO				RECEIVED: 10/24/80 JA: TX			
8103055	j6505	4235531407	103	JOHN SOMMERS HEIRS NO 2	SOMMER	219.0	DELHI GAS PIPELINE C
-HOUSTON OIL & MINERALS CORPORATION				RECEIVED: 10/24/80 JA: TX			

JD NO	DA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8103241	p2468	4238331526	103		ONA WELLS NO 2	SPRABERRY (TREND AREA)	36.0	UNION TEXAS PETROLEU
=HUNT OIL COMPANY					RECEIVED: 10/24/80 JA: TX			
8103246	p2482	4246131507	102		AMACKER-HALFF 81 #3	AMACKER-TIPPETT SW (9000	91.5	EL PASO NATURAL GAS
8103056	j6506	4236530771	102		MATTHEW HARRIS UNIT WELL NO 2	CARTHAGE (CUTTON VALLEY)	360.0	UNITED GAS PIPELINE
8103253	p2557	4246131504	102		V T AMACKER 76 #3	AMACKER-TIPPETT SW (WOLF	125.0	EL PASO NATURAL GAS
=HYDROCARBON GATHERING INC					RECEIVED: 10/24/80 JA: TX			
8103216	p2157	4208931099	103		W N LEHRER NO C-1	WILDCAT (ABOVE 9500 FEET	73.0	HOUSTON PIPE LINE CO
=IKE LOVELADY INC					RECEIVED: 10/24/80 JA: TX			
8103180	p1394	4207931122	103		MABEL FIELD NO 2 (62570)	BUCKSHOT (4950)	11.0	WARREN PETROLEUM CO
=INTERNORTH INC					RECEIVED: 10/24/80 JA: TX			
8103277	p2979	4238931007	107		HERSHENSON 11 #1	HERSHEY W (DEV - MONT)	88.2	INTERNORTH INC
=J A LEONARD					RECEIVED: 10/24/80 JA: TX			
8103068	j7566	4205130394	103		COOKSEY NO 2	INEZ JAMESON (NAVARRO A)	27.3	
=J CLEO THOMPSON					RECEIVED: 10/24/80 JA: TX			
8103266	p2915	4241300000	103		ROUSSELOT A 1	SAWYER (CANYON)	147.0	NORTHERN NATURAL GAS
8103267	p2917	4241300000	103		ROUSSELOT A 2	SAWYER (CANYON)	126.0	NORTHERN NATURAL GAS
=J M HUBER CORPORATION					RECEIVED: 10/24/80 JA: TX			
8103150	p0809	4223330727	103		ARCO READ NO 2	PANHANDLE	48.0	COLORADO INTERSTATE
=JOHN G MIDDLETON					RECEIVED: 10/24/80 JA: TX			
8103262	p2819	4208930655	103		R L STEGER NO 1 (75075)	ROCK ISLAND W (WILCOX 97	324.0	HOUSTON PIPE LINE CO
=JOHN L COX					RECEIVED: 10/24/80 JA: TX			
8103314	p3131	4246131551	103		TURNER-BARNET NO 1	BENEDUM (FUSSELMAN)	50.0	EL PASO NATURAL GAS
=KIRBY EXPLORATION CO					RECEIVED: 10/24/80 JA: TX			
8103301	p3042	4248100000	103		NORRIS RAUN #1-L	GOLDEN ROD (3800)	110.0	TRUNKLINE GAS CO
=L&M OIL CO					RECEIVED: 10/24/80 JA: TX			
8103077	j8471	4208331590	103		W C HENDERSON B #3	BURKETT SW (DUFFER OIL)	55.0	WEST CENTEX GAS CO
=LEEDE OIL & GAS INC					RECEIVED: 10/24/80 JA: TX			
8103294	p3024	4210532619	103		UNIVERSITY 50 #4	FARMER (SAN ANDRES)	10.0	J L DAVIS - BIG LAKE
8103303	p3056	4210532597	103		UNIVERSITY 50 #5	FARMER (SAN ANDRES)	10.0	J L DAVIS BIG LAKE G
8103304	p3057	4210532596	103		UNIVERSITY 50 #6	FARMER (SAN ANDRES)	10.0	J L DAVIS BIG LAKE G
8103305	p3058	4210532610	103		UNIVERSITY 50 #12	FARMER (SAN ANDRES)	10.0	J L DAVIS BIG LAKE G
8103288	p3005	4210532595	103		UNIVERSITY 50 #7	FARMER	10.0	J L DAVIS
8103307	p3060	4210532592	103		UNIVERSITY 50 #9	FARMER (SAN ANDRES)	10.0	J L DAVIS BIG LAKE G
8103287	p3004	4210532601	103		UNIVERSITY 50A #11	FARMER (SAN ANDRES)	10.0	J L DAVIS
8103254	p2603	4210532532	103		UNIVERSITY 50A #5	FARMER (SAN ANDRES)	10.0	J L DAVIS
8103295	p3025	4210532531	103		UNIVERSITY 50A #6	FARMER (SAN ANDRES)	10.0	J L DAVIS - BIG LAKE
8103289	p3006	4210532568	103		UNIVERSITY 50A #7	FARMER (SAN ANDRES)	10.0	J L DAVIS
8103306	p3059	4210532677	103		UNIVERSITY 50B #2	FARMER (SAN ANDRES)	10.0	J L DAVIS BIG LAKE G
=MCCORD EXPLORATION					RECEIVED: 10/24/80 JA: TX			
*8103088	j9187	4208900000	102		HEINSOHN UNIT NO 1	FRELSBURG (Z-15-S)	200.0	TEXAS EASTERN TRANSM
=MCCORMICK OIL & GAS CORP					RECEIVED: 10/24/80 JA: TX			
8103118	p0207	4204730749	102		GLORIA GARCIA LOPEZ #1	RUCIAS NORTH - FAULT BLO	900.0	TRANSCONTINENTAL GAS
8103119	p0218	4204730772	102		GLORIA GARCIA LOPEZ #2	NORTH RUCIAS - FAULT BLO	250.0	TRANSCONTINENTAL GAS
=MCMORAN EXPLORATION CO					RECEIVED: 10/24/80 JA: TX			
8103251	p2532	4235531495	102		STATE TRACT 89 WELL #2-A	ENCINAL CHANNEL NE (7900	140.0	
=MGF OIL CORP					RECEIVED: 10/24/80 JA: TX			
8103261	p2796	4232930851	103		STIMSON-BURLEY NO 1	SPRABERRY (TREND AREA)	15.6	NORTHERN NATURAL GAS
=MITCHELL ENERGY CORPORATION					RECEIVED: 10/24/80 JA: TX			
8103315	p3138	4249731572	103		ADELE CLOUGH #4 (87010)	BOONSVILLE (BEND CONG GA	500.0	NATURAL GAS PIPELINE
8103066	j7059	4249700000	108		J S WARDEN #1 (10297)	MEANDER W (CADDO CONGL)	9.0	NATURAL GAS PIPELINE
8103059	j6754	4249731525	103		JESSIE LOVELL #1	BOONSVILLE (BEND CONGL G	200.0	NATURAL GAS PIPELINE
8103149	p0723	4249700000	108		OLIVER BOND #1 (80868)	BOONSVILLE (BEND CONG GA	20.0	NATURAL GAS PIPELINE

JD NO	JA DKT	API NO	SEC	D WELL NAME	FIELD NAME	PROD	PURCHASER
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED: 10/24/80 JA: TX			
8103229	p2318	4216531748	103	H & J SECTION 127-B NO 17	G-M-K SOUTH (SAN ANDRES)	5.0	PHILLIPS PETROLEUM C
8103206	p1988	4240900000	108	RACHAL NO 73	WHITE POINT EAST/1850	14.2	UNITED GAS PIPE LINE
-MOLE OPERATING COMPANY INC				RECEIVED: 10/24/80 JA: TX			
8103293	p3017	4248131907	103	DUCKETT NO 1 ID #87126	JONES CREEK (4850) FIELD	146.0	FLORIDA GAS
-MORAN EXPLORATION INC				RECEIVED: 10/24/80 JA: TX			
8103159	p0937	4237131618	108	J L NUTT ESTATE NO B-4	BARBASAL (QUEEN)	5.5	PRODUCERS GAS CO
8103158	p0936	4237100000	108	J L NUTT ESTATE NO C-1	BARBASAL (QUEEN)	10.6	PRODUCERS GAS CO
-MUELLER ENGINEERING CORP				RECEIVED: 10/24/80 JA: TX			
8103123	p0287	4227300000	103	V T COLLINS NO 1	WILDCAT	110.0	VALERO TRANSMISSION
-OMNI-EXPLORATION INC				RECEIVED: 10/24/80 JA: TX			
8103183	p1471	4217531189	103	LOUIS M HEINRICH NO 1	GO-WITT (WILCOX 7700)	146.0	HOUSTON PIPE LINE CO
-ONG EXPLORATION INC				RECEIVED: 10/24/80 JA: TX			
8103082	18972	4229530681	103	WESLEY #1	DARREN (MORROW MIDDLE)	150.0	NORTHERN NATURAL GAS
-OWL PETROLEUM CO				RECEIVED: 10/24/80 JA: TX			
8103104	19925	4223900000	102	WILLIAM BORCHERS NO 2-T	MCDANIEL (3750)	0.0	TEXAS EASTERN TRANSM
-PARAFFINE OIL CORP				RECEIVED: 10/24/80 JA: TX			
8103244	p2475	4246931535	102	KEERAN NO 4	KEERAN EAST (7550)	40.0	FLORIDA GAS TRANSMIS
8103244	p2475	4246931535	103	KEERAN NO 4	KEERAN EAST (7550)	40.0	FLORIDA GAS TRANSMIS
-PARKER & PARSLEY INC				RECEIVED: 10/24/80 JA: TX			
8103089	19218	4217331028	103	HUTCHISON A NO 1	SPRAYBERRY (TREND AREA)	15.0	PHILLIPS PETROLEUM C
-PENNZOIL PRODUCING COMPANY				RECEIVED: 10/24/80 JA: TX			
8103152	p0843	4235500000	108	HELEN P AUSTIN NO 2	AGUA DULCE	9.0	UNITED GAS PIPE LINE
8103275	p2939	4250531196	103	JENNINGS NO 45	JENNINGS WEST	150.0	NATURAL GAS PIPELINE
-PETROLEUM TECHNICAL SERVICE CO				RECEIVED: 10/24/80 JA: TX			
8103129	p0425	4241330820	103	MRS J F RUNGE ESTATE #1	COX-BROWN (STRAWN)	547.5	LONE STAR GAS CO
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 10/24/80 JA: TX			
8103084	19062	4213502859	108	(19297) S COWDEN UNIT NO 3-01	COWDEN SOUTH	0.9	ODESSA NATURAL GAS C
8103213	p2131	4213520671	108	(21556) N PENWELL UNIT NO 8	PENWELL	2.0	EL PASO NATURAL GAS
8103058	16720	4229530714	103	BALLENTINE A NO 1	N MAMMOTH CREEK CLEVELAN	190.0	PANHANDLE EASTERN PI
8103165	p1155	4236531033	103	PITTS A NO 1	CARTHAGE	365.0	UNITED GAS PIPELINE
-R C SLACK				RECEIVED: 10/24/80 JA: TX			
8103117	p0164	4249500000	108	BROWN & ALTMAN A #4	EMPEROR	0.0	WEST TEXAS GATHERING
8103115	p0160	4249500000	108	BROWN & ALTMAN A/C 1 #13	EMPEROR	0.0	WEST TEXAS GATHERING
8103116	p0161	4249500000	108	BROWN & ALTMAN A/C 1 #15	EMPEROR	0.0	WEST TEXAS GATHERING
-REALITOS ENERGY CORP				RECEIVED: 10/24/80 JA: TX			
8103164	p1153	4223931447	103	E C LABAUVE NO 1	SWAN LAKE NE (8800)	365.0	CHANNEL INDUSTRIES G
-RICHARD PHILLIPS				RECEIVED: 10/24/80 JA: TX			
*8103105	19980	4240931343	102	KIRK GAS UNIT NO A-1U	WHITE POINT E DEEP (GUED	50.0	FLORIDA GAS TRANSMIS
*8103105	19980	4240931343	103	KIRK GAS UNIT NO A-1U	WHITE POINT E DEEP (GUED	50.0	FLORIDA GAS TRANSMIS
-RK PETROLEUM CORP				RECEIVED: 10/24/80 JA: TX			
8103284	p2997	4231732174	103	ANCHOR #2	HOLTON (STRAWN)	58.4	NORTHERN NATURAL GAS
8103285	p2999	4231732075	103	PAISANO WOLCOTT #2	SPRAYBERRY TREND	9.1	NORTHERN NATURAL GAS
-ROCKWOOD RESOURCES INC				RECEIVED: 10/24/80 JA: TX			
8103073	18214	4245530313	102	EHLERT NO 1 (85160)	RED BRANCH (2380)	50.0	UNITED GAS PIPE LINE
-SAXON OIL COMPANY				RECEIVED: 10/24/80 JA: TX			
8103086	19141	4238331452	103	HUNT A NO 2	SPRABERRY (TREND AREA)	202.9	PHILLIPS PETROLEUM C
8103124	p0375	4238331405	103	MCLEAN NO 3	SPRABERRY (TREND AREA)	14.9	NORTHERN NATURAL GAS
8103087	19142	4238300000	103	WAYLE TRUST NO 2	SPRABERRY (TREND AREA)	11.3	NORTHERN NATURAL GAS
-SHELL OIL CO				RECEIVED: 10/24/80 JA: TX			
8103185	p1530	4221530947	103	W J DAVIS A NO 1	MCCOOK E (VICKSBURG LO-Y	400.0	LONE STAR GAS CO
8103214	p2138	4213133358	102	WEATHERBY-WEATHERBY GAS UNIT NO 1	ROSITA NW (WILCOX W)	200.0	
-SOUTHLAND ROYALTY CO				RECEIVED: 10/24/80 JA: TX			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8103102	j9824	4210300000	108		EDWARDS GRAYBURG UNIT #8-4	EDWARDS	0.9	PHILLIPS PETROLEUM C
8103154	p0862	4247500000	108		F G SMITH #10	WARD SOUTH	0.7	CABOT CORP
8103153	p0852	4249500000	108		J C LOVETT #14	KERMIT	1.8	CABOT CORP
8103076	j8366	4247531945	103		JANELLE EDWARDS #4	CRAWAR	70.0	WARREN PETROLEUM CO
8103080	j8572	4238300000	108		O F BOYD B #1-6	CALVIN	6.0	UNION TEXAS PETROLEU
8103079	j8571	4238300000	108		O F BOYD B #2-6	CALVIN	6.0	UNION TEXAS PETROLEU
8103078	j8570	4238300000	108		O F BOYD B #3-6	CALVIN	6.0	UNION TEXAS PETROLEU
8103106	j9996	4238300000	108		W E BOYD #2-9	CALVIN	18.0	UNION TEXAS PETROLEU
8103098	j9529	4211300000	108		WILLIE DAVIS #2	ACKERLY	3.4	GETTY OIL CO
-SUBURBAN PROPANE GAS CORP					RECEIVED: 10/24/80 JA: TX			
8103276	p2940	4241330832	103		R L MCWHORTER NO 1	HENRY-SPECK (CANYON)	55.0	INTRATEX GAS CO
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 10/24/80 JA: TX			
8103081	j8575	4217900000	108		BROWN DOLOMITE NO 3-2	PANHANDLE GRAY	0.1	PHILLIPS PETROLEUM C
8103021	j6190	4218300000	108		C BROWN NO 11	EAST TEXAS	0.7	MOBIL OIL CORP
8103220	p2273	4208130595	103		CENTRAL NATIONAL BANK A NO 8	E P PENN	34.0	LONE STAR GAS CO
8103022	j6193	4240100000	108		DEASON A NO 2	EAST TEXAS	0.2	ATLANTIC RICHFIELD C
8103166	p1168	4222700000	108		DORA B D & E ROBERTS NO 2-2	HOWARD-GLASSCOCK	0.4	PHILLIPS PETROLEUM C
8103023	j6194	4218300000	108		EDDIE MITCHELL NO 1	EAST TEXAS	0.5	WARREN PETROLEUM CO
8103024	j6197	4209700000	108		FRED SNUGGS NO 30	WALNUT BEND/WINGER/	0.7	UNION TEXAS PETROLEU
8103223	p2283	4242731328	102		I V MONTALVO C NO 39-L	SUN NORTH	476.0	
8103222	p2282	4242731328	102		I V MONTALVO C NO 39-U	SUN NORTH	1688.0	
8103025	j6198	4218300000	108		J C MCKINLEY NO 5	EAST TEXAS	0.2	UNITED GAS PIPE LINE
8103026	j6199	4218300000	108		J C MCKINLEY NO 8	EAST TEXAS	0.4	UNITED GAS PIPE LINE
8103043	j6240	4240100000	108		J E ARNOLD NO 3	EAST TEXAS	0.2	ATLANTIC RICHFIELD C
8103044	j6241	4240100000	108		J E ARNOLD NO 4	EAST TEXAS	0.2	ATLANTIC RICHFIELD C
8103166	p1160	4249731434	103		J L WOMACK A NO 3	BOONSVILLE (BEND CONGL G	723.0	NATURAL GAS PIPELINE
8103174	p1185	4238300000	108		JOHN O CARR NO 3	SPRABERRY TREND AREA	5.5	EL PASO NATURAL GAS
8103027	j6200	4218300000	108		L ALEXANDER NO 1	EAST TEXAS	0.4	EXXON CORP
8103028	j6201	4218300000	108		LENA GAINES NO 7	EAST TEXAS	0.1	ATLANTIC RICHFIELD C
8103031	j6207	4218300000	108		M T COLE NO 14	EAST TEXAS	0.7	ATLANTIC RICHFIELD C
8103032	j6208	4218300000	108		M T COLE NO 16	EAST TEXAS	0.7	ATLANTIC RICHFIELD C
8103033	j6213	4218300000	108		M T COLE NO 26	EAST TEXAS	1.0	ATLANTIC RICHFIELD C
8103034	j6214	4218300000	108		M T COLE NO 31	EAST TEXAS	0.4	ATLANTIC RICHFIELD C
8103036	j6217	4218300000	108		M T COLE NO 41	EAST TEXAS	0.7	ATLANTIC RICHFIELD C
8103035	j6216	4218300000	108		M T COLE NO 50	EAST TEXAS	0.4	ATLANTIC RICHFIELD C
8103037	j6218	4218300000	108		M T COLE NO 54	EAST TEXAS	0.4	ATLANTIC RICHFIELD C
8103029	j6203	4218300000	108		M T COLE NO 6	EAST TEXAS	0.7	ATLANTIC RICHFIELD C
8103030	j6204	4218300000	108		M T COLE NO 7	EAST TEXAS	0.7	ATLANTIC RICHFIELD C
8103312	p3120	4200331910	103		NELLIE C MARTIN NO 12	MARTIN (TUBB)	66.0	PHILLIPS PETROLEUM C
8103038	j6219	4218300000	108		P TAYLOR CA NO 5	QUITMAN	1.0	CRA INC
8103172	p1183	4213500000	108		PAUL MOSS UNIT NO 18	COWDEN SOUTH	1.0	ODESSA NATURAL CORP
8103311	p3113	4213533190	103		PAUL MOSS UNIT NO 186	COWDEN SOUTH (13800)	84.0	ODESSA NATURAL CORP
8103171	p1182	4213500000	108		PAUL MOSS UNIT NO 25	COWDEN SOUTH	1.5	ODESSA NATURAL CORP
8103170	p1181	4213500000	108		PAUL MOSS UNIT NO 28	COWDEN SOUTH	1.5	ODESSA NATURAL CORP
8103169	p1180	4213500000	108		PAUL MOSS UNIT NO 36	COWDEN SOUTH	1.0	ODESSA NATURAL CORP
8103173	p1184	4213500000	108		PAUL MOSS UNIT NO 9	COWDEN SOUTH	1.0	ODESSA NATURAL CORP
8103053	j6251	4240100000	108		R J HENDON NO 17	EAST TEXAS	0.3	ATLANTIC RICHFIELD C
8103042	j6234	4240100000	108		R J HENDON NO 4	EAST TEXAS	0.3	ATLANTIC RICHFIELD C
8103049	j6247	4240100000	108		R J HENDON NO 5	EAST TEXAS	0.3	ATLANTIC RICHFIELD C
8103050	j6248	4240100000	108		R J HENDON NO 6	EAST TEXAS	0.3	ATLANTIC RICHFIELD C
8103051	j6249	4240100000	108		R J HENDON NO 7	EAST TEXAS	0.3	ATLANTIC RICHFIELD C
8103052	j6250	4240100000	108		R J HENDON NO 9	EAST TEXAS	0.3	ATLANTIC RICHFIELD C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8103039	j6220	4218300000	108		SCHUYLER & SCHUYLER A NO 2	EAST TEXAS	0.2	ATLANTIC RICHFIELD C
8103045	j6243	4218300000	108		W L FULLER NO 13	EAST TEXAS	0.7	WARREN PETROLEUM CO
8103046	j6244	4218300000	108		W L FULLER NO 21	EAST TEXAS	0.7	WARREN PETROLEUM CO
8103048	j6246	4218300000	108		W L FULLER NO 210	EAST TEXAS	0.1	WARREN PETROLEUM CO
8103047	j6245	4218300000	108		W L FULLER NO 29	EAST TEXAS	0.1	WARREN PETROLEUM CO
8103167	p1165	4222700000	108		WARDER NO 10	HOWARD-GLASSCOCK	0.4	PHILLIPS PETROLEUM C
8103041	j6225	4218300000	108		WILLIAM PENTECOST NO 21	EAST TEXAS	0.3	MOBIL OIL CORP
8103040	j6224	4218300000	108		WILLIAM PENTECOST NO 5	EAST TEXAS	0.3	MOBIL OIL CORP
8103221	p2279	4216730726	102		ZINN AND FORMAN NO 20	CAPLEN	135.0	TEXAS GAS PIPE LINE
*SUNNYBROOK OIL & GAS INC					RECEIVED: 10/24/80 JA: TX			
8103196	p1801	4240100000	108		JULIAN JONES RRC ID #55571	MINDEN/TRANSITION	15.0	TEXAS UTILITIES FUEL
8103195	p1796	4240100000	108		TROY WELCH RRC #39517	MINDEN/TRAVIS PEAK	12.0	TEXAS UTILITIES FUEL
*SUPRON ENERGY CORPORATION					RECEIVED: 10/24/80 JA: TX			
8103192	p1777	4200130920	102		#1 WOODBURN	WILDCAT	182.5	
*TEE OPERATING CO					RECEIVED: 10/24/80 JA: TX			
8103063	j6932	4228930324	102		HOLMES NO 1	BEAR GRASS (PETTET 8847)	1000.0	TEXAS UTILITIES FUEL
*TENNECO OIL COMPANY					RECEIVED: 10/24/80 JA: TX			
8103191	p1719	4242731236	103		T B SLICK ESTATE NO 66	HINDE (VICKSBURG 11 SEG	150.0	TENNESSEE GAS PIPELI
*TEXACO INC					RECEIVED: 10/24/80 JA: TX			
8103274	p2936	4221932781	103		I P DELOACHE #7	LEVELLAND	18.9	AMOCO PRODUCTION CO
8103232	p2380	4232930870	102		ZULA B WYLIE #1	BRADFORD RANCH (ATOKA)	190.0	EL PASO NATURAL GAS
*TEXAS INTERNATIONAL PET CORP					RECEIVED: 10/24/80 JA: TX			
8103095	j9375	4233531265	103		EDWIN PARKS #14	DIXON (STRAWN)	0.0	SUN GAS CO
8103093	j9365	4233530790	103		EDWIN PARKS #3	DIXON (STRAWN)	6.0	SUN GAS CO
8103094	j9366	4233500000	103		EDWIN PARKS #4	DIXON (STRAWN)	0.0	SUN GAS CO
*TEXAS OIL & GAS CORP					RECEIVED: 10/24/80 JA: TX			
8103091	j9329	4226130525	102		ERCK #19	MCGILL (10010)	300.0	DELHI GAS PIPELINE C
8103126	p0411	4245930439	102		LONE STAR STEEL #1	SAND HILL	250.0	DELHI GAS PIPELINE C
8103126	p0411	4245930439	103		LONE STAR STEEL #1	SAND HILL	250.0	DELHI GAS PIPELINE C
8103155	p0875	4245930454	102		PARRISH A #1	BETTIE (COTTON VALLEY LI	1000.0	
8103155	p0875	4245930454	103		PARRISH A #1	BETTIE (COTTON VALLEY LI	1000.0	
8103060	j6859	4237100000	102		REED D #1	SADDLE BUTTE N (GRAN WAS	55.0	DELHI GAS PIPELINE C
8103083	j8992	4216130536	102		TEAGUE GU #3-1	TEAGUE S (COTTON VALLEY	0.0	
8103083	j8992	4216130536	103		TEAGUE GU #3-1	TEAGUE S (COTTON VALLEY	0.0	
8103224	p2285	4216130563	103		THOMAS #1	PERSONVILLE NE (COTTON V	500.0	
*TEXAS PACIFIC OIL COMPANY INC					RECEIVED: 10/24/80 JA: TX			
8103208	p2058	4213331087	102		O H DELAND #11-L	GAILEY ALLEN (MARBLE FAL	230.0	SOUTHWESTERN GAS PIP
*TEXON PETROLEUM CORP					RECEIVED: 10/24/80 JA: TX			
8103247	p2483	4217300000	102		UNDERWOOD NO 1	UNDERWOOD (STRAWN)	131.4	PHILLIPS PETROLEUM C
*THE SUPERIOR OIL COMPANY					RECEIVED: 10/24/80 JA: TX			
8103097	j9451	4216730381	103		COOPER-WILLIAMS OIL UT 1 #1	ALGOA (24)	18.0	FLORIDA GAS TRANSMIS
*TOTAL PETROLEUM INC					RECEIVED: 10/24/80 JA: TX			
8103100	j9769	4216730710	103		STATE TRACT 195 #3	HANNAH NW (F-1)	730.0	SEAGULL PIPELINE COR
*TUCKER & RAUMGARDNER					RECEIVED: 10/24/80 JA: TX			
*8103085	j9065	4222732025	103		BLACK BASS NO 2	COAHOMA NORTH (FUSSELMAN	38.9	PHILLIPS PETROLEUM C
8103101	j9770	4200332012	103		MOURNING DOVE NO 1	WEMAC (WOLFCAMP)	29.2	EL PASO NATURAL GAS
*TUCKER DRILLING COMPANY INC					RECEIVED: 10/24/80 JA: TX			
8103256	p2610	4241330890	103		GLASS A 50-2	REG (LIME 5900)	220.0	NORTHERN NATURAL GAS
*THF OIL & GAS INC					RECEIVED: 10/24/80 JA: TX			
8103064	j6997	4213331929	103		TINDALL A NO 1-A	WILDCAT	91.0	SOUTHWESTERN GAS PIP
*U S OPERATING INC					RECEIVED: 10/24/80 JA: TX			
8103239	p2445	4228730595	102		DORIS #1	GIDDINGS (AUSTIN CHALK)	120.0	PGP GAS PRODUCTS INC

BILLING CODE 6450-85-C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8103237	R2429	4228730503	102		LAURA #1 (ID 84089)	GIDDINGS (AUSTIN CHALK-G	200.0	PGP GAS PRODUCTS INC
8103238	R2431	4228730526	102		MARJORIE NO 1 (ID #86616)	GIDDINGS (AUSTIN CHALK G	150.0	PGP GAS PRODUCTS INC
8103250	R2494	4247730330	102		MARLA J #1 (ID #85732)	GIDDINGS (AUSTIN CHALK G	200.0	PGP GAS PRODUCTS INC
-UNIT DRILLING & EXPLORATION CO					RECEIVED: 10/24/80 JA: TX			
8103236	R2424	4229530747	103		BOOTH #639-2	BRADFORD (TONKAWA)	55.0	PHILLIPS PETROLEUM C
-UNITED CO					RECEIVED: 10/24/80 JA: TX			
8103074	R8220	4207900000	103		SEABOARD WRIGHT #20A	LEVELLAND (SAN ANDRES)	60.0	EL PASO NATURAL GAS
8103075	R8222	4207900000	103		STUART P WRIGHT #2	LEVELLAND (SAN ANDRES)	60.0	EL PASO NATURAL GAS
-VIKING ENERGY CORP					RECEIVED: 10/24/80 JA: TX			
8103286	R3002	4241330833	103		DONALD COX #1	HENRY SPECK (CANYON) FIE	73.0	
-W R EDWARDS JR					RECEIVED: 10/24/80 JA: TX			
8103114	R1156	4223330734	103		MELANIE NO 1	PANHANDLE HUTCHINSON	0.0	
-WARREN PETR CO A DIV OF GULF OIL CO					RECEIVED: 10/24/80 JA: TX			
8103177	R1276	4210332145	103		W N WADDELL TR 1 NO 1110	DUNE	6.0	EL PASO NATURAL GAS
8103178	R1277	4210332146	103		W N WADDELL TR 1 NO 1111	DUNE	17.0	EL PASO NATURAL GAS
8103179	R1278	4210332149	103		W N WADDELL TR 1 NO 1112	DUNE	1.0	EL PASO NATURAL GAS
-WAY RALPH L					RECEIVED: 10/24/80 JA: TX			
8103310	R3107	4238331576	103		UNIVERSITY 98 #4	FARMER (SAN ANDRES)	9.7	NORTHERN NATURAL GAS

OTHER PURCHASERS VOLUME NO 1313

8103062	EXXON COMPANY USA
8103085	NORTHERN NATURAL GAS COMPANY
8103088	SHELL OIL CO
8103092	AMOCO GAS CO
8103105	VALERO TRANSMISSION CO
8103240	LONE STAR GAS CO
8103242	LONE STAR GAS CO
8103243	LONE STAR GAS CO
8103265	EL PASO NATURAL GAS CO
8103282	SOUTHWESTERN GAS P L INC
8103299	AMOCO PRODUCTION CO
8103317	NORTHERN NATURAL GAS CO

BILLING CODE 6450-85-M

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 (*) preceding 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 December 1, 1980.

Please reference the FERC Control Number (JD No.) in all corrspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35691 Filed 11-13-80; 8:45 am]

[Docket Nos. RP80-53, et al.]

Arkansas Louisiana Gas Company, et al.; Filing of Pipeline Refund Reports and Refund Plans

November 7, 1980.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 24, 1980. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing Date, Company, Docket No., and Type Filing

8/25/80, Arkansas Louisiana Gas Company, RP80-53, Report.

10/30/80, Midwestern Gas Transmission Company, RP61-19, *et al.*, Report.

[FR Doc. 80-35675 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-68-000]

Central Illinois Public Service Co.; Filing

November 7, 1980.

The filing Company submits the following:

Take notice that Central Illinois Public Service Company on October 30, 1980, tendered for filing Modification No. 5 to the Interconnection Agreement dated August 31, 1976, between Central Illinois Public Service Company and Central Illinois Light Company.

The parties have agreed to modify Service Schedule B—Maintenance Power, Service Schedule D—Short Term Firm Power and Service Schedule E—Short Term Non-Firm Power.

Copies of the proposed changes were served upon the Illinois Commerce Commission and Central Illinois Light Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8, 1.10 (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 28, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35693 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3498]

Chester Water Authority; Application for Preliminary Permit

November 7, 1980.

Take notice that Chester Water Authority (Applicant) filed on September 25, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3498 to be known as the Pine Grove Hydro Project located on the Octoraro Creek in Lancaster County, Pennsylvania. The Pine Grove Dam and Reservoir is owned by the Chester Water Authority. The application is on file with the Commisison and is available for public inspection. Correspondence with the Applicant should be directed to: J. Newton Pew, Chairman, Chester Water Authority, Fifth & Welsh Streets, Chester, Pennsylvania 19016. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description.—The proposed project would be run of the river and would consist of: (1) an existing dam which is of earth and rockfill construction and is approximately 640 feet long and 65 feet high; (2) a reservoir which has an area of 669 acres and negligible pondage; (3) a penstock which is 72 inches in diameter; (4) a new powerhouse which would contain a generating unit having a total rated capacity of 408 kw; (5) a tailrace; (6) a new transmission line; and (7) appurtenant facilities. Applicant estimates the annual generation would average about 2,246,000 kWh.

Purpose of Project.—Project Energy would be primarily for the Authority's water treatment plant. Excess energy might be sold to the Philadelphia Electric Company.

Proposed Scope and Cost Studies Under Permit.—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies would be $27,500.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examination to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 14, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 16, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing

application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules or Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before Janaury 14, 1981.

Filing and Service of Responsive Documents.—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3498. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35676 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-430]

Columbia Gas Transmission Corp.; Amendment to Application

November 7, 1980.

Take notice that on October 8, 1980, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP80-430 an amendment to its pending application filed July 1, 1980, pursuant to Section 7(c) of the Natural Gas Act so as to reflect interim service agreements, nomination of certain service, use of an additional delivery point, and the operation of certain facilities, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant proposes revised service agreements for four wholesale customers located within Applicant's Eastern market area. It is stated that the revised service agreements in the subject application were conditioned on the availability of Applicant's Cove Point liquefied natural gas supply. Applicant states that the date of resumption of said supply is uncertain and that the four customers have an urgent need for increased total daily entitlements. It is stated that Applicant's customers have re-evaluated their requirements and have lowered the requested increases by a total of 46,400 dekatherms (dt) equivalent. Applicant states that therefore it could deliver the following proposed interim increases in total daily entitlements, assuming the completion of the facilities proposed in this proceeding. Applicant states that the following interim agreements would have an effective date of November 1, 1980:

(1) With Washington Gas Light Company (Washington) effectuating an increase in Washington's contract demand under Applicant's Rate Schedule CDS from 382,400 dt equivalent per day to 395,800 dt equivalent per day.

(2) With UGI Corporation (UGI) effectuating an increase in Applicant's Rate Schedules CDS and WS from 237,800 dt equivalent to 270,000 dt equivalent. UGI has requested that this be accomplished by increasing its contract demand under Applicant's Rate Schedule CDS from 179,100 dt equivalent per day to 230,000 dt equivalent per day and by decreasing its existing maximum daily quantity under Applicant's Rate Schedule WS from 58,700 dt equivalent to 40,000 dt equivalent. In addition, UGI has requested a reduction in its winter contract quantity under Applicant's Rate Schedule WS from 2,935,000 dt equivalent to 2,000,000 dt equivalent.

(3) With Pennsylvania Gas and Water Company (Penn Gas) effectuating an increase in Penn gas' contract demand under Applicant's Rate Schedule CDS from 29,700 dt equivalent per day to 36,400 dt equivalent per day.

(4) With Baltimore Gas & Electric Company reducing its winter contract quantity under Applicant's Rate Schedule WS to 6,440,000 dt equivalent instead of the 8,280,000 dt eqivalent stated in the subject application.

Furthermore, Applicant proposes that in response to a request by Columbia Gas of Ohio, Inc. (Columbia of Ohio), Applicant would terminate service under Applicant's Rate Schedule SGS effective November 1, 1980, and that the existing SGS delivery point would be included as an additional delivery point for service to Columbia of Ohio under Applicant's Rate Schedule CDS in Zone 4. Applicant states that it is willing to accommodate Columbia of Ohio's request and would waive the prescribed six-month notice period.

Applicant also proposes the operation of certain facilities whose construction and relocation were authorized by temporary certificate issued on August 20, 1980. It is stated that said facilities would have to be completed and in operation by December 1, 1980, in order for Applicant to servew the existing requirements of its Eastern market area customers without the Cove Point supply as well as the interim increased total daily entitlements requested herein. Applicant states that while its existing system could transport 38,600,000 Mcf of replacement volumes to the required delivery points within the Eastern market area, it has determined that it would require approximately 4,600,000 Mcf of replacement volumes at its Loudoun Compressor Station, the normal receipt point for the Cove Point supply, which cannot be transported via existing facilities. In order to correct the deficiency, it is stated, Applicant has negotiated a transportation arrangement with Consolidated System LNG Company (Consolidated) from a new interconnection between Applicant's Line 1804 and Consolidated's Loudoun pipeline to be located approximately 8.1 miles east of Greencastle Compressor Station to Applicant's Loudoun Compressor Station.

Applicant states that the use of the Consolidated agreement with the increased 1804 System capacity would permit Applicant to transport an average of 63,000 Mcf per day to Loudon during the months of December 1980 and January and February 1981. On a design

day during the 1980–81 winter period, Applicant would transport approximately 55,000 Mcf to Loudoun via the Consolidated arrangement, it is asserted.

Furthermore, Applicant states that the total daily entitlement increase requested by Penn Gas is dependent on authorization of certain arrangements between Applicant, Penn Gas and Transcontinental Gas Pipe Line Corporaiton (Transco) for the delivery of natural gas by Transco to Penn Gas for Applicant's account. This transportation, it is stated, would be accomplished by means of existing facilities and through existing points of delivery from Transco to Penn Gas. Applicant states that the three companies have entered into a one-year arrangement effective November 1, 1980, pursuant to blanket authorization to Transco. It is stated, also, that Applicant and Transco have entered into a long-term exchange arrangement in order to continue the above deliveries after November 1, 1981, the application for which will be filed jointly.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before December 1, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35677 Filed 11-13-80; 8:45 am]

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[Docket No. ER78-517]

Connecticut Light and Power Co.; Order on Remand

Issued: November 7, 1980.

By a decision of May 30, 1980,[1] the United States Court of Appeals for the District of Columbia Circuit vacated and remanded our prior order of August 31, 1978, in this docket. In the previous order we stated that we had found that the rates filed by Connecticut Light and Power Company (CL&P) in this docket had "not been shown to be just and reasonable" and that the rates might "be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful." On the basis of that finding, the preliminary analysis underlying it, and our consideration of the pleadings, we suspended the revised rates for five months and allowed them to become effective thereafter subject to refund.

CL&P appealed the order, specifically challenging the absence of stated reasons for the choice of the length of the suspension period. In its opinion of May 30, 1980, the court remanded the case, directing the Commission to articulate the rationale for its decision to suspend the rates for five months. The court acknowledged "that Congress intended that the Commission have utmost freedom in exercising its discretion as to the length of rate suspensions." [2] However, according to the court, the conclusion that rates may be unjust and unreasonable, while a sufficient basis for the decision *to suspend*, is not itself an adequate justification for determinations concerning the *length* of a suspension period. While indicating that "the Commission [could] settle on giving uniform suspsensions," [3] the court expressed its opinion that suspension periods of differing lengths must be independently supported by reasoned statements.

Following the *Connecticut Light & Power Co.* decision, the Commission reevaluated the considerations underlying rate suspensions under the Federal Power Act, the Natural Gas Act, and the Interstate Commerce Act. Our rationale and conclusions were set forth in several recent suspension orders [4] as follows (citations omitted):

> Though the regulatory schemes that the Commission administers involve a subtle and a difficult balancing of producer and consumer interests, their primary purpose is to protect the consumer against excessive rates and charges. Hence, it is our view that the discretionary power to suspend should be exercised in a way that maximizes this protection.
>
> The decision to suspend a proposed rate increase rests on the preliminary finding that the increase may be unjust and unreasonable or that it may run afoul of other statutory standards. The governing statutes say that *"any* [emphasis added] rate or charge that is not just and reasonable is hereby . . . declared unlawful." This declaration places on the Commission a general obligation to minimize the incidence of such illegality.
>
> Based on the foregoing, the Commission has determined that, in the exercise of its rate suspension authority, rate filings should normally be suspended and the *status quo ante* preserved for the maximum period permitted by statute in circumstances where preliminary study leads the Commission to believe that there is substantial question as to whether a filing complies with applicable statutory standards.
>
> * * * * *
>
> Particular circumstances may warrant shorter suspensions. Situations present themselves from time to time in which rigid adherence to the general policy of preserving the *status quo ante* for the maximum statutory period makes for harsh and inequitable results.

In the latter circumstances, we have shortened the suspension period, explaining the reasons in each case.[5]

In addition to considering the fundamental goals of the applicable legislation and the respective interests of jurisdictional entities and their customers, we also evaluated the internal workload of this agency. Considerable time was being consumed in the effort to fine-tune preliminary analyses necessary to draw reasoned conclusions concerning suspension periods of varying lengths from one to five months in each case. Moreover, further expenditures of scarce resources would have been required in order to explain the nature of such fine-tuned analyses in each of the many suspension orders which the Commission issues to the degree required to provide guidance for future filings and to avoid constant challenges on rehearing that the fine-tuning was incorrect, discriminatory or otherwise wrong.

For all of the reasons given above, the Commission determined to modify its existing suspension practices in a manner which we believe is within our discretion and consistent with the intent of the statutes administered by the Commission. As noted above, we concluded that rate schedule filings should generally be suspended for the maximum statutory period where preliminary study indicates that the submittal may be unjust and unreasonable or that it may conflict with other statutory standards. Where circumstances unique to a particular

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[1] *Connecticut Light and Power Co.* v. *FERC*, No. 78-2312, ——F. 2d —— (D.C. Cir. 1980).

[2] *Id.* at 12.

[3] *Id.*

[4] *E.g., Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Idaho Power Co.*, Docket No. ER80-492 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

[5] *See, e.g., Alabama Power Co.* and *Cleveland Electric Illuminating Co., supra* at note 4.

case suggest that a shorter suspension is warranted, we shall identify the specific reasons for departing from the general policy of maximum suspensions.

Whether considered under the suspension policy followed prior to *Connecticut Light and Power Co.*, or under the new practice discussed above, the Commission continues to believe that CL&P's rate filing should be suspended for five months. As was Commission practice when we originally considered CL&P's filing, the Commission's advisory technical staff made a preliminary analysis of the submittal and determined the percentage of revenues from the increased rates that appeared to be excessive under this preliminary evaluation. The Commission then ordered the rates to be suspended in accordance with principles consistently applied, in the absence of extraordinary circumstances, to all electric rate filings. This approach related the length of the suspension period to the percentage of the rate increase found to be excessive under the preliminary analysis. The policy of tying the length of a suspension to the amount of the revenues preliminarily believed to be excessive was designed to encourage less excessive rate filings to the benefit of the utilities' customers, whom the suspension period was designed to protect.

In the case of CL&P's rate increase at issue in this docket, our preliminary analysis showed that over 40% of the requested rate increase was excessive. On this basis, we ordered a five month suspension.

In its answer, filed August 25, 1978, to the protest and request for a five-month suspension of the intervening customers, CL&P contended that a lengthy suspension period would aggravate CL&P's purportedly serious financial problems. To support its contention that CL&P is "one of the most financially weakened utilities in the United States," the company asserted, *inter alia*, that: (1) the May 1978 indenture coverage ratio of the company was only 1.64; (2) Northeast Utilities (CL&P's parent) had not increased its dividend on its common stock since 1973; (3) its June 30, 1978 market/book ratio was only .75; and (4) as recently as the twelve-month period ending May 31, 1978, earnings per share were less than the per share amount of dividends paid to shareholders.

It is the Commission's responsibility under the Federal Power Act to determine a rate of return, as well as other rate features, appropriate to recover the legitimate costs incurred by a utility. This determination is a complex one to make, one that cannot normally be made with the requisite precision with the appropriate due process to all parties in the short time in which the Commission must make its decision whether and for how long to suspend a filed rate. We note that to the degree available financial information affects the rate of return portion of our preliminary review of tendered rates, we have already considered CL&P's financial condition in our initial decision to suspend the filed rates, and have found that those rates may be unlawful even taking such financial conditions into account. In the absence of a clear financial emergency, further consideration of the allegations of financial hardship as an independent basis for determining the appropriate suspension period is not warranted.[6]

On the basis of our preliminary analysis, we could not find that a clear financial emergency existed in CL&P's case, although we acknowledge that the information cited by the company indicates that CL&P has been experiencing substantial financial difficulties. Evidence of its financial condition is a matter which is relevant to the rate of return allowed to CL&P. We could not and cannot conclude on the basis of the filings before us that our suspension of the rate for the full statutory period would itself significantly worsen the company's financial condition or imperil its solvency.

In view of the foregoing discussion, we shall reaffirm our prior determination and reinstate the five month suspension.

The Commission orders:

(A) The five month suspension of the rates filed by CL&P in this docket is hereby reaffirmed and reinstated for the reasons set out above.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35655 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-78-000]

Connecticut Light and Power Co.; Filing

November 7, 1980.

The filing Company submits the following:

Take notice that on October 31, 1980, The Connecticut Light and Power Company ("CL&P") filed a Transmission Service Agreement dated as of September 25, 1980, between The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, Holyoke Water Power Company, and The Holyoke Power and Electric Company (collectively referred to as the "Northeast Utilities companies") and the Connecticut Municipal Electric Energy Cooperative ("CMEEC"), a public corporation organized under the laws of the State of Connecticut, which presently provides electric service to the municipal electric systems of the City of Groton, City of Norwich, and Borough of Jewett City. Certificates of concurrence were filed by The Hartford Electric Light Company, Western Massachusetts Electric Company, Holyoke Water Power Company, and the Holyoke Power and Electric Company.

The Transmission Service Agreement is an initial service arrangement between the Northeast Utilities companies and CMEEC and provides CMEEC with broad rights to use the Transmission system of the Northeast Utilities companies.

The parties to the Transmission Service Agreement have requested that the Commission waive its notice requirements and permit the Transmission Service Agreement to become effective as of October 1, 1980.

Any person desiring to be heard to make any protest with reference to the Transmission Service Agreement should on or before November 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's Rules. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35656 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

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[6]The Commission recently articulated this policy in *Public Service Company of Colorado*, Docket No. ER80-447, order issued September 15, 1980, mimeo at 3.

[Docket No. ER81-80-000]

Connecticut Light and Power Co.; Filing

November 7, 1980.

The filing Company submits the following:

Take notice that on October 31, 1980, The Connecticut Light and Power Company ("CL&P") filed a Memorandum of Understanding dated as of September 25, 1980, between The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, Holyoke Water Power Company, and Holyoke Power and Electric Company (collectively referred to as the "Northeast Utilities companies") and the Connecticut Municipal Electric Energy Cooperative ("CMEEC"), a public corporation organized under the laws of the State of Connecticut, which presently provides electric service to the municipal electric systems of the City of Groton, City of Norwich, and Borough of Jewett City.

The Memorandum of Understanding describes a number of electric service arrangements which are to be formulated by CMEEC and the Northeast Utilities companies. Generally, these service arrangements are intended to permit CMEEC to function as an independent electric utility in serving mumicipal electric systems. CL&P states that these service arrangements will be the subject of separate filings with the Commission. In addition to these future service arrangements, the Memorandum of Understanding contains several changes in the terms and conditions in CL&P's "R-4" rate schedule, which are intended to facilitate initial service during a short-term interim period to CMEEC, as a NEPOOL participant. The filing includes a statement by CMEEC which states that it intends to become a NEPOOL participant as of October 1, 1980.

CL&P and CMEEC have requested that the Commission waive its notice of requirements and permit those provisions of the Memorandum of Understanding which affect other rate schedules to become effective as of October 1, 1980. CL&P and CMEEC have also requested that the Commission waive information filing requirements of Section 35.13(b) of its regulations.

CL&P states that copies of the Memorandum of Understanding have been mailed to all customers served under its "R-4" rate.

Any person desiring to be heard or to make any protest with reference to the Memorandum of Understanding should on or before November 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's Rules. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35657 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-79-000]

Connecticut Light and Power Co.; Filing

November 7, 1980.

The filing Company submits the following:

Take notice that on October 31, 1980, The Connecticut Light and Power Company ("CL&P") filed an Exchange Agreement dated as of October 1, 1980, between The Connecticut Light and Power Company, The Hartford Electric Light Company, and the Connecticut Municipal Electric Energy Cooperative ("CMEEC"), a public corporation organized under the laws of the State of Connecticut, which presently provides electric service to the municipal electric systems of the City of Groton, City of Norwich, and Borough of Jewett City. A certificate of concurrence was filed by The Hartford Electric Light Company.

The Exhange Agreement is an initial service arrangement between The Connecticut Light and Power Company, The Hartford Electric Light Company and CMEEC and provides for an exchange by CMEEC of a 15,926 kw unit contract entitlement from the Norwich system gas turbine generating unit for 15,926 kw in entitlements in nine specific internal combustion generating units of The Connecticut Light and Power Company and The Hartford Electric Light Company. The parties have entered into the Exchange Agreement in order to improve the operating characteristics of their respective electric systems and to reduce their respective system risks.

The parties to the Exchange Agreement have requested that the Commission waive its notice requirements and permit the Transmission Service Agreement to become effective as of October 1, 1980.

Any person desiring to be heard or to make any protest with reference to the Exchange Agreement should on or before November 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's Rules. All protests files with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35658 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-89-000]

Connecticut Light and Power Co.; Filing

November 7, 1980.

The filing Company submits the following:

Take notice that on November 3, 1980, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule entitled: Exchange Agreement between CL&P and Massachusetts Municipal Wholesale Electric Company (MMWEC) dated November 1, 1979.

CL&P states that the Exchange Agreement provides for an exchange of an entitlement in CL&P's Montville Unit No. 6 generating unit for an equivalent entitlement from MMWEC's interest in the Hartford Electric Light Company's Middletown Unit No. 4 during the period November 1, 1979 through October 31, 1980.

CL&P requests the Commission waive the customary notice period and permit the rate to become effective on November 1, 1979.

CL&P states that a copy of the rate schedule has been delivered to MMWEC.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington,

D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before November 28, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35665 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL 80-34]

Detroit Edison Co.; Order Waiving Commission Regulation and Declaring Sale of Electric Facility Nonjurisdictional

Issued: November 6, 1980.

On July 16, 1980, the Detroit Edison Company (Edison) submitted a request for a declaratory order stating that the sale of its Delaware Substation to the Thumb Electric Cooperative (TEC), is exempt from the provisions of section 203(a) of the Federal Power Act and the regulations promulgated thereunder.[1] Edison contends that the substation is a facility used exclusively for local distribution and is therefore exempt from Commission jurisdiction under section 201(b)(i) of the Act.

Edison is a public utility incorporated under the laws of the States of New York and Michigan. It is engaged in the generation, purchase, transmission, distribution, and sale of electricity in a service area of approximately 7,600 square miles in southeastern Michigan. Edison is interconnected with several neighborhood utilities with which it participates in various interchange power transactions. Facilities owned and operated by Edison include 13 fossil-fueled steam generating units, 20 oil or gas-fueled peaking units, and a 49% ownership interest in one pumped-storage hydroelectric generating facility. Edison had an aggregate system capability of 3,964 megawatts as of December 31, 1979.

TEC, one of Edison's seven wholesale customers, is a non-profit electric cooperative serving approximately 8,860 customers in Huron, Sanilac, and Tuscula counties in Michigan. TEC owns and operates two electric generating plants with a maximum capacity of approximately 7.0 megawatts.

[1] 18 CFR Part 33.

The facility known as the Delaware Substation is located in Delaware Township, Sanilac County, Michigan. The substation is comprised of four 500 KVA 40–12.5 kV electrical transformers, three single-phase 57.2 KVA regulators, and supporting equipment and structures, situated on .110 acres of land. Electrical energy is delivered by Edison to TEC at the Delaware Substation at 40 kV, and is transformed to a nominal distribution voltage of 12.5 kV.

On December 28, 1978, Edison sold and conveyed the Delaware Substation to TEC for the purchase price of $49,800. The original cost of the substation was $57,092.

Public notice of Edison's submittal was issued on July 23, 1980, with protests or petitions to intervene required to be filed on or before August 18, 1980. No responses have been received.

Discussion

The Commission finds that Edison is a public utility interconnected with several other public utilities, and is engaged in the sale-for-resale of electric energy in interstate commerce. The Delaware Substation is a part of Edison's energy transmission and distribution system, and is the point at which Edison delivers electricity to TEC, a wholesale-for-resale customer. Consequently, the Delaware Substation constitutes a facility used for the sale of electrical energy at wholesale in interstate commerce within the meaning of section 201 of the Federal Power Act.[2] Therefore, the Commission finds that the Delaware Substation does not all within the exemption for local distribution facilities provided under section 201(b)(1) of the Act.

However, the Commission recognizes that this transaction involves relatively small quantities of money and equipment, and appears not to jeopardize consumers supplied by either Edison or TEC. TEC is the only wholesle customer of Edison that is supplied with electricity through the Delaware Substation. Moreover, the value of the substation is very close to the $50,000 jurisdictional threshold of section 203 of the Federal Power Act.[3] The sale price of the Delaware Substation was $49,800 and its original cost was $57,092. Although value for the purpose of section 203 is defined in a Commission regulation [4] as original cost, the Commission finds it appropriate to waive the regulation for this transaction, in light of the specific circumstances presented. For determining the question of jurisdiction, the Commission deems the value of the Delaware Substation to be its sale price of $49,800.

The Commission orders:

(A) The Commission waives section 33(1)(b) of its regulations for the purpose of determining the value of the Delaware Substation under section 203 of the Federal Power Act.

(B) The Commission deems the value of the Delaware Substation for the purpose of deciding the question of jurisdiction, to be its sale price of $49,800, and therefore finds that the sale of the Delaware Substation is not subject to the jurisdiction of the Commission.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[2] *See FPC* v. *Florida Power & Light Co.*, 404 U.S. 453 (1972).

[3] Federal Power Act, § 203(a), 16 U.S.C. 824b(a).

[4] 18 CFR 33.1(b).

[FR Doc. 80-35659 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP72-6 et al.]

El Paso Natural Gas Co.; Shortening Time for Answers

November 7, 1980.

On November 5, 1980, pursuant to Section 1.7 of the Commission's Rules of Practice and Procedure, El Paso Natural Gas Company filed a petition for Waiver of Commission Regulations to Facilitate Filing of Settlement Agreement. In its petition, El Paso requests that the Commission grant appropriate declaratory relief waiving Section 1.18(e)(1)(ii) of the Commission's regulations, to facilitate the anticipated filing of a comprehensive settlement agreement by El Paso and other parties, that will resolve some twenty-five docketed proceedings now pending before the Commission. The company has further requested that the Commission shorten the period for filing comments on this petition in order that parties have adequate notice of the procedures to be followed for the filing of the comprehensive settlement agreement.

Pursuant to Section 1.9 of the Commission's Rules of Practice and Procedure, notice is hereby given that comments on the Petition for Waiver of Commission Regulations to Facilitate Filing of Settlement Agreement shall be filed on or before November 17, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35666 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

Exxon Corporation, et al., Order on Rehearing and Appeal

[Docket Nos. CI79-178, et al.]

Issued: November 6, 1980.

Applications for rehearing and petitions for appeal of certain Commission [1] and staff letter orders issuing certificates of public convenience and necessity and accepting rate schedule filings have been filed by a number of natural gas producers.[2] The subject orders were conditioned to provide that § 154.93 of the Commission's Regulations was being waived to permit the filing of contracts containing impermissible pricing provisions, but that such waiver did not constitute approval of the pricing provisions and that rate increases based thereon would be subject to rejection. The applicants contend that the condition imposed by the Commission is not a reasonable condition and is therefore unlawful. The applications and petitions were granted for purposes of further consideration.

The contracts involved here generally contain NGPA, variant area rate,[3] deregulation, or excess royalty clauses.

In Order No. 23, Docket No. RM79-22, issued March 13, 1979, we made clear that § 154.93 does not prohibit contractual clauses which provide for rates established by Congress. Similarly, there is nothing inappropriate about pricing provisions which provide for rates prescribed by this agency or another governmental authority. Moreover, the Commission has never considered § 154.93 to bar deregulation clauses since such clauses take effect, if at all, at a time after Commission jurisdiction ceases. Accordingly, neither § 154.93 nor the subject condition is applicable to NGPA, variant area rate and deregulation clauses. However, we are not by this order interpreting the intent of the parties in individual contracts.

Excess royalty clauses and other indefinite pricing provisions are covered by the prohibition in Section 154.93 and the subject condition. However, in view of the maximum ceiling rates established in the Natural Gas Policy Act of 1978 for first sales of natural gas, the subject condition is no longer appropriate or necessary for new contracts and contract amendments, inasmuch as a producer, absent specific authorization from this Commission, is limited to the applicable ceiling rate specified by Title I of the NGPA. We shall therefore delete the condition.

Texaco in Docket No. CI79-522 and Exxon in Docket Nos. CI79-552 and CI79-553 have raised other issues in their applications for rehearing which are not discussed in this order. Docket No. CI79-522 involves Section 109 of the NGPA and Docket Nos. CI79-552 and CI79-553 involve the five year makeup requirement in Section 154.103. The tolling orders in each case remain in full force and effect with respect to these issues. Action will be taken thereon by separate order.

The Commission orders

The applications for rehearing and petitions for appeal are granted and the Section 154.93 condition is eliminated from the certificate and letter orders involved here.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix

Independent producer	Docket No. or Rate Schedule No.	Issuance date of letter or order
Exxon Corp	CI79-178	Jan. 31, 1979.
Exxon Corp	CI78-1268	Feb. 12, 1979.
Exxon Corp	CI79-200	Feb. 14, 1979.
Exxon Corp	CI78-1251	Feb. 28, 1979.
Exxon Corp	CI78-1272	Jan. 15, 1979.
Exxon Corp	CI78-816	Mar. 13, 1979.
Exxon Corp	G11083, *et al*	Apr. 11, 1979.
Exxon Corp	CI75-16, *et al*	Apr. 11, 1979.
Texaco Inc	CI78-180, *et al*	June 15, 1979.
Texaco Inc	CI78-532	June 13, 1979.
Texaco Inc	CI79-519	July 26, 1979.
Texaco Inc	CI79-522	July 26, 1979.
Exxon Corp	G-5010, *et al*	Aug. 9, 1979.
Exxon Corp	CI79-512	Aug. 8, 1979.
Texaco Inc	CI79-593	Aug. 31, 1979.
Champlin Petroleum Co.	CI78-713	Sept. 24, 1979.
Gulf Oil Corp	CI79-309	Oct. 15, 1979.
Gulf Oil Corp	CI79-153	Oct. 18, 1979.
Exxon Corp	CI79-620	Nov. 5, 1979.
Gulf Oil Corp	CI77-797	Oct. 11, 1979.
Exxon Corp	CI80-55	Dec. 12, 1979.
Gulf Oil Corp	CI79-461	Dec. 31, 1979.
Gulf Oil Corp	CI79-529	Dec. 31, 1979.
Gulf Oil Corp	CI79-485	Dec. 31, 1979.
Gulf Oil Corp	CI78-736	Jan. 4, 1980.
Gulf Oil Corp	CI79-126	Jan. 4, 1980.
Texaco Inc	CI79-537	Jan. 17, 1980.
Gulf Oil Corp	CI79-44	Jan. 17, 1980.
Gulf Oil Corp	CI78-519	Jan. 17, 1980.
Gulf Oil Corp	CI79-631	Jan. 15, 1980.
Gulf Oil Corp	Rate Sch. 89	Feb. 7, 1980.
Exxon Corp	CI80-59	Feb. 15, 1980.
Gulf Oil Corp	Rate Sch. 12, *et al*	Feb. 5, 1980.
Gulf Oil Corp	CI78-1232	Feb. 14, 1980.
Gulf Oil Corp	CI78-1173	Feb. 14, 1980.
Gulf Oil Corp	CI78-604	Feb. 14, 1980.
Gulf Oil Corp	G-14515	Feb. 19, 1980.
Gulf Oil Corp	CI77-123	Feb. 15, 1980.
Gulf Oil Corp	CI78-674	Feb. 26, 1980.
Gulf Oil Corp	CI78-993	Feb. 14, 1980.
Gulf Oil Corp	G-12154	Feb. 19, 1980.
Gulf Oil Corp	CI75-22	Feb. 15, 1980.
Gulf Oil Corp	Rate Sch. 9	Mar. 4, 1980.
Gulf Oil Corp	Rate Sch. 271	Mar. 6, 1980.
Gulf Oil Corp	Rate Sch. 316, *et al*	Mar. 6, 1980.
Gulf Oil Corp	Rate Sch. 590	Mar. 6, 1980.
Gulf Oil Corp	CI79-249	Feb. 15, 1980.

Appendix—Continued

Independent producer	Docket No. or Rate Schedule No.	Issuance date of letter or order
Gulf Oil Corp	CI76-215	Mar. 14, 1980.
Louisiana Land Offshore Exploration Co., inc.	CI80-147	Mar. 10, 1980.
Gulf Oil Corp	CI76-239	Mar. 14, 1980.
Arkla Exploration Co.	CI76-783	Mar. 11, 1980.
Champlin Petroleum Co.	CI79-648	Mar. 11, 1980.
Gulf Oil Corp	Rate Sch. 599	Mar. 25, 1980.
Gulf Oil Corp	Rate Sch. 624	Mar. 25, 1980.
Gulf Oil Corp	CI77-263	Mar. 28, 1980.
Gulf Oil Corp	Rate Sch. 272	Mar. 25, 1980.
Exxon Corp	CI79-522	Apr. 4, 1980.
Exxon Corp	CI79-553	Apr. 4, 1980.
Gulf Oil Corp	CI80-189	Apr. 18, 1980.
The Louisiana Land and Exploration Co.	CI79-514	Apr. 30, 1980.
Aminoil of Louisiana Inc.	CI80-204	Apr. 16, 1980.
Arkla Exploration Co.	CI78-1128	Apr. 4, 1980.
Exxon Corp	CI80-43	May 5, 1980.
Gulf Oil Corp	Rate Sch. 273, *et al.*	Apr. 24, 1980.
Warren Petroleum Co., a Division of Gulf Oil Corp.	Rate Sch. 42, *et al*	May 7, 1980.
Exxon Corp	CI79-103	Jan. 22, 1979.
Exxon Corp	CI79-199	Jan. 26, 1979.
Exxon Corp	CI64-349	Jan. 31, 1979.
Gulf Oil Corp	Rate Sch. 150, 348, and 533.	May 7, 1980.
Exxon Corp	CI80-237	May 20, 1980.
Texaco Inc	CI80-306	May 23, 1980.
Warren Petroleum Co.	Rate Sch. 42, 55, 67 and 22.	May 7, 1980.
Gulf Oil Corp	Rate Sch. 49	June 11, 1980.
Exxon Corp	CI77-689	June 4, 1980.
Exxon Corp	G-15058, *et al*	June 10, 1980.
Gulf Oil Corp	Rate Sch. 84, 93, 110, 311, 426, 455 and 594.	June 19, 1980.
Texaco Inc	CI80-324	June 12, 1980.
Texaco Inc	CI80-332	July 1, 1980.
Exxon Corp	CI80-298	July 2, 1980.
Exxon Corp	CI79-220	July 23, 1980.
Aminoil USA, Inc	CI80-457	Aug. 28, 1980.
Gulf Oil Corp	CI80-325	Aug. 18, 1980.
Gulf Oil Corp	Rate Sch. 502 and 543.	Aug. 20, 1980.
Gulf Oil Corp	Rate Sch. 87	Sept. 15, 1980.
Gulf Oil Corp	Rate Sch. 92	Sept. 18, 1980.
Gulf Oil Corp	Rate Sch. 130	Sept. 15, 1980.
Gulf Oil Corp	Rate Sch. 142	Sept. 15, 1980.
Gulf Oil Corp	Rate Sch. 159	Sept. 15, 1980.
Gulf Oil Corp	Rate Sch. 160	Sept. 15, 1980.
Gulf Oil Corp	Rate Sch. 197	Sept. 15, 1980.
Gulf Oil Corp	Rate Sch. 498	Sept. 15, 1980.
Gulf Oil Corp	Rate Sch. 503	Sept. 15, 1980.
Gulf Oil Corp	Rate Sch. 530	Sept. 15, 1980.
Texaco Inc	CI80-294	Sept. 12, 1980.
Exxon Corp	CI80-177	June 10, 1980.
Exxon Corp	CI80-248	June 10, 1980.

[FR Doc. 80-35660 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-81-000]

Florida Power & Light Co.; Notice of Filing

November 7, 1980.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL) on November 3, 1980, tendered for filing proposed changes in its Fuel Adjustment Clause set forth on Sheet No. 9 of its Electric Tariff, Original Volume No. 1 and a proposed

[1] The term "Commission" when used in the context of action taken prior to October 1, 1977, refers to the Federal Power Commission; when used otherwise, the reference is to the Federal Energy Regulatory Commission.

[2] See Appendix.

[3] These provisions provide for rates prescribed by this agency or another governmental authority.

Amendment No. 1 to the November 19, 1979 Agreement to Provide Specified Firm Power Electric Service between FPL and Seminole Electric Cooperative, Inc., containing a corresponding fuel adjustment clause. The proposed changes would increase revenues from sales-for-resale customers by approximately $2.5 million for the twelve-month period ending December 31, 1981.

The purpose of the proposed fuel clause changes is to achieve a more accurate and timely recovery of the Company's fuel costs by more closely synchronizing fuel expenses and revenues.

FPL states that copies of the filing were served upon FPL's sales-for-resale customers and upon the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 28, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35694 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3480]

Fluid Energy Systems, Inc.; Application for Preliminary Permit

November 7, 1980.

Take notice that Fluid Energy Systems, Inc. (Applicant) filed on September 16, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3480 to be known as Piru Creek Diversion No. 1 Project located on Piru Creek in Ventura County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: K. Thomas Miller, President, Fluid Energy Systems, Inc., 2210 Wilshire Boulevard, Suite 699, Santa Monica, California 90403; and Joseph M. Keating, 847 Pacific Street, Placerville, California 95667. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description.—The proposed project would consist of: (1) a 50-foot high and 200-foot long earthfill dam and spillway, impounding; (2) a reservoir with a surface area of 20 acres and a capacity of approximately 1,150 acre-feet; (3) a 7,300-foot long, 36-inch diameter penstock; (4) a powerhouse containing a generating unit rated at 1880 kW; and (5) a 2-mile long transmission line. The proposed project could provide peaking capacity or firm energy to the power purchaser.

The Applicant estimates that the average annual energy output would be 8.2 million kWh.

Purpose of Project.—The energy output from the project would be sold to the Southern California Edison Company.

Proposed Scope and Cost of Studies Under Permit.—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct geotechnical and engineering studies, make a historical review, do preliminary designs and a feasibility analysis, consult with agencies, conduct environmental studies, and prepare a FERC license application. Applicant has filed a work plan for the studies for the new dam construction. The field studies to be done would consist of soil borings, trenches, geophysical surveys, and visual inspections. No new roads would be required to conduct the studies.

The cost of the work to be done under the preliminary permit is estimated to be $95,800.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 14, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 16, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before January 14, 1981.

Filing and Service of Responsive Documents.—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3480. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent

to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35679 Filed 11-13-80 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC81-16-000]

Kansas-Nebraska Natural Gas Co., Inc.; Tariff Filing

November 6, 1980.

Take notice that on November 4, 1980, Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska), 300 North St. Joseph Avenue, Hastings, Nebraska 68901, filed in Docket No. TC81-16-000, Third Revised Sheet Nos. 33 through 37 and First Revised Sheet Nos. 38 through 49 which revise its FERC Gas Tariff, Third Revised Volume No. 1 pursuant to Part 281 of the Regulations under the Natural Gas Policy Act of 1978.

Section 281.204 of the Regulations required interstate pipelines to file annually tariff sheets containing an updated index of the high-priority and essential agricultural use entitlements of each of their customers. Kansas-Nebraska states that Third Revised Sheet Nos. 33 through 37 and First Revised Sheet Nos. 38 through 49 contain the updated Index of Entitlements required under Section 281.204 of the Regulations.

Kansas-Nebraska also states that this filing includes a copy of the Final Report of its Data Verification Committee.

The effects of the tariff revisions are described by Kansas-Nebraska as follows:

(1) Reclassification of Hilltop Nurseries from Step 7 of Priority 3 to Priority 2; (2) reclassification of Norfolk Regional Center from Priority 1 to Step 4 of Priority 3; (3) reclassification of Baxter/Travenol Labs, Inc. from Step 4 of Priority 3 to Step 6 of Priority 3 and the revision of its Peak Day Requirement from 362 Mcf to 253 Mcf; (4) deleting the reference to Marvin C. Westcott under Priority 2 and substituting therefor Agri-Hol, Incorporated both under Step 6 of Priority 3 with a Peak Day Requirement of 288 Mcf and under Priority 2 with a Peak Day Requirement of 96 Mcf; (5) deleting Pawnee Retirement Hotel from Step 7 of Priority 3; (6) reclassification of Farmland Industries' boiler fuel usage from Step 3 of Priority 3 to Priority 2 and revising Farmland Industries' Peak Day Requirement to 18,000 Mcf under Priority 2; (7) reclassification of State Building Division from Step 7 of Priority 3 to Priority 1; and (8) revision of Nucor Steel's Peak Day Requirement from 3,110 Mcf to 4,079 Mcf.

In addition, although not requiring a revision of the Index of Requirements, Kansas-Nebraska takes this opportunity to advise the Commission that it has adopted the recommendations of the Data Verification Committee concerning the annual volumetric limitation applicable to both Agri-Hol, Incorporated and Nucor Steel under Section 13.b(1) of Kansas-Nebraska's FERC Gas Tariff, as more fully set out in the enclosed Data Verification Committee Report and Minutes. As to the DVC's computation of the volumetric limitation applicable to Nucor, Kansas-Nebraska notes that it has compared the hours of interruption Nucor experienced in 1979 to the maximum hours service to Nucor was interrupted in 1975 and has concluded that the DVC's allowance for this factor was more than reasonable.

Any person desiring to be heard or to make any protest with reference to said filing should on or before November 18, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35661 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3509]

Little Falls Hydroelectric Associates; Application for Preliminary Permit

November 7, 1980.

Take notice that Litte Falls Hydroelectric Associates (Applicant) filed on September 29, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3509 to be known as the Little Falls Project located on the Mohawk River and the Erie Barge Canal in the City of Little Falls, Herkimer County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. David Goodman, Little Falls Hydroelectric Associates, 1777 Broadway, Suite 2404, New York, N.Y. 10019. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description.—The proposed project would consist of three developments:

The Middle Falls Development would consist of: (1) a dam on the Mohawk River; (2) and intake structure on the left (north) bank; (3) an intake canal; (4) a powerhouse containing generating units having a rated capacity of 3,500 kW to 4,650 kW and operated under an 18-foot head; (5) an electrical substation; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be about 18,900,000 kWh to 22,100,000 kWh.

The Gilbert Development would consist of: (1) a 12-foot high concrete gravity dam on the Mohawk River; (2) an intake structure on the left (north) bank; (3) an intake canal; (4) generating units having a rated capacity of 2,320-kW to 3,300-kW and operated under a 12-foot head; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be about 12,100,000 kWh to 14,200,000 kWh.

The Barge Canal Development would consist of: (1) a 5-foot high overflow gravity dam in two sections with spillway crest elevation 362 m.s.l. on the Mohawk River; (2) a portion of the New York State Barge Canal (to be used as an intake channel from the Mohawk River); (3) an intake structure located on the left (north) bank of the Barge Canal; (4) two penstocks; (5) a powerhouse containing generating units having a rated capacity of 8,400 kW to 11,200 kW and operated under a 41-foot head; (6) a discharge structure located on the right (south) bank of the Mohawk River; (7) a substation; (8) a short 46-kV transmission line; and (9) appurtenant facilities. Applicant estimated that the average annual energy output would be about 42,000,000 kWh to 49,100,000 kWh.

Purpose of Projects.—Project energy would be sold to Niagara Mohawk Power Corporation.

Proposed Scope and Cost of Studies under Permit.—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform an economic feasibility study, negotiate contracts, prepare documents, and prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $170,000 to $230,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives

the Permittee during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 14, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 16, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFF 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in §1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before January 14, 1981.

Filing and Service of Responsive Documents.—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3509. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35680 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-91-000]

Louisville Gas and Electric Co.; Proposed Tariff Change

November 7, 1980.

The filing Company submits the following:

Take notice that Louisville Gas and Electric Company (LG&E) on November 3, 1980, tendered for filing pursuant to the Interconnection Agreement between LG&E and Kentucky Utilities Company (KU), a Fifth Supplemental Agreement.

The purpose of this filing is to amend said Interconnection Agreement to comply with FERC Orders 84 and 84–B, and to increase the demand charge for Short Term Power from 70¢ per kilowatt-week to 85¢ per kilowatt-week.

LG&E requests an effective date of January 1, 1981, with respect to the change in Short Term Power demand charge. With respect to the modification to comply with Orders 84 and 84–B, LG&E requests an effective date of September 1, 1980, as established in Order No. 84–B.

Copies of the filing were served upon Kentucky Utilities Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 28, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35667 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP81-13-000 and CI81-13-001]

Michigan Wisconsin Pipe Line Co. and Union Oil Co. of California; Application

November 7, 1980.

Take notice that on October 14, 1980, Michigan Wisconsin Pipe Line Company (Mich Wis), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP81–13–000 and Union Oil Company of California (Union), Union Oil Center, Los Angeles, California 90051, filed in Docket No. CI81–13–000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a gas purchase contract dated November 9, 1967, it is stated that Mich Wis purchases gas from Union in the Creole Field, West Cameron Area, offshore Louisiana, an area which is nearing its final stages of depletion. Union has installed a supplemental gas lift system to maximize recovery of oil reserves. This requires additional natural gas of up to 3,000 Mcf per day for a maximum of three consecutive days from time to time, it is contended.

Applicants request that Mich Wis be authorized to deliver these needed quantities which Union would return in kind at either the contracted delivery point or any mutually agreeable interconnection points pursuant to a letter exchange agreement dated June 27, 1980.

Union avers that it would install the needed facilities to effectuate the proposed exchange.

Any person desiring to be heard or to make any protest with reference to said

application should on or before December 1, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35681 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-9-000]

MIGC, Inc., Formerly McCulloch Interstate Gas Corp.; Purchased Gas Adjustment Clause

November 6, 1980.

Take notice that on September 15, 1980, MIGC, Inc. (formerly) McCulloch Interstate Gas Corporation (MIGC, Inc.) tendered for filing copies of First Revised Sheet No. 31a and Twentieth Revised Sheet No. 32 to its FERC Gas Tariff Original Volume No. 1, as required under the Commission's Rules and Regulations under the Natural Gas Act.

MIGC, Inc.'s Twentieth Revised Sheet No. 32 provides for a Purchased Gas Adjustment rate increase of 36.39¢ per MMBtu effective November 1, 1980. MIGC, Inc.'s filing is made in order to: (1) recover the balance in MIGC, inc.'s Unrecovered Purchased Gas Cost Account as of July 31, 1979, and July 31, 1980, (2) to provide for a current Gas Cost Adjustment in order to permit MIGC, Inc. to reflect the higher cost of gas purchases, and (3) to recover a carrying surcharge as permitted under FERC Order No. 47 (Table VI), as set forth in MIGC, Inc.'s First Revised Sheet No. 31a to its FERC Gas Tariff Original Volume No. 1.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D. C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before November 21, 1980. Protests will not be considered to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35668 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-6-000]

Montana-Dakota Utilities Co.; Application

November 6, 1980.

Take notice that on October 23, 1980, Montana-Dakota Utilities Company (Applicant), filed an application pursuant to Section 204 of the Federal Power Act, seeking an order for authority to issue up to $50,000,000 of short-term indebtedness that will either be in the form of ordinary unsecured promissory notes representing bank borrowings and/or in the form of commercial paper.

The proceeds from the issuance of the promissory notes and/or commercial paper is to provide temporary financing for a portion of Applicant's 1980, 1981 and 1982 utility capital requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 21, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35685 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-90-000]

New England Power Pool; Filing

November 7, 1980.

The filing Company submits the following:

Take notice that the New England Power Pool (NEPOOL) on November 3, 1980 tendered for filing a NEPOOL Agreement dated September 1, 1971, as amended, signed by the Connecticut Municipal Electric Energy Cooperative. The Connecticut Municipal Electric Energy Cooperative has its principal office in Groton, Connecticut. NEPOOL indicates that the New England Power Pool Agreement has previously been filed with the Commission as a rate schedule (designated NEPOOL FPC No. 1).

It is proposed that the tendered agreement, as related to the Connecticut Municipal Electric Energy Cooperative electric system commence on October 1, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before November 28, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35686 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3452]

Niagara Mohawk Power Corp.; Application for Short-Form License (Minor)

November 7, 1980.

Take notice that Niagara Mohawk Power Corporation (Applicant) filed on September 10, 1980, an application for license [pursuant to the Federal Power

Act, 16 U.S.C. 791(a)–825(r)] for reconstruction and operation of a water power project to be known as the Oak Orchard Project No. 3452. The project would be located on the New York State Barge Canal at Oak Orchard Creek in the Village of Medina, Orleans County, New York. Correspondence with the Applicant should be directed to: Mr. John H. Terry, Esq., Senior Vice President, General Counsel and Secretary, Niagara Mohawk Power Corporation, Syracuse, New York 13202.

Project Description.—The proposed project would redevelop the existing but inoperative Oak Orchard hydroelectric plant and would consist of: (1) a gated intake located in a New York State Barge Canal water control structure on the south bank of the Barge Canal; (2) a new 7-foot diameter and 85-foot long steel pipeline; (3) a brick power house containing a generating unit having a rated capacity of 350-kW; (4) a short tailrace located on the left (west) bank of Oak Orchard Creek; (5) a new 1,000-foot long 4.8-kV transmission line; and (6) appurtenant facilities. Operation of the facility would be totally dependent upon New York State's release of surplus water from the Barge Canal. Applicant estimates the annual generation would average about 1,500,000 kWh.

Purpose of Project.—All power generated by the project would be incorporated into the Applicant's interconnected system.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must summit to the Commission, on or before January 28, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 29, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), as amended 44 FR 61328, (October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), as amended, 44 FR 61328, (October 25, 1979).

Comments, Protests, or Petitions To Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Comission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before January 28, 1981. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–35662 Filed 11–13–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81–33–000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

November 7, 1980.

Take notice that on October 24, 1980, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81–33–000 an application pursuant to Section 7 of the Natural Gas Act and Section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon for the 12-month period commencing the date of the order and operation of various field compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment under Section 157.7(g) would not exceed $3,000,000 and the cost for any single project would not exceed $500,000. Such costs, it is asserted, would be financed from cash on hand and funds from operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 1, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–35663 Filed 11–13–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket Nos. ER77-5 and E-8152]

Otter Tail Power Co.; Filing

November 6, 1980.

The filing company submits the following:

Take notice that on October 15, 1980, Otter Tail Power Company submitted for filing revised cost of service and tariff sheets pursuant to Commission Opinion No. 93, in the above referenced proceeding.

A copy of this filing has been sent to the parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before November 25, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35687 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC81-15-000]

Panhandle Eastern Pipe Line Co.; Tariff Sheet Filings

November 6, 1980.

Take notice that on October 30, 1980, Panhandle Eastern Pipe Line Company (Panhandle), 3000 Bissonnet Avenue, Houston, Texas 77001, filed in Docket No. TC81-15-000 tariff sheets pursuant to Part 281 of the Commission's Regulations under the Natural Gas Policy Act of 1978 to become effective December 1, 1980, consisting of Second Revised Sheet Nos. 2 through 38 to its FERC Gas Tariff, Original Volume No. 1-A.

Panhandle states that the purpose of this filing is to reflect changes of entitlements of natural gas reflecting reclassification of essential agricultural uses.

Any person desiring to be heard or to make any protest with reference to said tariff sheet filings should on or before November 18, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35695 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-88-000]

Public Service Co. of Indiana, Inc.; Proposed Tariff Change

November 7, 1980.

The filing Company submits the following:

Take notice that Public Service Company of Indiana, Inc. on November 3, 1980, tendered for filing pursuant to the Interconnection Agreement between Public Service Company of Indiana, Inc. and the Cincinnati Gas & Electric Company a Seventh Supplemental Agreement to become effective December 30, 1980.

Said Supplemental Agreement increases the demand charge for Short Term Power from 70¢ per kilowatt per week to 85¢ per kilowatt per week and deletes Service Schedules C (Coordination of Scheduled Maintenance of Generating Facilities) and D (Energy Transfer).

Copies of the filing were served upon the Cincinnati Gas & Electric Company, the Public Utilities Commission of Ohio, and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before November 28, 1980. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties of the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35688 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3535-000]

Saranac Energy Corp.; Application for Preliminary Permit

November 7, 1980.

Take notice that Saranac Energy Corporation (Applicant) filed on October 8, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for the proposed Buckhorn Dam, Project No. 3535-000 to be located at the U.S. Army Corp of Engineers' Buckhorn Dam and Reservoir, a flood control project, on the Middle Fork Kentucky River near Buckhorn, Perry County, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Charles Mierck, P.E., Cortland Assos., Inc., 838 Arlington Drive, Tucker, Georgia 30084. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir. Project No. 3535-000 would consist of: (1) a proposed penstock extending from the outlet conduit; (2) a proposed powerhouse located on the western bank of the river; (3) transmission lines; and (4) appurtenant facilities. The Applicant estimates that the capacity of the proposed project would be 2.9 MW, and the average annual energy output would be 19 GWH.

Purpose of Project—Energy produced at the proposed project would be sold to Kentucky Power Company.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36 month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies is estimated to be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power,

and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Continental Hydro Corporation Project No. 3400 on Buckhorn Dam Project in Buckhorn, Kentucky under 18 CFR 4.33 (1980), and, therefore, no further competing applications of notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or §1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before January 14, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3535–000. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–35682 Filed 11–13–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ES81–9–000]

South Carolina Electric & Gas Co.; Application

November 7, 1980.

On October 29, 1980, South Carolina Electric & Gas Company (Applicant) filed an application with the Federal Energy Regulatory Commission seeking authority pursuant to Section 204(a) of the Federal Power Act to issue from time to time up to $125 million of short-term notes and commercial paper with a final maturity date of not later than December 31, 1982.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 28, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–35697 Filed 11–13–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER–81–82–000]

Southern California Edison Co.; Filing

November 6, 1980.

The filing Company submits the following:

Take notice that on October 6, 1980, Southern California Edison Company ("Edision") tendered for filing, as an initial rate schedule, an agreement dated June 1, 1980, with Imperial Irrigation District ("IID"). The Agreement is entitled "Brawley Geothermal Project, Unit 1 (10 MWe) Power Sales Agreement Between Imperial Irrigation District and Southern California Edison Company".

The Agreement, in relevant part, sets forth the terms and conditions under which Edison will deliver to IID, and IID will pay Edison for, energy generated by Edison's Brawley Geothermal Project Unit 1 which is excess to the project's requirements during the research and development phase of the project.

Edison has requested that the prior notice requirement be waived and that the Agreement be made effective as an initial rate schedule as of June 1, 1980.

Copies of this filing were served upon the Public Utilities Commission of the State of California and Imperial Irrigation District.

Any person desiring to be heard or to protest this application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and § 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 19, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–35691 Filed 11–13–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER–81–87–000]

Southern California Edison Co.; Filing

November 7, 1980.

The filing Company submits the following:

Take notice that on November 3, 1980, Southern California Edison Company ("Edision") tendered for filing, as a rate schedule change, a letter agreement dated October 15, 1980, with the City of Riverside ("Riverside").

Under the terms of the Agreement, Edison will provide to Riverside interruptible transmission service for energy purchased by Riverside from Western Area Power Administration ("Western") under the same terms and conditions Edision currently provides interruptible transmission service to Riverside for energy purchased from Nevada Power Company pursuant to Rate Schedule FERC Nos. 84 or 98, as

appropriate, modified as necessary to provide for multiple scheduling and dispatching contacts.

Edison has requested that the prior notice requirement be waived and that the Agreement be made effective as a change of rate schedule as of November 1, 1980, to enable Riverside to take advantage of short term economy energy purchases from Western.

Copies of this filing were served upon the Public Utilities Commission of the State of California and the City of Riverside.

Any person desiring to be heard or to protest this application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and § 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before November 28, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35689 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC81-13-000]

Southwest Gas Corp.; Tariff Sheet Filing

November 6, 1980.

Take notice that on October 28, 1980, Southwest Gas Corporation (Southwest), P.O. Box 15015, Las Vegas, Nevada 89114, filed in Docket No. TC81-13-000 a tariff sheet pursuant to Part 281 of the Commission's Regulations under the Natural Gas Policy Act of 1978 to become effective December 1, 1980, consisting of Second Revised Sheet No. 25C to its FERC Gas Tariff, Original Volume No. 1.

Southwest states that the purpose of this filing is to update its Index of End-Use Volumes to reflect changes in its customers' essential agricultural use requirements.

Any person desiring to be heard or to make any protest with reference to said tariff sheet filing should on or before November 18, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35698 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC81-14-000]

Trunkline Gas Co.; Tariff Sheet Filings

November 6, 1980.

Take notice that on October 30, 1980, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. TC81-14-000 tariff sheets pursuant to Part 281 of the Commission's Regulations under the Natural Gas Policy Act of 1978 to become effective December 1, 1980, consisting of Third Revised Sheet Nos. 21-C.3 through 21-C.7 to its FERC Gas Tariff, Original Volume No. 1.

Trunkline states that the purpose of this filing is to update its index of entitlements reflecting reclassification of essential agricultural uses.

Any person desiring to be heard of to make any protest with reference to said tariff sheet filings should on or before November 18, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure 18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35699 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-56]

Valero Interstate Transmission Co.; Purchased Gas Cost Adjustment Filing

November 6, 1980.

Take notice that on October 31, 1980, Valero Interstate Transmission Company (VITCO) tendered for filing Original Supplement No. 30 (purchased gas cost adjustment) to Rate Schedule 1 superseding previous purchased gas cost adjustments. VITCO stated that Exhibit A to Original Supplement No. 30 reflected the annualized change in purchased gas costs based on the twelve months ended August 31, 1980. VITCO requested waiver of any Commission regulation which would prohibit implementation of Supplement No. 30. The change in rate provided in Exhibit A to Original Supplement No. 30 includes an increase in purchased gas costs of 13.69 cents/Mcf and a surcharge of 45.51 cents/Mcf designed to eliminate the balance in the deferred purchased gas account. It is stated that these rates include no incremental pricing feature because VITCO was granted an exemption from certain filing and accounting requirements in Docket No. SA80-42.

The proposed effective date for Original Supplement No. 30 is December 1, 1980. VITCO states that copies of the filing have been served to the only customer served under Rate Schedule 1, Natural Gas Pipeline Company of America.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before November 20, 1980. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35690 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3504]

Virginia Electric and Power Co.; Application for Preliminary Permit

November 7, 1980.

Take notice that Virginia Electric and Power Company (Applicant) filed on September 26, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3504 to be known as the Twelfth Street Hydroelectric Project located on the James River in the City of Richmond, Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. S.C. Brown Jr., Senior Vice President, Virginia Electric and Power Company 23261. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing, diversion dam approximately 1,708 feet long and 10 feet high; (2) an existing headrace canal approximately 2,240 feet long with an average width of 48 feet; (3) an existing powerhouse with a proposed installed generating capacity of 8,850 kW; (4) an existing reservoir without usable storage capacity; (5) an existing short tailrace; and (6) appurtenant facilities. The applicant estimates that the average annual energy output would be 35,000 MWh.

Purpose of Project—Virginia Electric and Power Company proposes to develop the hydroelectric potential and utilize the power output to reduce the amount of power produced by nonrenewable fossil fuels.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and if the findings are positive, describe the steps required for implementation. The report will be prepared so that the information presented will be useful in preparing an application for license for the project. The Applicant's estimated total cost for performing a feasibility study is $70,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasiblity of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 14, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 16, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any heaing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before January 14, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3504. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35683 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3425]

Water Power Development Corp.; Application for Preliminary Permit

November 7, 1980.

Take notice that Water Power Development Corporation (Applicant) filed on September 2, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3425 to be known as Thomaston Project located on the Naugatuck River in Litchfield County, Connecticut. Correspondence with the Applicant should be directed to: Mr. Kenneth E. Mayo, P.E., President, Water Power Development Corporation, 23 Temple Street, Nashua, New Hampshire 03060.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers Thomaston Dam and would consist of: (1) a penstock which would utilize existing outlet works; (2) a powerhouse containing generating units having a total rated capacity of 2,750 kW; (3) a tailrace; (4) a new transmission line; and (5) appurtenant facilities. Applicant estimates the annual generation would average about 9,700,000 kWh.

Purpose of Project—Project energy would be sold to Connecticut Light and Power Company. Other markets including sale to another utility or to a private customer would be investigated.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit. A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 21, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 23, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), as amended 44 FR 61328, (October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), as amended, 44 FR 61328 (October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before January 21, 1981. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3425. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35664 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-567]

Wisconsin Electric Power Co.; Order Denying Motion for Production of Documents and Application for Rehearing

Issued November 6, 1980.

By order issued September 30, 1980, the Commission accepted for filing and suspended for one day proposed rate increases submitted by Wisconsin Electric Power Company (WEPCO) in this docket. One of the bases for the one day suspension was that our preliminary analysis revealed that the proposed rates may not be substantially excessive.

On October 3, 1980, the municipal intervenors [1] filed a motion requesting that they be provided a copy of the "preliminary analysis" of WEPCO's filing referred to in the order together with copies of all other analysis, momoranda and other documents considered by the Commission in making it suspension decision or upon which such decision was based in whole or in part. The municipal intervenors further moved that an order be issued "recognizing and designating the preliminary analysis and other documents covered by the above request as parts of the formal record in this proceeding."

On October 14, 1980, the municipal intervenors filed an application for rehearing of the September 30, 1980 order issued in this docket. In their application the municipal intervenors requested that the suspension period be lengthened from one day to five months with respect to the all-requirements (TR-1), partial requirements (PR-1), and Kaukauna-Menasha rates. They further requested that if the reasons set forth in the application do not support a five month suspension, the Commission nonetheless should grant rehearing for the purposes of considering and application which will be amended after they receive documents relating to the Commission's preliminary analysis.

Discussion

1. Motion for Production of Documents and Placement in Formal Record

The primary argument relied upon by municipal intervenors in support of their motion is that there is no way to gauge the validity of the Commission's conclusion that the rates may not be substantially excessive without examination of the preliminary analysis. This argument and other subsidiary

[1] Cedarburg, Clintonville, Deerfield, Elkhorn, Florence, Hartford, Jefferson, Kaukauna-Menasha, Kiel, Lake Mills, New London, Oconto Falls, Oconomowoc, Shawano, Slinger, and Waterloo.

ones set out in the motion do not justify the production of the requested documents. Accordingly, the motion will be denied.

The municipal intervenors have been provided the opportunity, both in their initial protest and on rehearing, to bring to the Commission's attention all of the elements of the rate filing which they believe to be excessive. Taking these into account for purposes of a "first cut" review,[2] the Commission nevertheless believes preliminarily that the filed rate is not substantially excessive. However, this belief is, as the Courts have stated, "no more than a prognosis."[3] Our suspension determination is not an adjudication on the merits and is without prejudice to any argument or evidence which would lead to a contrary conclusion after a hearing. In the interim, the municipal intervenors will be protected to the extent that the increased rates will be collected subject to refund. We believe a one day suspension represents an appropriate balancing of customer and utility interests where our preliminary review of the filed rate reveals that it may not be substantially excessive.[4]

The data underlying the suspension determination is thus no part of the formal record on the basis of which an adjudication will be made and does not fall within the scope of § 1.36(c)(2) of our regulations as contended by the municipal intervenors.

Moreover, the documents requested are internal, non-public documents relating to the deliberative process of this agency on matters committed to its nonreviewable discretion.[5] In order for the Commission to function effectively and quickly in the short time in which it must make its suspension decisions, there must be a free flow of ideas and facts between the Commission and its advisory staff. Production of the requested internal documents and of future similar documents would seriously disrupt this free flow and the ability of the Commission to operate quickly and effectively.[6]

2. Application for Rehearing

The application for rehearing raises no facts or arguments which would cause us to modify our prior order or to grant rehearing for further consideration. Accordingly, we will deny the request for rehearing and for modification of the prior order.

The application for rehearing, however, does raise a number of points which we feel should be addressed. First, municipal intervenors have asserted that the order does not discuss the particular areas of concern raised in their petition to intervene. They believe that this indicates that the Commission did not give any consideration to these concerns. This belief is incorrect. We considered all of the concerns raised for purposes of our preliminary review.

Second, the filing changes the time for payment of the bills from 60 to 15 days. Municipal intervenors have asserted that this change in billing will cause them "significant hardship," particularly during the transitional period. They state that they will have difficulty paying their bills and "(f)unds will have to be borrowed, if available." The Company, in a response filed on October 22, 1980, states: (1) that it intends to operate its billing provision so that no late charges will be owed if bills are paid within 30 days of the bill date, rather than 15 days; and (2) to assist the Cities, the Company "is prepared to waive its late payment charges for bills payable during the balance of 1980 (that is, bills rendered on or before December 16, 1980)." This we feel should eliminate the transitional problems associated with the change in billing.[7] Accordingly, we shall direct the Company to file as part of its rate schedule a statement setting forth the intended operation of its billing provision and its waiver of late payment charges for bills rendered on or before December 16, 1980.

Third, the filing introduces a time-of-day feature into the Company's wholesale rate design. The municipal intervenors have asserted that a five month suspension is necessary for them to adjust their retail rates to this major rate design change. However, they also contend that WEPCO's filed rate design is unreasonable and should be rejected. Since the intervenors are apparently not seeking a transitional period in which to adjust their rates to track WEPCO's rate design, but are protesting the rate design itself, a longer suspension would not alleviate the problem. We note further that the Company in testimony submitted with the filing stated that the time of use rate design submitted herein is identical to that used for its retail customers.[8] This Commission does not wish to discourage the filing of time-of-day rates, and other innovative rate designs, and the municipal intervenors have not convinced us that the implementation of the new rate design should be delayed.

The Commission orders:

(A) Municipal intervenor's motion for production of documents and for placement of such documents in the formal record is hereby denied.

(B) Municipal intervenors' application for rehearing is hereby denied.

(C) Wisconsin Electric Power Company shall file as a part of its rate schedule a statement setting out its intended operation of the 15-day billing provision and its waiver of late payment charges for bills rendered on or before December 16, 1980, with respect to the municipal intervenors.

(D) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35684 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-85-M

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[2] *Pagago Tribal Utility Authority* v. *FERC*, 410 F.2d 914, 918, (D.C. Cir. 1979–80); *Municipal Light Boards* v. *FPC*, 450 F.2d 1341, 1348 (D.C. Cir. 1971).

[3] *Pagago Tribal Utility Authority, supra*, 410 F.2d at 918, n. 29. *See also, Connecticut Light and Power Co., supra*, slip opinion at 11.

[4] *See Toledo Edison Co.*, Docket No. ER80–571, order issued September 29, 1980; *Cleveland Electric Illuminating Co.*, Docket No. ER80–488, order issued August 22, 1980.

[5] *Connecticut Light and Power Company* v. *FERC*, No. 78–2312 (D.C. Cir. May 30, 1980) slip opinion at 10; *Municipal Light Boards* v. *FPC*, 450 F.2d 1351 (D.C. Cir. 1971), *cert. denied*, 405 U.S. 989 (1972).

[6] The Supreme Count in *Federal Open Market* v. *Merrill*, 443 U.S. 340, 359–60 (1979) recognized this by stating that: "A government agency cannot always operate effectively if it is required to disclose documents or information which it has received or generated before . . . issuing an order. . . ." *See also U.S.* v. *Morgan*, 313 U.S. 409, 421–2 (1941); *Braniff Airways, Inc.* v. *C.A.B.*, 379 F.2d 453, 462 (D.C. Cir. 1967); *Lead Industries Assoc., Inc.* v. *OSHA*, 610 F.2d 70, 86 (2nd Cir. 1979). See also 18 CFR § 1.36(c)(15)(v).

[7] *See Florida Power Corporation*, Docket No. ER80–206, Order issued May 29, 1980, *appeal dismissed*, No. 80–1689 (D.C. Cir. Sept. 29, 1980).

[8] Direct testimony of Richard A. Abdoo (Ass't V.P.—Corporate Planning), p. 3, L 6–8.

Office of Alcohol Fuels and Office of Conservation and Solar Energy

Loan Guarantees for Alcohol Fuels and Biomass Energy Projects

AGENCY: Office of Alcohol Fuels and Office of Conservation and Solar Energy, Department of Energy.

ACTION: Solicitation announcemnt for loan guarantee applications.

SUMMARY: Title II of the Energy Security Act, Pub. L. 96–294, 94 Stat. 611, authorizes the Department of Energy (DOE) to establish a program to provide loan guarantees to alcohol fuels, biomass energy and municipal waste energy projects to reduce the dependence of the United States on imported petroleum and natural gas.

On October 8, 1980, DOE published a final rule in the **Federal Register** (45 FR 67022) which implements the loan guarantee authority of Title II of the Act.

The rule specifies a closing date for receipt of applications in the initial competition cycle of October 20, 1980 for alcohol and biomass energy projects and November 14, 1980 for municipal waste energy projects. The rule also requires the issuance of a new Solicitation Announcement within fifteen days after closing of each previous cycle. This Announcement is issued pursuant to 799.2 and 799.3(c) of the final rule and is applicable only to alcohol fules and biomass energy projects.

Alcohol Fuels Projects

The Office of Alcohol Fuels received fifty-seven applications for loan guarantees before the close of the initial competition cycle. The applications were evaluated on a competitive basis by the Application Evaluation Panel in accordance with 799.3(c) and other relevant provisions of the rule. Selection of seven applications for competitive negotiations was announced on October 29, 1980. Award of conditional commitments for these applications will depend on whether the applicants selected agree to specific terms and conditions required by DOE. The seven selected applicants have requested a total of $431 million in guarantees which is somewhat more than the commitment authority available under the initial Solicitation Announcement.

The Office of Alcohol Fuels has determined that a solicitation of proposals under a second competition cycle will not be announced unless and until it is clear that loan guarantee commitment authority is available to assist other alcohol fuel projects. Such commitment authority may become available if negotiations with any of the selected applicants are unsuccessful or if additional funds are made available for loan guarantees. Information regarding a further solicitation of applications for alcohol fuel projects will be announced in the **Federal Register.** It is presently expected that this information will be published in January 1981.

Biomass Energy Projects

Title II of the Act also provides loan guarantee authority to the Department of Energy to assist in the financing of biomass energy projects which produce biomass energy, other than alcohol fuels, from a biomass feedstock other than municipal waste. On September 16, 1980, the Department announced in the **Federal Register** (45 FR 61348) that it may award up to $15,000,000 in loan guarantees for biomass energy projects in the initial competition cycle. One application was received in response to that announcement. No selection decision regarding this application has been made by the Department.

The Department of Energy hereby announces the second competition cycle with respect to loan guarantees for biomass energy projects. The Department may award up to $30,000,000 in loan guarantes for biomass energy projects as described above. For those projects utilizing aquatic plants as a feedstock or having an annual energy production capacity equivalent to at least 15,000,000 gallons of ethanol (1.266 trillion Btu of energy output), priority will be given in evaluating the applications for those projects which (a) use a minimum of petroleum or natural gas in the production of biomass fuel; (b) apply new technologies that expand possible feedstocks or produce new forms of energy, or produce energy, other than alcohol, using improved or new technologies; (c) appear to be commercially viable; and (d) will have the greatest impact in achieving programmatic goals.

Presubmission Conference

A presubmission conference will be held on Tuesday, December 9, 1980 at 2000 M St., N.W., in the Auditorium at 9:00 a.m. The purpose of the conference will be to provide an opportunity for prospective applicants to ask any questions they may have regarding the preparation and submission of an application for a loan guarantee to assist in construction of a non-alcohol biomass energy project.

Applications

Applications for non-alcohol biomass energy projects submitted under this second competition cycle must be received by the Department not later than 4:30 p.m. on December 31, 1980 to be eligible for consideration.

Applications should be submitted as follows: Department of Energy, Manager, Idaho Operations Office, 550 2nd Street, Idaho Falls, Idaho 83402, and should be marked "Application for Biomass Energy Loan Guarantee."

The Regional Offices listed below are also eligible submittal locations for Alcohol Fuel and Biomass Energy Project loan guarantee applications. However, for ease in tracking and prompt evaluation of applications DOE suggests the above address be used by applicants.

Region I

Department of Energy, Regional Representative 150 Causeway Street, Analex Building, Room 700 Boston, MA 02114.

Region II

Department of Energy, Regional Representative, 26 Federal Plaza, Room 3206 New York, NY 10007.

Region III

Department of Energy, Regional Representative, 1421 Cherry Street, Room 1001, Philadelphia, PA 19102.

Region IV

Department of Energy, Regional Representative 1651 Peachtree St., N.E., 8th Floor, Atlanta, GA 30309.

Region V

Department of Energy, Regional Representative, 175 West Jackson Blvd, Room A–333, Chicago, IL 60604.

Region VI

Department of Energy, Regional Representative, P.O. Box 35228, 2626 West Mockingbird Lane, Dallas, TX 75235.

Region VII

Department of Energy, Regional Representative, Twelve Grand Building, P.O. Box 2208, 112 East 12th Street, Kansas City, MO 64142.

Region VIII

Department of Energy, Regional Representative, P.O. Box 26247, Belmar Branch, Lakewood, CO 80226.

Region IX

Department of Energy, Regional Representative, 111 Pine Street, Third Floor, San Francisco, CA 94111.

Region X

Department of Energy, Regional Representative, 1992 Federal Building, 915 Second Ave., Seattle, WA 98174.

Applicants submitting an application to a Regional Office should simultaneously forward a copy of such application to DOE's Idaho Falls Operations Office.

(Federal Domestic Assistance Catalog Number: 81.068—Biomass Loan Guarantees)

Issued in Washington, D.C. on November 7, 1980.

Hilary J. Rauch,

Director, Procurement and Assistance Management Directorate.

[FR Doc. 80–35195 Filed 11–13–80; 8:45 am]

BILLING CODE 6450–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued November 7, 1980.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS								
*ANADARKO PRODUCTION COMPANY					RECEIVED: 10/29/80 JA: NM			
8103391		3001523178	102		NEW MEXICO STATE AC COM #1	NORTH TURKEY TRACK MORRO	730,0	LLANO INC
*MARALO INC					RECEIVED: 10/29/80 JA: NM			
8103386		3002500000	102		MARALO 16 STATE #10	SIOUX TANSILL YATES	11,0	EL PASO NATURAL GAS
*PERRY R BASS					RECEIVED: 10/29/80 JA: NM			
8103388		3001522398	102		BIG EDDY UNIT NO 60	EDDY	182,5	NATURAL GAS PIPELINE
*W B YARBOROUGH					RECEIVED: 10/29/80 JA: NM			
8103385		3002526765	102		L E GRIZZELL NO 4	BRUNSON FUSSELMAN	202,0	EL PASO NATURAL GAS
*YATES PETROLEUM CORPORATION					RECEIVED: 10/29/80 JA: NM			
8103387		3001523353	102		RIO PENASCO KD COM NO 2	BOYD MORROW	0,0	TRANSWESTERN PIPELIN
8103389		3001500000	102		SIEGREST JS STATE COM #1	WILDCAT MORROW	0,0	TRANSWESTERN PIPELIN
*ZIA ENERGY INC					RECEIVED: 10/29/80 JA: NM			
8103390		3002510336	102		STATE C NO 1	SOUTHWEST EUNICE-SAN AND	102,0	EL PASO NATURAL GAS
OKLAHOMA CORPORATION COMMISSION								
*AL MCCORD INC					RECEIVED: 10/29/80 JA: OK			
8103379	05903	3502727290	103		PORTER #1	N W NORMAN	365,0	SUN GAS CO
*ANDSON CORPORATION					RECEIVED: 10/27/80 JA: OK			
8103330	05858	3512920431	103		LESTER A #2	W CHEYENNE	1080,0	MICHIGAN-WISCONSIN P
*ARCO OIL AND GAS COMPANY					RECEIVED: 10/27/80 JA: OK			
8103331	05860	3504722022	103		WORTH M HOWARD #2	SOONER TREND	13,9	PANHANDLE EASTERN PI
*B R CARTER					RECEIVED: 10/29/80 JA: OK			
8103349	05859	3513120967	102		OERTEL #2		35,0	DIAMOND S GAS SYSTEM
*BEARD OIL COMPANY					RECEIVED: 10/28/80 JA: OK			
8103339	04428	3510920351	102		BULLA #1	CHOCTAW	100,0	OKLAHOMA NATURAL GAS
*BERRY PETROLEUM CORP					RECEIVED: 10/29/80 JA: OK			
8103360	05861	3504721938	103		LITTLE #31-1	SOONER TREND	150,0	CITIES SERVICE GAS C
*CLIFFORD RESOURCES INC					RECEIVED: 10/30/80 JA: OK			
*8103417	05306	3509321672	103		MASON NO 1	SOUTH RINGWOOD	125,0	PIONEER GAS PRODUCTS
*COMBINED RESOURCES CORP					RECEIVED: 10/29/80 JA: OK			
8103367	05508	3504721963	103		HORNER 3-23	SOUTHEAST ENID	365,0	ARKANSAS LOUISIANA G
*CULP & COPPLE OIL CO					RECEIVED: 10/30/80 JA: OK			
8103395	05791	3511921013	103		JOHNSTUN #4	BRUYLES	12,0	SUN GAS CO
8103394	05790	3511920899	103		WILLIAMS A #1	BRUYLES	18,0	SUN GAS CO
*DALCO PETROLEUM INC					RECEIVED: 10/29/80 JA: OK			
8103369	05874	3507322172	103		BEECHER #1	SOONER TREND	91,3	DALCO PETROLEUM US L
8103384	05873	3507322173	103		BEECHER #2	SOONER TREND	91,3	DALCO PETROLEUM US L
8103370	05876	3507322376	103		ERWIN #1	SOONER TREND	91,3	CITIES SERVICE GAS C
8103364	05871	3507322373	103		HELLWEGE #1	SOONER TREND	91,3	DALCO PETROLEUM US L
8103361	05866	3507322306	103		KATY #1	SOONER TREND	91,3	CITIES SERVICE GAS C

JD NO	JA DKT	API NO	SEC	D	WELL NAME		FIELD NAME	PROD	PURCHASER
8103363	05870	3507322174	103		MARTIN #1		SOONER TREND	91.3	DALCO PETROLEUM US L
8103362	05869	3507322194	103		MUEGGENBORG #1		SOONER TREND	91.3	DALCO PETROLEUM US L
8103365	05872	3507322175	103		RAY #2		SOONER TREND	91.3	DALCO PETROLEUM US L
8103383	05864	3507322316	103		STORM #1		SOONER TREND	91.3	CITIES SERVICE GAS C
8103382	05865	3507322328	103		THEO #1		SOONER TREND	91.6	CITIES SERVICE GAS C
*EARLSBORO OIL AND GAS CO INC					RECEIVED: 10/30/80 JA: OK				
8103416	04998	3515112031	108		OLSON-BIXLER NO 1		NORTHEAST WAYNOKA	16.0	PANHANDLE EASTERN PI
*ENERGY RESERVES GROUP INC					RECEIVED: 10/27/80 JA: OK				
8103327	05820	3509321770	103		J B LOHRENZ #2		RINGWOOD	169.0	PANHANDLE EASTERN PI
*ENERGY RESERVES GROUP INC					RECEIVED: 10/29/80 JA: OK				
8103350		3515320864	102		SMART A #1		NORTHWEST SEILING	126.0	PANHANDLE EASTERN PI
*ENERGY RESOURCES OIL & GAS CORP					RECEIVED: 10/29/80 JA: OK				
8103366	05446	3507920319	103		COWLINGTON NO 8-1			110.0	ARKANSAS LOUISIANA G
*ENSERCH EXPLORATION INC					RECEIVED: 10/29/80 JA: OK				
8103346	05847	3514920074	103		EDDIE C WALTERS NO 1		BURNS FLAT	486.0	NATURAL GAS PIPELINE
*ENSERCH EXPLORATION INC					RECEIVED: 10/30/80 JA: OK				
8103396	05846	3514920061	103		G D GRAY NO 1		BURNS FLAT	123.0	NATURAL GAS PIPELINE
*FERGUSON OIL & GAS CO INC					RECEIVED: 10/29/80 JA: OK				
8103381	05850	3501700000	103		HUSMANN NO 1		W PIEDMONT	35.0	PHILLIPS PETROLEUM C
*HOOVER & BRACKEN ENERGIES					RECEIVED: 10/27/80 JA: OK				
8103329	05853	3501121018	103		GRASSWOMAN #1-17		S W CANTON	365.0	DELMI GAS PIPELINE C
*JACKASS FLATS OIL & GAS CO					RECEIVED: 10/27/80 JA: OK				
8103325	04890	3507720169	102		WHITE #1		SOUTH QUINTON	70.0	ARKANSAS-LOUISIANA G
8103338		3507758843	102		WHITE NO 5			0.0	ARKANSAS-LOUISIANA G
*JACKASS FLATS OIL & GAS CO					RECEIVED: 10/29/80 JA: OK				
8103352	04887	3507720194	102		WHITE #4A		S QUINTON	70.0	ARKANSAS-LOUISIANA G
8103351	04779	3507720170	102		WHITE NO 2			0.0	
8103341	04888	3507758843	102		WHITE NO 3			0.0	ARKANSAS-LOUISIANA G
*JONES & PILLOW OIL CO					RECEIVED: 10/29/80 JA: OK				
8103347	05852	3501921938	103		HUNSUCKER #11-1			170.0	MOBIL OIL CORP
*L G WILLIAMS OIL COMPANY INC					RECEIVED: 10/29/80 JA: OK				
8103359	05917	3501721218	102		MORRIS 15-1		NW RICHLAND	0.0	PHILLIPS PETROLEUM C
*L G WILLIAMS OIL COMPANY INC					RECEIVED: 10/30/80 JA: OK				
8103397	05918	3504320941	102		GRAYBILL 16-1		PUTNAM	0.0	PHILLIPS PETROLEUM C
*LADD PETROLEUM CORPORATION					RECEIVED: 10/30/80 JA: OK				
*8103411	05941	3505120854	103		EVANS NO 1 (MUNTON)		MINCO WEST (MUNTON)	116.0	MICHIGAN-WISCONSIN P
*8103410	05939	3505120854	103		EVANS NO 1 (TONKAWA)		MINCO WEST (TONKAWA)	0.0	MICHIGAN WISCONSIN P
*8103412	05942	3505120885	103		PEERY NO 1		MINCO WEST	492.7	MICHIGAN-WISCONSIN P
*LILES OIL & GAS CO					RECEIVED: 10/29/80 JA: OK				
8103348	05857	3508321142	103		LATTIMORE NO 1		E HULL	25.0	EASON OIL CO
*LPCX CORPORATION					RECEIVED: 10/27/80 JA: OK				
8103333	08798	3512920468	107		HOPE #1		W REYDON	730.0	
*MACKELLAR INC					RECEIVED: 10/29/80 JA: OK				
8103345	05837	3510320942	103		HENTGES #1		EAST GREEN VALLEY	0.0	ATLANTIC RICHFIELD C
8103380	05904	3510320815	103		JIROUS #1		EAST GREEN VALLEY	0.0	AMINOIL
8103353	05905	3510320629	103		MAGGIE KEATING #1		SOUTH POLO	35.0	AMINOIL USA INC
8103354	05906	3508321179	103		SCHRAMMEL #1-8		WEST ORLANDO	36.0	AMINOIL USA INC
*MAGUIRE OIL COMPANY					RECEIVED: 10/29/80 JA: OK				
8103355	05907	3500300000	103		EBERSOLE A #2		CHANEY DELL	0.2	PANHANDLE EASTERN PI
8103357	05909	3500300000	103		HEISE #2		CHANEY DELL	0.2	PANHANDLE EASTERN PI
8103358	05910	3500300000	103		HOOD #2		CHANEY DELL	0.2	PANHANDLE EASTERN PI
8103356	05908	3509300000	103		SIMS #2		CHANEY DELL	0.2	PANHANDLE EASTERN PI

JC NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-MAY PETROLEUM INC					RECEIVED: 10/30/80 JA: OK			
8103392	05378	3505920748	103		PRICE A 1C		182.0	NORTHERN NATURAL GAS
8103393	05827	3505920748	103		PRICE A 1T	UNASSIGNED	182.0	NORTHERN NATURAL GAS
-NORTHWESTERN PRODUCTION INC					RECEIVED: 10/27/80 JA: OK			
8103335	05723	3501721075	103		WINDY WYNN 34 NO 1	SOONER TREND	0.0	PHILLIPS PETROLEUM C
-NRM PETROLEUM CORPORATION					RECEIVED: 10/30/80 JA: OK			
8103406	05933	3509321570	103		MARTENS NO 1		100.0	AMINOIL USA INC
-OKLA OIL & GAS ROYALTIES INC					RECEIVED: 10/27/80 JA: OK			
8103328	05843	3503100000	103		COSGROVE #1	NEW FIELD	8.0	ARKLA GAS CO
-PERRY OIL CO					RECEIVED: 10/30/80 JA: OK			
8103413	05944	3504721620	103		BAKER #2	SOONER TREND	82.0	PHILLIPS PETROLEUM C
*8103414	05945	3509321556	103		PERRY #1	SOONER TREND	26.0	PANHANDLE EASTERN PI
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 10/29/80 JA: OK			
8103340	05113	3501720691	103		WHITE FARMS A #1	UNION CITY	0.0	TRANSOK PIPELINE CO
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 10/30/80 JA: OK			
8103415	05946	3500700000	108		CUSTER B #3	S E COMO (MORROW)	6.0	EL PASO NATURAL GAS
-READING & BATES PETROLEUM CO					RECEIVED: 10/29/80 JA: OK			
8103374	05882	3501900000	108		PRUITT BA LEASE H A PRUITT #1	CADDO	11.4	UNION OIL CO OF CALI
8103373	05881	3501900000	108		PRUITT BA LEASE H A PRUITT #2	CADDO	11.4	UNION OIL CO OF CALI
8103372	05880	3501900000	108		PRUITT BA LEASE PRUITT AB #4	CADDO	11.4	UNION OIL CO OF CALI
8103371	05879	3501900000	108		PRUITT BA LEASE PRUITT BA #5	CADDO	11.4	UNION OIL CO OF CALI
-RED EAGLE OIL CO					RECEIVED: 10/29/80 JA: OK			
8103376	05884	3509321783	103		EDNA NO 1	EAST CHEYENNE VALLEY	292.0	PHILLIPS PETROLEUM C
8103344	05833	3509321617	103		ESTHER NO 1	CHEYENNE VALLEY	365.0	DELHI GAS PIPELINE C
8103378	05886	3509321736	103		FYFFE NO 1	NORTH AMES	36.0	
8103375	05883	3509321764	103		HOUK NO 1	EAST CHEYENNE VALLEY	365.0	PHILLIPS PETROLEUM C
8103377	05885	3509321763	103		SWART NO 1	NORTH AMES	100.0	
8103342	05823	3509321592	103		W O R NO 1	FAIRVIEW	912.0	DELHI GAS PIPELINE C
-RED EAGLE OIL CO					RECEIVED: 10/30/80 JA: OK			
8103408	05937	3509300000	103		CHESTNUT NO 1	NORTH AMES	100.0	PIONEER GAS PRODUCTS
*8103409	05938	3509321840	103		HASEL #1	NORTH AMES	140.0	OKLAHOMA NATURAL GAS
*8103407	05936	3509321758	103		REESE #1	NORTHEAST FAIRVIEW	75.0	OKLAHOMA NATURAL GAS
-SHAR-ALAN OIL CO					RECEIVED: 10/29/80 JA: OK			
8103343	05831	3509321718	103		KECK A 2	WEST FAIRVIEW	75.0	DELHI GAS PIPELINE C
-SOUTHWEST EXPLORATION INC					RECEIVED: 10/27/80 JA: OK			
8103337	05822	3501721445	103		MORRIS NO 1		273.0	MOBIL OIL CORP
-SPECTRA ENERGY CORP					RECEIVED: 10/27/80 JA: OK			
8103326	05832	3509321803	103		UMDENSTOCK NO 1	AMES	100.0	PIONEER GAS PRODUCTS
-TRIGG DRILLING COMPANY INC					RECEIVED: 10/27/80 JA: OK			
*8103332	08797	3514920075	107		FINNELL #2	ELK CITY	2190.0	MICHIGAN WISCONSIN P
-WESTERN CONTINENT OIL CORP					RECEIVED: 10/30/80 JA: OK			
8103399	05920	3507121088	102		CARRINGER 2-21	PERMIAN	35.0	CORONADO TRANSMISSIO
8103405	05930	3507121089	103		CARRINGER 3-21	PERMIAN	35.0	CORONADO TRANSMISSIO
8103401	05923	3507121224	103		COURTNEY 2-30	PERMIAN	35.0	CORONADO TRANSMISSIO
8103402	05924	3507121225	102		COURTNEY 3-30	PERMIAN	35.0	CORONADO TRANSMISSIO
8103404	05926	3507121333	103		JOHNSON 2-33	PERMIAN	35.0	CORONADO TRANSMISSIO
8103403	05925	3507121332	103		SMITH 1-33	PERMIAN	35.0	CORONADO TRANSMISSIO
8103400	05921	3507121142	102		SMITH 24-3	PREMIAN	35.0	CORONADO TRANSMISSIO
-WILLIS EXPLORATION INC					RECEIVED: 10/27/80 JA: OK			
*8103336	05268	3510920346	103		WINDS WEST #1	WILDCAT	127.0	MOBIL OIL CORP
-WILLIS EXPLORATION INC					RECEIVED: 10/29/80 JA: OK			
8103368	04662	3501721248	102		MCINTYRE #1	N E MUSTANG	612.0	MOBIL OIL CORP

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-WOODS PETROLEUM CORPORATION					RECEIVED: 10/30/80 JA: OK			
8103398	05919	3504321019	102		CALKINS-FRAZEE #25-1		3000.0	MICHIGAN WISCONSIN P
-ZIA PIPELINE INC					RECEIVED: 10/27/80 JA: OK			
8103334	05640	3507520365	108		WICKIZER #1	SE/4 NE/4 TWNSHP 7N RANG	2.2	ARKANSA LOUISIANA GA
**********								
** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA,OK								
**********								
-HOLT OIL CO					RECEIVED: 10/24/80 JA: OK 8			
8103319		3511300000	108		WELL #1 NW1/4 SEC 21-27-11	DOMES POND	6.4	NATIONAL ZINC CO
8103318		3511300000	108		WELL #1A NE1/4 SEC 20-27-11	DOMES POND	6.4	NATIONAL ZINC CO
8103320		3511300000	108		WELL #10 SW1/4 SEC 21-27-11	DOMES POND	6.4	NATIONAL ZINC CO
8103324		3511300000	108		WELL #3 NE1/4 SEC 20-27-11	DOMES POND	12.0	NATIONAL ZINC CO
8103323		3511300000	108		WELL #7 NE1/4 SEC 29-27-11	DOMES POND	9.2	NATIONAL ZINC CO
8103321		3511300000	108		WELL #8 SW1/4 SEC 21-27-11	DOMES POND	9.2	NATIONAL ZINC CO
8103322		3511300000	108		WELL #80 NE1/4 SEC 29-27-11	DOMES POND	9.2	NATIONAL ZINC CO

OTHER PURCHASERS VOLUME NO 1314

8103332	EL PASO NATURAL GAS
8103336	AN-SUN TRANSPORTATION
8103407	PIONEER GAS PRODUCTS COMPANY
8103409	PIONEER GAS PRODUCTS COMPANY
8103410	TRANSOK PIPELINE CO
8103411	TRANSOK PIPELINE CO
8103412	TRANSOK PIPELINE CO
8103414	GAS PROCESSING AGMT-UNION TEXAS PET
8103417	OKLAHOMA NATURAL GAS GATH CORP

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 (*) preceding 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 December 1, 1980.

Please reference the FERC Control Number (JD No.) in all corrspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35691 Filed 11-13-80; 8:45 am]

BILLING CODE 6450-01-C

ENVIRONMENTAL PROTECTION AGENCY

[A-2-FRL 166T-7]

Prevention of Significant Air Quality Deterioration (PSD); Determination of PSD Non-Applicability

AGENCY: Environmental Protection Agency.

ACTION: Notice of final action.

SUMMARY: The purpose of this notice is to announce that on July 9, 1980, the EPA Region II Office issued a determination of PSD non-applicability to Chevron, U.S.A. relative to a proposed modification (replacement of existing Claus Sulfur Recovery units and one tail gas treating unit with two parallel two-stage Claus Sulfur Recovery units and two new paralled Wellman Lord tail gas treating units) of its Perth Amboy, New Jersey plant. This determination was issued under EPA's Prevention of Significant Air Quality Deterioration regulations (43 FR 26388 codified at 40 CFR 52.21 (1978)) and is final action under the Clean Air Act (the Act).

DATES: This determination is effective on November 14, 1980. (See Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Eng, Chief, Air and Environmental Applications Section, Permits Administration Branch, Planning and Management Division, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 432, New York, New York 10278, (212) 264–4711.

SUPPLEMENTARY INFORMATION: Under Section 307(b)(1) of the Act, judicial review of this determination is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by January 13, 1981. Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

This determination of PSD non-applicability is contained in a letter dated July 9, 1980, from Charles S. Warren, Region II Administrator, to Mr. P.E. Ruhter, General Manager of the Chevron, U.S.A., Perth Amboy plant. The text of the letter is as follows:

U.S. Environmental ProtectionAgency, Region II
26 Federal Plaza, New York, N.Y.
July 9, 1980.

Mr. P. E. Ruhter,
General Manager, Perth Amboy Refinery, Chevron, U.S.A., Inc., 1200 State Street, Perth Amboy, N.J.

Dear Mr. Ruhter: This letter is to inform you that the United States Environmental Protection Agency (EPA), Region II Office, has determined that the proposed modification (replacement of existing Claus Sulfur Recovery units and one tail gas treating unit with two parallel two-stage Claus Sulfur Recovery units and two new parallel Wellman-Lord tail gas treating units) of the Chevron, U.S.A., Inc. refinery in Perth Amboy, New Jersey, is *not* subject to federal Prevention of Significant Air Quality Deterioration (PSD) regulations (40 CFR 52.21).

The PSD regulations have changed significantly since their initial promulgation on June 19, 1978 (hereinafter, the 1978 PSD regulations). On June 18, 1979, in response to numerous challenges to these regulations (consolidated in *Alabama Power Company v. Costle* (No. 73–1006, D.C. Cir.)), the U.S. Court of Appeals for the District of Columbia Circuit issued a *per curiam* opinion on the validity of the existing PSD regulations; the court remanded pertient sections of the rules to EPA for revision in accordance with its decision. On September 5, 1979, the EPA published proposed regulations in response to the court opinion (hereinafter, the proposed 1979 PSD regulations). On December 14, 1979, the court issued its final opinion on the subject and on January 30, 1980, the Administrator of the EPA issued an administrative order partially staying the 1978 PSD regulations. In essence, this order states that a new source or source modification will be PSD affected only if it is subject to PSD review under *both* the 1978 PSD regulations and the proposed 1979 PSD regulations. This order will in effect until the date of promulgation of final PSD regulations which conform to the court mandate.

On November 19, 1979, the EPA made a determination that the Chevron project was subject to PSD review under the 1978 PSD regulations. Such a determination was made based upon our calculation that the potential emissions of carbon monoxide (CO) and sulfur dioxide (SO_2) associated with the project would be in excess of 100 tons per year (the threshold emission limitation at and above which the 1978 PSD regulations apply to petroleum refineries). It should be noted that in calculating the potential emissions of the above two pollutants, the emissions reductions of both pollutants associated with proposed shutdowns of certain existing facilities were not considered. A review of the Chevron project in accordance with the requirements of the abovementioned administrative order indicates, however, that the project is *not* subject of PSD review. The administrative order stays the application of the 1978 PSD regulations as to any source or modification which would not be major under the proposed 1979 PSD regulations. The Chevron project is not considered major under the proposed 1979 PSD regulations because there will be no significant net increase (exceeding the applicable *de minimis* levels) of any pollutant for which the existing source is major. Specifically, the existing Chevron plant is major for CO and SO_2. The proposed Chevron project, however, is expected to effectuate a net *reduction* in the amount of CO and SO_2 emissions at the plant. Based upon this finding, the proposed 1979 PSD regulations do not apply and in accordance with the administrative order, the Chevron project qualifies to be exempt from total PSD review. Accordingly, the EPA finds the Chevron project *not* subject to PSD review.

This determination is final action under the Clean Air Act (the Act). Under Section 307(b)(1) of the Act, judicial review of this determination 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 the date on which this determination is published in the **Federal Register.** Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

All information used in making this determination is available for public inspection upon request at the following location:

Permits Administration Branch—Room 432, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, Attention: Mr. Kenneth Eng, (212) 264–4711

Sincerely yours,

Charles S. Warren,
Regional Administrator.

Dated: October 17, 1980.

Charles S. Warren,
Regional Administrator.

[FR Doc. 80-35510 Filed 11-13-80; 8:45 am]
BILLING CODE 6560-38-M

[A-2-FRI 1667-8]

Prevention of Significant Air Quality Deterioration (PSD); Determination of PSD Non-Applicability

AGENCY: Environmental Protection Agency.

ACTION: Notice of final action.

SUMMARY: The purpose of this notice is to announce that on July 2, 1980, the EPA Region II Office issued a determination of PSD non-applicability to Air Products & Chemicals, Inc. (APC) relative to a new sulfur trioxide storage

tank APC constructed in Middlesex, New Jersey. This determination was issued under EPA's Prevention of Significant Air Quality Deterioration regulations (43 FR 26388 codified at 40 CFR 52.21 (1978)) and is final action under the Clean Air Act (the Act).

DATE: This determination is effective on November 14, 1980. (See Supplemental Information.)

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Eng, Chief, Air and Environmental Applications Section, Permits Administration Branch, Planning and Management Division, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 432, New York, New York 10278, (212) 264–4711.

SUPPLEMENTARY INFORMATION: Under Section 307(b)(1) of the Act, judicial review of this determination is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by January 13, 1981. Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

This determination of PSD non-applicability is contained in a letter dated July 2, 1980, from Charles S. Warren, Region II Administrator, to Mr. Joseph M. Wrba, Plant Superintendent of APC. The text of the letter is as follows:

U.S. Environmental Protection Agency,
Region II
26 Federal Plaza, New York, N.Y.
July 2, 1980.

Mr. Joseph M. Wrba,
Plant Superintendent, Air Products & Chemicals, Inc., P.O. Box 95, Middlesex, N.J.

Dear Mr. Wrba: In a letter dated July 10, 1979, the United States Environmental Protection Agency ("EPA"), Region II Office, issued a determination that the new sulfur trioxide ("SO_3") storage tank at the Air Products & Chemicals, Inc. ("APC") plant in Middlesex, New Jersey was subject to the Federal Prevention Significant Air Quality Deterioration ("PSD") regulations. The facility was found to be subject to the PSD regulations based upon our finding that the potential emissions of SO_3 were greater than 100 tons per year ("TPY") (applicable PSD threshold level for chemical process plants). However, in that July 10, 1979, letter you were advised that if APC limited the hours of operation of the affected facility such that the attendant potential emissions were less than 100 TPY, then this facility would not be subject to the PSD regulations.

This office has received information from the New Jersey Department of Environmental Protection (a construction permit for the tank) which legally binds your company to an operating schedule which results in a potential emissions rate of not more than 100 TPY. On this basis, since the threshold limit of PSD review is not reached, the SO_3 tank is not subject to the PSD regulations.

If you have any questions concerning the contents of this letter, please call Ms. Carol Casazza at (212) 264–4333.

Sincerely yours,
Charles S. Warren,
Regional Administrator.

Dated: October 17, 1980.

Charles S. Warren,
Regional Administrator.

[FR Doc. 80-35511 Filed 11-13-80; 8:45 am]
BILLING CODE 6560-38-M

[A-2-FRL 1668-1]

Prevention of Significant Air Quality Deterioration (PSD); Determination of PSD Non-Applicability

AGENCY: Environmental Protection Agency.

ACTION: Notice of Final Action.

SUMMARY: The purpose of this notice is to announce that on July 9, 1980, the EPA Region II Office issued a determination of PSD non-applicability to Polytherm Kassel Corporation (PK) relative to a vinyl wallpaper manufacturing and printing plant located in Ramsey, New Jersey. This determination was issued under EPA's Prevention of Significant Air Quality Deterioration regulations (43 FR 26388 codified at 40 CFR 52.21 (1978)) and is final action under the Clean Air Act (the Act).

DATES: This determination is effective on November 14, 1980. (See Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Eng, Chief, Air and Environmental Applications Section, Permits Administration Branch, Planning and Management Division, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 432, New York, New York 10278, (212) 264–4711.

SUPPLEMENTARY INFORMATION: Under Section 307(b)(1) of the Act, judicial review of this determination is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by January 13, 1981. Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

This determination of PSD non-applicability is contained in a letter dated July 9, 1980, from Charles S. Warren, Region II Administrator, to Mr. James Johnson, Plant Engineer of PK. The text of the letter is as follows:

U.S. Environmental Protection Agency,
Region II
26 Federal Plaza, New York, N.Y.
July 9, 1980.

Mr. James Johnson,
Plant Engineer, Polytherm Kassel Corporation, 16 Arrow Road, Ramsey, N.J.

Dear Mr. Johnson: This letter is to inform you that the United States Environmental Protection Agency (EPA), Region II Office, has determined that the Polytherm Kassel Corporation (PK) plant (involved in the manufacturing and printing of vinyl wallpaper) located in Ramsey, New Jersey, is *not* subject to federal Prevention of Significant Air Quality Deterioration (PSD) regulations (40 CFR 52.21).

The PSD regulations have changed significantly since their initial promulgation on June 19, 1978 (hereinafter, the 1978 PSD regulations). On June 18, 1979, in response to numerous challenges to these regulations (consolidated in *Alabama Power Company* v. *Costle* (No. 78–1006, D.C. Cir.)), the U.S. Court of Appeals for the District of Columbia Circuit issued a *per curiam* opinion on the validity of the existing PSD regulations; the court remanded pertinent sections of the rules to EPA for revision in accordance with its decision. On September 5, 1979, the EPA published proposed regulations in response to the court opinion (hereinafter, the proposed 1979 PSD regulations). On December 14, 1979, the court issued its final opinion on the subject and on Janauray 30, 1980, the Administrator of the EPA issued an administrative order partially staying the 1978 PSD regulations. In essence, this order states that a new source or modification will be PSD affected only if it is subject to PSD review under *both* the 1978 PSD regulations and the proposed 1979 PSD regulations. This order will be in effect until the date of promulgation of final PSD regulations which conform to the court mandate.

Specifically, the January 30, 1980, order stays the application of the 1978 PSD regulations as to any source or modification which either (1) would not be major under the proposed 1979 regulations or (2) would be located in an area designated under Section 107 of the Clean Air Act (the Act) as not attaining the National Ambient Air Quality Standards (NAAQS) for each pollutant for which the source or modification would be "major" under the proposed 1979 regulations. Ramsey, New Jersey, is not attaining the NAAQS for the pollutant hydrocarbons (the only applicable pollutant emitted from the referenced project). PK satisfies the latter requirement of the administrative order. Based upon this finding, and in accordance with the administrative order, the PK project qualifies to be except from total PSD review. Accordingly, the EPA finds the PK project *not* subject to PSD review.

This determination is final action under the Act. Under Section 307(b)(1) of the Act, judicial review of this determination is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before January 13, 1981. Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

All of the information used in making this determination is available for public inspection at the following location:

Permits Administration Branch—Room 432, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278. Attention: Mr. Kenneth Eng, (212) 264–4711

Sincerely yours,

Charles S. Warren,

Regional Administrator.

Dated: October 17, 1980.

Charles S. Warren,

Regional Administrator.

[FR Doc. 80–35512 Filed 11–13–80; 8:45 am]

BILLING CODE 6560–38–M

[A–2–FRL 1668–2]

Prevention of Significant Air Quality Deterioration (PSD); Determination of PSD Non-Applicability

AGENCY: Environmental Protection Agency.

ACTION: Notice of final action.

SUMMARY: The purpose of this notice is to announce that on July 11, 1980, the EPA Region II Office issued a determination of PSD non-applicability to Weldon Asphalt Company (WAC) relative to a new drum mix asphalt plant (including a fines silo and a fines hopper) WAC proposes to construct in Linden, New Jersey. This determination was issued under EPA's Prevention of Significant Air Quality Deterioration regulations (43 FR 26388 codified at 40 CFR 52.21 (1978)) and is final action under the Clean Air Act (the Act).

DATES: This determination is effective on November 14, 1980. (See Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Eng., Chief, Air and Environmental Applications Section, Permits Administration Branch, Planning and Management Division, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 432, New York, New York 10278, (212) 264–4711.

SUPPLEMENTARY INFORMATION: Under Section 307(b)(1) of the Act, judicial review of this determination is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by January 13, 1981. Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

This determination of PSD non-applicability is contained in a letter dated July 11, 1980, from Charles S. Warren, Region II Administrator, to Mr. Richard N. Meyers, General Manager of WAC. The text of the letter is as follows:

U.S. Environmental Protection Agency's Region II

26 Federal Plaza, New York, N.Y.

July 11, 1980.

Mr. Richard N. Meyers, General Manager, Weldon Asphalt, 141 Central Avenue, Westfield, N.J.

Dear Mr. Meyers: This letter is to inform you that the United States Environmental Protection Agency (EPA), Region II Office, has determined that the new drum mix asphalt plant (including a fines silo and a fines hopper with a baghouse) proposed by Weldon Asphalt Company (WAC) in Linden, New Jersey, is *not* subject to federal Prevention of Significant Air Quality Deterioration (PSD) regulations (40 CFR 52.21).

The PSD regulations have changed significantly since their initial promulgation on June 19, 1978 (hereinafter, the 1978 PSD regulations). On June 18, 1979, in response to numerous challenges to these regulations (consolidated in *Alabama Power Company v. Costle* (No. 78–1006, D.C. Cir.)), the U.S. Court of Appeals for the District of Columbia Circuit issued a *per curiam* opinion on the validity of the existing PSD regulations; the court remanded pertinent sections of the rules to EPA for revision in accordance with its decision. On September 5, 1979, the EPA published proposed regulations in response to the court opinion (hereinafter, the proposed 1979 PSD regulations). On December 14, 1979, the court issued its final opinion on the subject and on January 30, 1980, the Administrator of the EPA issued an administrative order partially staying the 1978 PSD regulations. In essence, this order states that a new source modification will be PSD affected only in it is subject to PSD review under *both* the 1978 PSD regulations and the proposed 1979 PSD regulations. This order will be in effect until date of promulgation of final PSD regulations which conform to the court mandate.

On July 20, 1979, the EPA made a determination that the WAC project was subject to PSD review under the 1978 PSD regulations. Such a determination was made based upon our calculation that the potential emissions of particulate matter (PM) associated with the project would be in excess of 250 tons per year (TPY), the level at or above which the 1978 PSD regulations apply to asphalt plants. A review of the WAC project in accordance with the requirements of the above-mentioned administrative order indicates, however, that the project is *not* subject to PSD review. The administrative order stays the application of the 1978 PSD regulations as to any source or modification which would not be major under the proposed 1979 PSD regulations. The WAC project is not considered major under the proposed 1979 PSD regulations because the potential to emit PM (after control equipment) is *not* in excess of 250 TPY (the level at or above which the proposed 1979 PSD regulations apply to asphalt plants). Based upon this finding, the proposed 1979 PSD regulations do not apply and in accordance with the administrative order, the WAC project qualifies to the exempt from total PSD review. Accordingly, the EPA finds the WAC project *not* subject to PSD review.

This determination is final action under the Clean Air Act (the Act). Under Section 307(b)(1) of the Act, judicial review of this determination is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before January 13, 1981. Under section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

A copy of this determination is available for public inspection upon request at the following location: Permits Administration Branch—Room 432, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278. Attention: Mr. Kenneth Eng (212) 264–4711.

Sincerely yours,

Charles S. Warren,

Regional Administrator.

Dated: October 17, 1980.

Charles S. Warren,

Regional Administrator.

[FR Doc. 80–35513 Filed 11–13–80; 8:45 am]

BILLING CODE 6560–38–M

[A–2–FRL 1668–3]

Prevention of Significant Air Quality Deterioration (PSD); Determination of PSD Non-applicability

AGENCY: Environmental Protection Agency.

ACTION: Notice of final action.

SUMMARY: The purpose of this notice is to announce that on July 18, 1980, the EPA Region II Office issued a determination of PSD non-applicability to FGI Fibers, Inc. (FGI) relative to a new fiber glass production plant FGI proposes to construct in Amsterdam, New York. This determination was issued under EPA's Prevention of Significant Air Quality Deterioration regulations (43 FR 26388 codified at 40 CFR 52.21 (1978)) and is final action under the Clean Air Act (the Act).

DATES: This determination is effective on November 14, 1980. (See Supplementary Information).

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Eng, Chief, Air and Environmental Applications Section, Permits Administration Branch, Planning and Management Division, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 432, New York, New York 10278, (212) 264–4711.

SUPPLEMENTARY INFORMATION: Under Section 307(b)(1) of the Act, judicial review of this determination is available *only* in the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by January 13,

1981. Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

This determination of PSD non-applicability is contained in a letter dated July 18, 1980, from Charles S. Warren, Region II Administrator, to Mr. George L. Scavelli, Vice President of FGI. The text of the letter is as follows:

U.S. Environmental Protection Agency, Region II

26 Federal Plaza, New York, N.Y.
July 18, 1980.

Mr. George L. Scavelli, Vice President, FGI Fibers, Inc., Homestead Place, Amsterdam, N.Y.

Dear Mr. Scavelli: This is to inform you that the United States Environmental Protection Agency (EPA), Region II Office, has reviewed the information that FGI Fibers, Inc. (FGI) submitted dated May 22, 1980, relative to a new fiber glass production plant FGI is proposing to construct in Amsterdam, New York. Based upon this review, it is the EPA determination that the proposed FGI project is *not* subject to federal Prevention of Significant Air Quality Deterioration (PSD) regulations (40 CFR 52.21).

The PSD regulations have changed significantly since their inital promulgation on June 19, 1978 (hereinafter, the 1978 PSD regulations). On June 18, 1979, in response to numerous challenges to these regulations (consolidated in *Alabama Power Company* v. *Costle* (No. 78–1006, D.C. Cir.)), the U.S. Court of Appeals for the District of Columbia Circuit issued a *per curiam* opinion on the validity of the existing PSD regulations; the court remanded pertinent sections of the rules to EPA for revision in accordance with its decision. On September 5, 1979, the EPA published proposed regulations in response to the court opinion (hereinafter, to proposed 1979 PSD regulations). On December 14, 1979, the court issued its final opinion on the subject and on January 30, 1980, the Administrator of the EPA issued an administrative order partially staying the 1978 PSD regulations. In essence, this order states that a new source or source modification will be PSD affected only if it is subject to PSD review under *both* the 1978 PSD regulations and the proposed 1979 PSD regulations. This order will be in effect until the date of promulgation of final PSD regulations which conform to the court mandate.

Specifically, the administrative order stays the applicantion of the 1978 PSD regulations as to any source or modification which would not be major under the proposed 1979 PSD regulations. The new FGI plant is not considered major under the proposed 1979 regulations because the controlled emissions of each pollutant that would be emitted from the FGI project were calculated to be less than 100 tons per year (the threshold limitation of PSD affectability). Based upon this finding, the proposed 1979 PSD regulations do not apply and, in accordance with the administrative order, the FGI project qualifies to be exempt from total PSD review. Accordingly, the EPA finds the FGI project *not* subject to PSD review.

Please note that the EPA determination of PSD non-applicability relative to the FGI project is based upon information contained in the applicable New York State Department of Environmental Conservation (NYSDEC) permit to construct. If FGI makes application to the NYSDEC to amend this permit or if this permit expires prior to commencement of construction (thus requiring application to the NYSDEC for a new permit), then the project would be reviewed by this office again pursuant to the PSD regulations in effect at such time.

This determination is final action under the Clean Air Act (the Act). Under Section 307(b)(1) of the Act, judicial review of this determination is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before January 13, 1981. Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

All information used in making this determination is available for public inspection upon request at the following location: Permits Administration Branch, Room 432, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, N.Y. 10278, Attention: Mr. Kenneth Eng (212) 264–4711.

Sincerely yours,

Charles S. Warren,

Regional Administrator.

Dated: October 17, 1980.

Charles S. Warren,

Regional Administrator.

[FR Doc. 80-35514 Filed 11-13-80; 8:45 am]

BILLING CODE 6560-38-M

[A-2-FRL 1667-6]

Prevention of Significant Air Quality Deterioration (PSD); Modification of PSD Permit

AGENCY: Environmental Protection Agency.

ACTION: Notice of final action.

SUMMARY: The purpose of this notice is to announce that on June 16, 1980, the EPA Region II Office issued a determination to approve of a request dated June 2, 1980, made by Hooker Chemicals & Plastics Corporation to modify its PSD permit issued on May 11, 1979, for two new refuse-derived fuel (RDF) fired boilers in Niagara Falls, New York. This modification extends the period in which the project is permitted to burn coal from 30 days to 135 days after the start-up of the project and permits the use of oil during such extended period. This determination to revise the existing PSD permit was issued under EPA's prevention of Significant Air Quality Deterioration regulations (43 FR 26388 codified at 40 CFR 52.21 (1978)) and is final action under the Clean Air Act (the Act).

DATES: This determination is effective on November 14, 1980. (See Supplementary Information).

FOR FURTHER INFORMATION CONTACT: Mr. Kennth Eng, Chief, Air and Environmental Applications Section, Permits Administration Branch, Planning and Management Division, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 432, New York, New York 10278, (212) 264–4711.

SUPPLEMENTARY INFORMATION: under Section 307(b)(1) of the Act, judicial review of this determination is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by January 13, 1981. Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

This determination to revise the Hooker Chemicals & Plastics' PSD permit is contained in a letter dated June 16, 1980, from Charles S. Warren, Region II Administrator, to Mr. Robert D. Luss, Division Counsel of Hooker Chemicals & Plastics Corp. The text of the letter is as follows:

U.S. Environmental Protection Agency, Region II,
Federal Plaza, New York, N.Y.

June 16, 1980.

Mr. Robert D. Luss, Division Counsel, Operations Division, Hooker Chemicals & Plastics Corp., 345 Third Street, Box 728, Niagara Falls, N.Y.

Dear Mr. Luss: This is to inform you that the United States Environmental Protection Agency ("EPA"), Region II Office, has completed its review of the Hooker Chemicals & Plastics Corp ("Hooker") request dated June 2, 1980 (amended by a letter dated June 7, 1980), to modify Hooker's May 11, 1979, Prevention of Significant Air Quality Deterioration ("PSD") permit to construct two new refuse-derived fuel ("RDF") fired boilers in Niagara Falls, New York. (See enclosed copy of the permit). This request concerns the modification of the PSD permit to include the provision to burn oil during the 135 day start-up period; the May 11, 1979, PSD permit currently allows Hooker, to burn RDF and coal (only for a maximum of 30 days per calendar year). For the purpose of this letter, the 135 day startup period shall be defined (relative to each boiler) as that period beginning with commencement of operation of that facility and concluding 135 consecutive days thereafter.

Pursuant to the May 11, 1979, PSD permit, the allowable sulfur dioxide ("SO_2") emissions that would be generated from the two RDF boilers during the start-up period (assuming 105 days of burning RDF and 30 days of burning coal—"worst case" scenario) were calculated to be 768 tons per year ("TPY"). Be advised that the PSD permit is hereby amended to include the capability of burning oil during the 135 day start-up period subject to the following conditions:

1. Should the EPA determine that the SO_2 emissions during the start-up period exceed 768 TPY, Hooker shall provide offsets, on an equivalent basis, from other boilers within its Niagara Falls, New York plant. Hooker shall submit its offset proposal within 30 days from receipt of the EPA determination and shall offset the designated quantity of emissions no later than 60 days thereafter.

2. SO_2 emissions for this start-up period shall not exceed 868 TPY.

3. Upon commencement of operation, Hooker shall submit biweekly reports to the EPA for each new RDF fired boiler which include the type of fuel burned, the amount, the sulfur content and the British Thermal Unit content during this two-week period. These reports shall be submitted within 5 days of the end of each two-week period. Such reporting is required for the entire start-up period.

4. Hooker shall meet all of the specifications contained in its June 2, 1980, letter (amended by its June 7, 1980, letter).

All reports required herein shall be submitted to Mr. Kenneth Eng, Chief of the Air and Environmental Applications Section, Permits Administration Branch—Room 432 at this address. Should you have any questions relative to this letter, please call Mr. Eng or Mr. Barry Tornick at (212) 264–4711 and (212) 264–9579, respectively.

Sincerely yours,

Charles S. Warren,

Regional Administrator.

Dated: October 17, 1980.

Charles S. Warren,

Regional Administrator.

[FR Doc. 80–35509 Filed 11–13–80; 8:45 am]

BILLING CODE 6560–38–M

[A–2–FRL 1668–6]

Prevention of Significant Air Quality Deterioration (PSD); Determination of PSD Non-applicability

AGENCY: Environmental Protection Agency.

ACTION: Notice of Final Action.

SUMMARY: The purpose of this notice is to announce that on July 28, 1980, the EPA Region II Office issued a determination of PSD non-applicability to EPA's Edison, New Jersey, proposed mobile incinerator and carbon regenerator to be located at Edison, New Jersey. This determination was issued under EPA's Prevention of Significant Air Quality Deterioration regulations (43 FR 26388 codified at 40 CFR 52.21 (1978)) and is final action under the Clean Air Act (the Act).

DATES: This determination is effective on November 14, 1980. (See Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Eng, Chief, Air and Environmental Applications Section, Permits Administration Branch, Planning and Management Division, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 432, New York, New York 10278, (212) 264–4711.

SUPPLEMENTARY INFORMATION: Under Section 307(b)(1) of the Act, judicial review of this determination is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by January 13, 1981. Under Section 307(b)(2) of the Act, this determination shall not be subject to later judicial review in civil or criminal proceedings for enforcement.

This determination of PSD non-applicability is contained in a letter dated July 28, 1980, from Charles S. Warren, Region II Administrator, to Mr. L. Sproul, of Mason and Hanger—Silas Mason Co., EPA Edison's Consultants. The text of the letter is as follows:

Environmental Protection Agency
New York, New York 10007
July 28, 1980.

Mr. M. L. Sproul,
Manager, Environmental Emergency Response Unit, Mason and Hanger—Silas Mason Co., Inc., P.O. Box 1316, Edison, New Jersey 08817.

Dear Mr. Sproul: This is to inform you that the United States Environmental Protection Agency (EPA), Region II Office, has completed its revies of all information submitted relative to the proposed mobile incinerator and carbon regenerator to be constructed at the *EPA Edison* facility located in Edison, New Jersey for applicability to the Prevention of Significant Air Quality Deterioration (PSD) regulations (40 CFR 52.21). On the basis of this review, it is the determination of the EPA that this project is *not* subject to the PSD regulations.

The PSD regulations have changed significantly since their initial promulgation on June 19, 1978 (hereinafter, the 1978 PSD regulations). On June 18, 1979, in response to numerous challenges to these regulations (consolidated in *Alabama Power Company* v. *Costle* (No. 78–1006, D.C. Cir.)), the U.S. Court of Appeals for the District of Columbia Circuit issued a *per curiam* opinion on the validity of the existing PSD regulations; the court remanded pertinent sections of the rules to EPA for revision in accordance with its decision. On September 5, 1979, the EPA published proposed regulations (hereinafter, the proposed 1979 PSD regulations) in response to court opinion. On December 14, 1979, the court issued its final opinion on the subject and on January 30, 1980, the Administrator of the EPA issued an administrative order partially staying the 1978 PSD regulations. In essence, this order states that a new source or source modification will be PSD affected only if it is subject to PSD review under *both* the 1978 PSD regulations and the proposed 1979 PSD regulations. This order will be in effect until the date of promulgation of the final PSD regulations which conform to the court mandate.

The potential (uncontrolled) emissions of each applicable pollutant that would be emitted from the proposed project were calculated to be above the PSD threshold level of 250 tons per year (TPY) and therefore, subject to PSD review under the 1978 PSD regulations. However, the proposed 1979 PSD regulations apply to new sources which have the potential to emit any pollutant regulated under the Clean Air Act (the Act) in the amount of 250 TPY or greater after the application of control equipment (controlled emissions). The controlled emissions of each applicable pollutant that would be emitted from this proposed project were calculated to be less than 250 TPY; thus, the project is not subject to the proposed 1979 PSD regulations. Based on the requirements of the administrative order, the proposed Edison mobile incinerator and carbon regenerator are *not* subject to PSD review.

This determination is final action under the Act. Under Section 307(b)(1) of the Act, judicial review of this determination 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 the date on which this determination is published in the **Federal Register.** Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

All information used in making this determination is available for public inspection at the following location:

Permits Administration Branch, Room 432, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, Attention: Mr. Kenneth Eng, (212) 264–4711.

Sincerely yours,

Charles S. Warren,

Regional Administrator.

Dated: October 17, 1980.

Charles S. Warren,

Regional Administrator.

[FR Doc. 80–35516 Filed 11–13–80; 8:45 am]

BILLING CODE 6560–38–M

[A–2–FRL 1668–7]

Prevention of Significant Air Quality Deterioration (PSD); Determination of PSD Non-applicability

AGENCY: Environmental Protection Agency.

ACTION: Notice of Final Action.

SUMMARY: The purpose of this notice is to announce that on August 21, 1980, the EPA Region II Office issued a determination of PSD non-applicability to Cornell University relative to a new coal-fired boiler (117 MMBtu Zurn Boiler) proposed by Cornell University to replace in kind an existing coal-fired boiler at their Ithaca, New York campus site. This determination was issued under EPA's Prevention of Significant Air Quality Deterioration regulations (43

FR 26388 codified at 40 CFR 52.21 (1978)) and is final action under the Clean Air Act (the Act).

DATES: This determination is effective on November 15, 1980. (See Supplementary Information).

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Eng, Chief, Air and Environmental Applications Section, Permits Administration Branch, Planning and Management Division, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 432, New York, New York 10278 (212) 264–4711.

SUPPLEMENTARY INFORMATION: Under Section 307(b)(1) of the Act, judicial review of this determination is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by January 13, 1981. Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

This determination of PSD non-applicability is contained in a letter dated August 21, 1980, from Charles S. Warren, Region II Administrator, to Mr. Henry E. Doney, Director of Utilities, Cornell University. The text of the letter is as follows:

Environmental Protection Agency
New York, New York 10007
August 21, 1980.
Mr. Henry E. Doney,
Director of Utilities, Humphreys Service Building, Cornell University, Ithaca, New York 14853.

Dear Mr. Doney: This is to inform you that the U.S. Environmental Protection Agency (EPA) has received a request from Governor Hugh L. Carey to exempt the new coal-fired boiler (117MMBTU Zurn Boiler—Emission Point #2, Unit #1) proposed by Cornell University, a replacement in kind for an existing coal-fired boiler, from federal Prevention of Significant Air Quality Deterioration (PSD) requirements. As provided for in the PSD regulations, specifically 40 CFR 52.21(i)(6), the EPA will exempt a non-profit educational institution (such as Cornell University) from the PSD requirements upon written request from the Governor of the state. Accordingly, the EPA acknowledges Governor Carey's request and hereupon exempts Cornell University from having to comply with the PSD requirements relative to the new coal-fired boiler it proposes to construct at the university.

This determination is final action under the Clean Air Act (the Act). Under Section 307(b)(1) of the Act, judicial review of this determination 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 the date on which this determination is published in the **Federal Register.** Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

All information used in making this determination is available for public inspection upon request at the following location:

Permits Administration Branch, Rm. 432, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, Attention: Mr. Kenneth Eng (212) 264–4711.

Sincerely yours,
Charles S. Warren,
Regional Administrator.

Dated: October 17, 1980.

Charles S. Warren,
Regional Administrator.

[FR Doc. 80-35517 Filed 11-13-80; 8:45 am]
BILLING CODE 6560-38-M

[A-2-FRL 1668-8]

Prevention of Significant Air Quality Deterioration (PSD); Determination of PSD Non-applicability

AGENCY: Environmental Protection Agency.

ACTION: Notice of Final Action.

SUMMARY: The purpose of this notice is to announce that on September 4, 1980, the EPA Region II Office issued a determination of PSD non-applicability to Rochester Gas & Electric (RG&E) relative to a proposed fuel conversion of the Russell Station plant from coal to a mixture of refuse-derived fuel and coal. This determination was issued under EPA's Prevention of Significant Air Quality Deterioration regulations (43 FR 26388 codified at 40 CFR 52.21 (1978)) and is final action under the Clean Air Act (the Act).

DATES: This determination is effective on November 14, 1980. (See Supplementary Informational.)

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Eng, Chief, Air and Environmental Applications Section, Permits Administration Branch, Planning and Management Division, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 432, New York, New York 10278 (212) 264–4711.

SUPPLEMENTARY INFORMATION: Under Section 307(b)(1) of the Act, judicial review of this determination is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by January 13, 1981. Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

This determination of PSD non-applicability is contained in a letter dated September 4, 1980, from Charles S. Warren, Region II Administrator, to Mr. Scott M. Turner of Nixion, Hargrave, Devans & Doyle, RG&E's consultants. The text of the letter is as follows:

Environmental Protection Agency
New York, New York 10278
September 4, 1980.
Mr. Scott M. Turner, Esq.,
Nixon, Hargrave, Devans & Doyle, Lincoln First Tower, P.O. Box 1051, Rochester, New York 14603.

Dear Mr. Turner: On May 15, 1979, you submitted to the U.S. Environmental Protection Agency (EPA), Region II Office, a copy of a letter you had written to Mr. Ed Reich of the EPA's Division of Stationary Source Enforcement in Washington, D.C. In that letter you requested that the proposed fuel conversion of your client's electric utility plant (Rochester Gas & Electric, Russell Station—RG&E) from coal to a mixture of refuse-derived fuel (RDF) and coal be found *not* subject to review under the June 19, 1978, Prevention of Significant Air Quality Deterioration (PSD) regulations. Your stated position was that the utility was capable of accommodating (burning) RDF prior to January 6, 1975, and as such, could avail itself of the exemption in the 1978 PSD regulations for just such modifications to methods of plant operation (found at 40 CFR 52.21(b)(2)(ii)(d)).

Although your contention that the conversion should not be subject to PSD review on the basis of the above exemption provision may have merit, a review of your presentation supporting this approach appears to be time-consuming and would probably require the submission of additional information. Pursuant to the final decision in the case of *Alabama Power* v. *Costle* (No. 78–1006, D.C. Cir.) (a consolidation of numerous challenges to the 1978 PSD regulations), the EPA promulgated amendments to the PSD regulations on August 7, 1980. One of the provisions contained in the 1980 amendments exempts from PSD review any modification to a steam generating plant which results in a fuel change to the extent that the fuel is generated from municipal solid waste (reference 40 CFR 52.21(b)(2)(iii)(d) of the 1980 PSD regulations). Since the proposed RG&E fuel conversion includes burning RDF, it satisfies this exemption; thus, the PSD regulations do not apply to this project.

Please note that the EPA determination of PSD non-applicability relative to the proposed modification is based upon the information provided by RG&E and the New York State Department of Environmental Conservation (NYSDEC) permit to construct (PC) approving the proposed modification. Please note that if, in the future, RG&E makes an application to the NYSDEC to amend the referenced PC so as to change considerably the specific conditions upon which this determination was based or if the PC expires prior to commencement of construction (thus requiring application to the NYSDEC for a new PC), the project may require a review by this office again pursuant to the PSD regulations.

This determination is final action under the Clean Air Act (the Act). Under Section 307(b)(1) of the Act, judicial review of this determination 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 the date on which this determination is published in the **Federal Register**. Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

All information used in making this determination is available for public inspection upon request at the following location:

Permits Administration Branch, Room 432, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, Attention: Mr. Kenneth Eng (212) 264–4711.

Sincerely yours,

Charles S. Warren,

Regional Administrator.

Dated: October 17, 1980.

Charles S. Warren,

Regional Administrator.

[FR Doc. 80–35518 Filed 11–13–80; 8:45 am]

BILLING CODE 6560–38–M

[A–2–FRL 1669–1]

Prevention of Significant Air Quality Deterioration (PSD); Modification of PSD Permit

AGENCY: Environmental Protection Agency.

ACTION: Notice of Final Action.

SUMMARY: The purpose of this notice is to announce that on July 23, 1980, the EPA Region II Office issued a determination to approve of a request made by the Caribbean Gulf Refining Corporation (CGR) to modify its PSD permit issued on November 26, 1979, for a Fluid Catalytic Cracking Unit Modernization Program (FCCUMP) in Bayamon, Puerto Rico. The permit modification entails the replacement of two existing crude oil heaters with a larger, more efficient gas and oil fired heater. This determination to revise the existing PSD permit was issued under EPA's Prevention of Significant Air Quality Deterioration regulations (43 FR 26388 codified at 40 CFR 52.21 (1978)) and is final action under the Clean Air Act (the Act).

DATES: This determination is effective on November 14, 1980. (See Supplementary Information).

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Eng, Chief, Air and Environmental Applications Section, Permits Administration Branch, Planning and Management Division, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 432, New York, New York 10278, (212) 264–4711.

SUPPLEMENTARY INFORMATION: Under Section 307(b)(1) of the Act, judicial review of this determination is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by January 13, 1981. Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

This determination to revise the CGR PSD permit is contained in a letter dated July 23, 1980, from Charles S. Warren, Region II Administrator, to Mr. James A. King, Refinery Manager of CGR. The text of the letter is as follows:

Environmental Protection Agency
New York, New York 10007
July 23, 1980.

Mr. James A. King,
Refinery Manager, Caribbean Gulf Refining Corp., G.P.O. Box 1988, San Juan, Puerto Rico 00936.

Dear Mr. King: This is to inform you that the United States Environmental Protection Agency ("EPA"), Region II Office, has completed its review of the Caribbean Gulf Refining Corporation ("CGR") request to modify its federal Prevention of Significant Air Quality Deterioration ("PSD") permit issued November 26, 1979 (copy enclosed), for a Fluid Catalytic Cracking Unit Modernization program ("FCCUMP") in Bayamon, Puerto Rico. The request to modify your PSD permit is to include the replacement of two existing crude oil heaters (Heaters CH–1 and CH–3) with a larger, more efficient gas and oil fired heater designated as Heater CH–6. This new replacement heater is expected to effectuate a net decrease in emissions due to the greater combustion efficiency of the new unit.

Please be advised that the existing PSD permit is hereby ameneded to include the addition of Heater CH–6 subject to the following conditions:

1. Heater CH–6 shall have a maximum operating heat input of 66.16 million British thermal units per hour.

2. Heater CH–6 shall be limited to maximum hourly fuel combustion rates of 2246 pounds of fuel gas (sulfur content not to exceed 0.025 percent by weight) *and* 109.5 gallons of fuel oil (sulfur content not to exceed 1.5 percent by weight).

3. The operation of Heater CH–6 is permitted only upon the condition that Heaters CH–1 and CH–3 will be shut down on a permanent basis. Such shutdown shall occur no later tha 30 days after commencement of operation of Heater CH–6. The date that the operation of Heater CH–6 was commenced and the dates that Heaters CH–1 and CH–3 were permanently shut down shall be reported to the EPA within 10 days after such activities occur.

Failure to comply with any of the aforementioned conditions may invalidate this amendment and cause Heater CH–6 to be reviewed for full applicability under the PSD regulations.

If you have any questions regarding this amendment, please feel free to call Mr. Kenneth Eng or Mr. Steven Riva at (212) 264–4711 and (212) 264–8684, respectively.

Sincerely yours,

Charles Warren,

Regional Administrator.

Dated: October 17, 1980.

Charles S. Warren,

Regional Administrator.

[FR Doc. 80–35519 Filed 11–13–80; 8:45 am]

BILLING CODE 6560–38–M

[A–2–FRL 1669–2]

Prevention of Significant Air Quality Deterioration (PSD); Determination of PSD Applicability

AGENCY: Environmental Protection Agency.

ACTION: Notice of Final Action.

SUMMARY: The purpose of this notice is to announce that on July 2, 1980, the EPA Region II Office issued a determination of PSD applicability to Broome County (BC) relative to a new refuse-fired energy (RFE) facility BC proposes to construct in Endicott, New York. This determination was issued under EPA's Prevention of Significant Air Quality Deterioration regulations (43 FR 26388 codified at 40 CFR 52.21 (1978)) and is final action under the Clean Air Act (the Act).

DATES: This determination is effective on November 14, 1980. (See Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Eng, Chief, Air and Environmental Applications Section, Permits Administration Branch, Planning and Management Division, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 432, New York, New York 10278 (212) 264–4711.

SUPPLEMENTARY INFORMATION: Under Section 307(b)(1) of the Act, judicial review of this determination is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by January 13, 1981. Under Section 307(b)(2) of the Act, this determination shall not be subject to later judicial review in civil or criminal proceedings for enforcement.

This determination of PSD applicability is contained in a letter dated July 2, 1980, from Charles S. Warren, Region II Admninistrator, to Mr. Robert W. Hornaday of Barton Brown Clyde & Loguidice, BC's consultants. The text of the letter is as follows:

U.S. Environmental Protection Agency,
Region II,
New York, N.Y., July 2, 1980.

Mr. Robert W. Hornaday, P.E.,
Senior Project Engineer
Barton Brown Clyde & Loguidice, P.C.,
Liverpool, N.Y.

Dear Mr. Hornaday: This is to inform you that the United States Environmental

Protection Agency ("EPA"), Region II Office, has completed its review of information submitted by Mr. Clair Fancy of the New York State Department of Environmental Conservation dated February 29, 1980, pertaining to the proposed Broome County refuse-fired energy ("RFE") facility in Endicott, New York. This review was necessary to ascertain whether the Broome County RFE facility is subject to federal Prevention of Significant Air Quality Deterioration Regulations ("PSD") (40 CFR 52.21).

The PSD regulations have changed significantly since their initial promulgation on June 19, 1978. On June 18, 1979, in response to numerous challenges to the regulation (consolidated in *Alabama Power Company* v. *Costle* (No. 78–1006, D.C. Cir.)), the U.S. Court of Appeals for the District of Columbia Circuit issued a per curiam opinion on the validity of the existing PSD regulations; the court remanded pertinent sections of the rules to EPA for revision in accordance with its decision. On September 5, 1979, the EPA published proposed regulations in response to the court opinion. On December 14, 1979, the court issued its final opinion on the subject and on January 30, 1980, the Administrator of the EPA issued an administrative order partially staying the regulations of 1978. In essence, this order states that a new source or source modification will be PSD affected only if it is subject to PSD review under both the June 19, 1978, PSD regulations and the proposed September 5, 1979, PSD regulations (this order will be in effect until promulgation of final PSD regulations which conform to the court mandate). A review of your proposed RFE facility in accordance with the administrative order indicates that it is subject to the PSD regulations relative to both the June 19, 1978, regulations and the September 5, 1979, proposed regulations by virtue of the fact that both the potential (uncontrolled) and allowable (controlled) emissions of nitrogen oxides ("NO_x") and particulate matter ("PM") exceed 100 tons per year.

Since the proposed facility is subject to PSD review relative to both sets of PSD regulations, you will have to submit an application for a PSD permit addressing the NO_x and PM emissions. The PSD permit application should include a best available control technology presentation and ambient air quality impact analyses for both NO_x and PM. Refer to the attached guidance packages for additional information. Please submit four copies of this application to Mr. Kenneth Eng, Chief of the Air and Environmental Applications Section, Permits Administration Branch, Planning and Management Division—Room 432. Be advised that the EPA is not constrained from asking for additional information or from imposing additional requirements should final regulations require such.

Should you have any questions relative to the determination, please call Mr. Kenneth Eng at (212) 264–4711.

Sincerely yours,

Charles S. Warren,

Regional Administrator.

Dated: October 17, 1980.

Charles S. Warren,

Regional Administrator.

[FR Doc. 80–35520 Filed 11–13–80; 8:45 am]

BILLING CODE 6560–38–M

[A–2–FRL 1669–3]

Prevention of Significant Air Quality Deterioration (PSD); Modification of PSD Permit

AGENCY: Environmental Protection Agency.

ACTION: Notice of Final Action.

SUMMARY: The purpose of this notice is to announce that on September 4, 1980, the EPA Region II Office issued a determination to approve of a request dated June 17, 1980 (and supplemented with additional information dated July 17, 1980), made by Hooker Chemicals & Plastics Corporation to modify its PSD permit issued on May 11, 1979 (and subsequently modified on June 16, 1980), relative to two new refuse-derived fuel (RDF) fired boilers in Niagara Falls, New York. The proposed modification entails the increasing of the permissible amounts of fossil fuel (both coal and oil) burned at the subject facility. This determination was issued under EPA's Prevention of Significant Air Quality Deterioration regulations (43 FR 26388, codified at 40 CFR 52.21 (1978)) and is final action under the Clean Air Act (the Act).

DATES: This determination is effective on November 14, 1980 (See Supplementary Information).

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Eng, Chief, Air and Environmental Applications Section, Permits Administration Branch, Planning and Management Division, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 432, New York, New York 10278, (212) 264–4711.

SUPPLEMENTARY INFORMATION: Under Section 307(b)(1) of the Act, judicial review of this determination is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by January 13, 1981. Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

This determination to revise the Hooker Chemicals & Plastics' PSD permit is contained in a letter dated September 4, 1980, from Charles S. Warren, Region II Administrator, to Mr. Robert D. Luss, Division Counsel of Hooker Chemical & Plastics Corp. The text of the letter is as follows:

U.S. Environmental Protection Agency,
Region II,
New York, N.Y., September 4, 1980.

Mr. Robert D. Luss,
Division Counsel—Operations Division, Hooker Chemicals and Plastics Corporation, Niagara Falls, N.Y.

Dear Mr. Luss: This is to inform you that the United States Environmental Protection Agency (EPA), Region II Office, has completed its review of the Hooker Chemicals and Plastics Corporation (HCP) request dated June 17, 1980 (and supplemented with additional information dated July 17, 1980), to modify its federal Prevention of Significant Air Quality Deterioration (PSD) permit issued on May 11, 1979 (copy enclosed) for the Energy-from-Waste (EFW) facility at the HCP Niagara Falls chemical processing plant. The EFW facility project entails the replacement of 4 fossil fuel-fired boilers (3 boilers will be dismantled and 1 boiler will be maintained on standby) with 2 refuse-derived fuel (RDF) fired boilers to generate steam for the chemical processing facilities at the plant. The PSD permit allows for the burning of coal at each of the 2 boilers for a period not to exceed 30 days per year. In a letter dated June 2, 1980 (and subsequently amended by a letter dated June 7, 1980), HCP requested that the May 11, 1979, PSD permit be revised to allow for the burning of oil during the 135-day start-up period of the 2 RDF-fired boilers. The EPA granted this request and amended the PSD permit accordingly in a letter dated June 16, 1980. HPC's most recent request, which is the subject of today's letter, is to amend the May 11, 1979, PSD permit to *increase* the amount of fossil fuel (both coal and oil) allowed to be burned at the 2 RDF-fired boilers during operation following the start-up period; this request was made because of outages and other events anticipated by HCP which could make it very difficult, if not impossible, to obtain and use RDF. The purpose of this letter is to inform you that the May 11, 1979, PSD permit is hereby revised to accommodate the increased use of fossil fuel. The new permit and attendant conditions are delineated in *Attachment I.*

Failure to comply with any of the conditions listed in *Attachment I* may invalidate this permit and result in the project's being reviewed under the August 7, 1980, PSD regulations (PSD amendments promulgated pursuant to the final decision in the case of *Alabama Power Company v. Costle* (No. 78–1006, D.C. Cir.)).

The revisions contained herein represent changes to a final action (permit) reached by EPA relative to this source. As such, these revisions must be published in the **Federal Register.** Under Section 307(b)(1) of the Clean Air Act (the Act), judicial review of this determination (permit modification) 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 the date on which this determination is

published in the **Federal Register.** Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

All information used in making this determination is available for public inspection upon request at the following location: Permits Administration Branch—Room 432, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, N.Y., Attention: Mr. Kenneth Eng (212) 264–4711.

Sincerely yours,

Charles S. Warren,
Regional Administrator.

Attachment I

As amended on September 4, 1980, construction on and operation of the 2 RDF-fired boilers are subject to the following conditions (please note that this permit supercedes the May 11, 1979, PSD permit):

A. *Sulfur Dioxide Emissions*

1. HCP shall limit sulfur dioxide (SO_2) emissions so as not to exceed 1.2 pounds per million British thermal units (MMBtu) heat input when burning coal. The sulfur content shall be determined from an average of each 3,000 tons of coal burned using the ASTM method of analysis.

2. HCP shall limit SO_2 emissions so as not to exceed 0.8 pounds per MMBtu input when burning oil. The sulfur content shall be determined from an average of each one million gallons of oil burned using the ASTM method of analysis.

B. *Nitrogen Oxides and Carbon Monoxide Emissions*

1. HCP shall maintain furnace temperatures between 1600° and 1800° F. and shall maintain excess air supplied to the furnaces between 40 and 45 percent by volume when firing RDF or a combination of RDF and fossil fuel.

2. HCP shall limit nitrogen oxides (NO_x) emissions so as not to exceed 0.7 lb per MMBtu heat input when firing coal.

3. HCP shall limit NO_x emissions so as not to exceed 0.3 pounds per MMBtu heat input when firing oil.

C. *Combinations of Fossil Fuels Burned**

1. HCP shall, when different fossil fuels are to be burned simultaneously in any combination, meet the applicable performance standards (PS) (in pounds per MMBtu), determined by the following equations:

$$PS\ (\text{particulate matter (PM)}) = \frac{(0.07)y + (0.1)z}{y + z}$$

$$PS\ (SO_2) = \frac{(0.8)y + (1.2)z}{y + z}$$

$$PS\ (NO_x) = \frac{(0.3)y + (0.7)z}{y + z}$$

Where y is the percentage of total heat input derived from oil, z is the percentage of total heat input derived from coal.

D. *Compliance With the Emission Offset Policy*

1. HCP shall comply with the requirements contained in the New York State Department of Environmental Conservation (NYSDEC) permits to construct (which were reviewed in accordance with the requirements of the emission offset policy) for emissions of PM and hydrocarbons (HC). These requirements are as follows:

a. When firing RDF or a combination of RDF and fossil fuel

i. PM emissions shall be reduced by the electrostatic precipitator by an amount of 99.7 percent or greater;

ii. PM emissions shall not exceed 0.03 grains per dry standard cubic foot;

iii. Opacity shall not exceed 20 percent.

b. When firing coal only

i. PM emissions shall not exceed 0.1 pounds per MMBtu heat input;

ii. Opacity shall not exceed 20 percent, except for one six minute period per hour of not more than 27 percent opacity.

c. When firing oil only

i. PM emissions shall not exceed 0.07 pounds per MMBtu heat input;

ii. Opacity shall not exceed 20 percent, except for one six minute period per hour of not more than 27 percent opacity.

d. Stack tests shall be performed to ensure that the above PM emissions limitations will be achieved.

e. HC emissions shall be minimized by certain design features: the firing configuration for solid fuel which is comprised of distributor feeders, air swept spouts and traveling grates shall ensure efficient combustion of fuel; the distribution and volume of excess air shall promote complete combustion.

E. *Fuel Use*

1. HCP shall, during the first year of operation (which commences immediately following the 135 day start-up period), limit the total heat input of the EFW facility to 16 percent from coal, 4 percent from oil and the remainder from RDF.

2. HCP shall, during the second year of operation, limit the total heat input of the EFW facility to 15 percent from fossil fuel (coal or oil or any combination of coal and oil) and the remainder from RDF.

3. HCP shall, during each subsequent year, limit the total heat input of the EFW facility to 12 percent from fossil fuel (coal or oil or any combination of coal and oil) and the remainder from RDF.

F. *Stack Testing Requirements*

1. HCP shall within 180 days of initial start-up of the facility, perform stack tests to determine emissions of SO_2, NO_x and carbon monoxide while the facility is using RDF. Test methods published in 40 CFR Part 60 (New Source Performance Standards (NSPS)) or a test method specifically approved by EPA Region II shall be used.

2. HCP shall, within 180 days of initial start-up of the facility, perform stack tests to determine emissions of SO_2 and NO_x while the facility is using coal. Test methods required by 40 CFR Part 60 or a test method specifically approved by EPA Region II shall be used.

3. HCP shall, within 180 days of initial start-up of the facility, perform stack tests to determine emissions of SO_2 and NO_x while the facility is using oil. Test methods required by 40 CFR Part 60 or a test method specifically approved by EPA Region II shall be used.

G. *Monitoring Requirements*

1. HCP shall install, calibrate, test and operate continuous monitors which record emissions of SO_2, NO_x cabron monoxide, oxygen and the opacity of emissions. All monitors must be tested and installed in conformance with 40 CFR Part 60 or after receiving specific EPA Region II approval. The monitors shall be installed within 60 days of initial startup of the facility.

2. HCP shall equip the EFW facility with monitors and/or recorders which accurately maintain the following records:

a. combustion chamber temperatures;

b. air flow to the combustion chamber;

c. combustion air temperatures.

3. HCP shall maintain log books on the following:

a. quantities of fuel burned on a daily basis;

b. hours per day of operation of each furnace;

c. sulfur and Btu content of the coal and oil burned.

H. *Reporting Requirements*

1. HCP shall submit copies of all test reports to the EPA within 30 days after the test is conducted;

2. HCP shall submit copies of the results of fuel analyses for sulfur and BTU content to the EPA within 2 weeks after the burning of each one million gallons of oil and each 3,000 tons of coal;

3. HCP shall, if for any reason the EFW facility is unable to burn RDF for a period of ten days of more, provide the EPA and the NYSDEC with the following information, in writing, within five days of the start of such condition:

a. A description of the cause requiring the burning of fossil fuel;

b. The period of time HCP expects to burn fossil fuel and the steps being taken by HCP to minimize the time fossil fuel will be utilized.

Dated: October 17, 1980.

Charles S. Warren,
Regional Administrator.

[FR Doc. 80-35521 Filed 11-13-80; 8:45 am]
BILLING CODE 6560-38-M

*Note: The PS for PM supplements the New York State emission offset policy requirements.

[A-2-FRL 1668-4]

Prevention of Significant Air Quality Deterioration (PSD); Determination of PSD Non-applicability

AGENCY: Environmental Protection Agency.

ACTION: Notice of final action.

SUMMARY: The purpose of this notice is to announce that on July 21, 1980, the

EPA Region II Office issued a determination of PSD non-applicability to Corl Corporation relative to a new fiberglass processing plant Corl Corporation proposes to construct in Oriskany, New York. This determination was issued under EPA's Prevention of Significant Air Quality Deterioration regulations (43 FR 26388 codified at 40 CFR 52.21 (1978)) and is final action under the Clean Air Act (the Act).

DATE: This determination is effective on November 14, 1980. (See Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Eng, Chief, Air and Environmental Applications Section, Permits Administration Branch, Planning and Management Division, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 432, New York, New York 10278, (212) 264–4711.

SUPPLEMENTARY INFORMATION: Under Section 307(b)(1) of the Act, judicial review of this determination is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit by January 13, 1981. Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

This determination of PSD non-applicability is contained in a letter dated July 21, 1980, from Charles S. Warren, Region II Administrator, to Mr. R. D. Harward, Executive Vice President of Corl Corporation. The text of the letter is as follows:

U.S. Environmental Protection Agency,
Region II,
New York N.Y., July 21, 1980.

Mr. R. D. Harward,
Executive Vice President, Corl Corporation, Ft. Wayne, Ind.

Dear Mr. Harward: This is to inform you that the United States Environmental Protection Agency ("EPA"), Region II Office, has completed its review of all available information relative to the Corl Corporation ("Corl") proposal to construct a fiberglass processing plant in Oriskany, New York for applicability to the Prevention of Significant Air Quality Deterioration ("PSD") regulations (40 CFR 52.21). On the basis of this review, it is the determination of the EPA that the Corl project is *not* subject to the PSD regulations.

The PSD regulations have changed significantly since their initial promulgation on June 19, 1978. On June 18, 1979, in response to numerous challenges to these regulations (consolidated in *Alabama Power Company v. Costle* (No. 78–1006, D.C. Cir.)), the U.S. Court of Appeals for the District of Columbia Circuit issued a *per curiam* opinion on the validity of the existing PSD regulations; the court remanded pertinent sections of the rules to EPA for revision in accordance with its decision. On September 5, 1979, the EPA published proposed regulations in response to the court opinion. On December 14, 1979, the court issued its final opinion on the subject and on January 30, 1980, the Administrator of the EPA issued an administrative order partially staying the regulations of 1978. In essence, this order states that a new source or source modification will be PSD affected only if it is subject to PSD review under *both* the June 19, 1978, PSD regulations and the proposed September 5, 1979, PSD regulations. Specifically, the January 30, 1980, order stays the application of the June 19, 1978, PSD regulations as to any source or modification which either (1) would not be major under the proposed September 5, 1979, regulations or (2) would be located in an area designated under Section 107 of the Clean Air Act (the Act) as non-attainment (not attaining the National Ambient Air Quality Standards ("NAAQS")) for each pollutant for which the source or modification would be "major" under the September 5, 1979, proposed amendments.

Under the June 19, 1978, PSD regulations, the proposed Corl fiberglass plant *is* subject to PSD review for the pollutants particulate matter ("PM") and hydrocarbons ("HC") since the uncontrolled emissions of these pollutants are above the threshold limitation of PSD applicability. However, the Corl plant is *not* subject to PSD review under the September 5, 1979, proposed PSD regulations because the only pollutant for which the source is major is HC and the source is located in an area, Oriskany, which is classified as non-attainment relative to such a pollutant. Since the Corl project satisfies the applicable requirements of the administrative order, it is exempt from having to comply with the requirements of the PSD regulations.

This determination is final action under the Act. Under Section 307(b)(1) of the Act, judicial review of this determination 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 the date in which this determination is published in the **Federal Register.** Under Section 307(b)(2) of the Act, this determination shall *not* be subject to later judicial review in civil or criminal proceedings for enforcement.

All information used in making this determination is available for public inspection at the following location: Permits Administration Branch—Room 432, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, N.Y. 10278, Attention: Mr. Kenneth Eng (212) 264–4711.

Sincerely yours,

Charles S. Warren,
Regional Administrator.

Dated: October 17, 1980.

Charles S. Warren,
Regional Administrator.

[FR Doc. 80–35522 Filed 11–13–80; 8:45 am]
BILLING CODE 6560–38–M

[W–FRL 1667–4]

Water Quality Standards; Navigable Waters of the State of North Carolina

AGENCY: Environmental Protection Agency.

ACTION: Notice of State Water Quality Standards Revision Approval.

SUMMARY: The Environmental Protection Agency (EPA) has approved water quality standards revisions adopted on August 14, 1980, by the North Carolina Environmental Management Commission. These revisions become part of the State's "Classifications and Water Quality Standards Applicable to Surface Waters of North Carolina.

FOR FURTHER INFORMATION CONTACT: R. F. McGhee, Water Division, Environmental Protection Agency, Region 4, 345 Courtland Street, N.E., Atlanta, GA 30365, 404/881–4793.

SUPPLEMENTARY INFORMATION: On October 7, 1980, EPA approved revisions to North Carolina's water quality standards in accordance with the provisions of Section 303(c) of the Clean Water Act. The EPA-approved revisions reclassify segments of Drowning Creek and the Eno River to protect them as sources of water supply. These revisions become part of the State's "Classifications and Water Quality Standards Applicable to Surface Waters of North Carolina."

Copies of the revisions may be obtained from the North Carolina Department of Natural Resources, Division of Environmental Management, P.O. Box 27687, Raleigh, North Carolina 27611.

(Sec. 303(c), Clean Water Act (33 U.S.C. 1313(c))

Dated: November 4, 1980.

Eckardt C. Beck,
Assistant Administrator for Water and Waste Management.

[FR Doc. 80–35515 Filed 11–13–80; 8:45 am]
BILLING CODE 6560–29–M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. B–9]

FM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: November 4, 1980.
Cut-Off Date: December 19, 1980.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. Because the applications listed in the attached appendix are in conflict with

applications which were accepted for filing and listed previously as subject to a cut-off date for conflicting applications, no application which would be in conflict with the applications listed in the attached appendix will be accepted for filing.

Petitions to deny the applications listed in the attached appendix and minor amendments thereto must be on file with the Commission not later than the close of business on December 19, 1980. Any application previously accepted for filing and in conflict with the applications listed in the attached appendix may also be amended as a matter of right not later than the close of business on December 19, 1980. Amendments filed pursuant to this notice are subject to the provisions of § 73.3572(b) of the Commission's Rules.

Federal Communications Commission.

William J. Tricarico,

Secretary.

BPH–800229AE, WSVS–FM, Crewe, Virginia, Southern Virginia Broadcasting Corp. Has: 104.7 MHz; Channel No. 284C; ERP: 40 kW; HAAT: 450 ft. (lic); Req: 104.7 MHz; Channel No. 284C; ERP: 100 kW; HAAT: 450 ft.

BPH–800407AG, KMIT, Mitchell, South Dakota, Mitchell Broadcasting, Ltd.; Has: 105.9 MHz; Channel No. 290C; ERP: 3 kW; HAAT: 300 ft. (Lic); Req: 105.9 MHz; Channel No. 290C; ERP: 64.5 kW; HAAT: 291 ft.

BPH–800529AF, WFFF–FM, Columbia, Mississippi, Haddox Enterprises, Inc.; Has: 96.7 MHz; Channel No. 244A; ERP: 3 kW; HAAT: 100 ft. (Lic); Req: 96.7 MHz; Channel No. 244A; ERP: 3 kW; HAAT: 300 ft.

BPH–800530AF, WAOR, Niles, Michigan, Niles Broadcasting Company; Has: 95.3 MHz; Channel No. 237A; ERP: 3 kW; HAAT: 160 ft. (Lic); Req: 95.3 MHz; Channel No. 237A; ERP: 3 kW; HAAT: 300 ft.

BPH–800619AG (new), Whitehall, Wisconsin, Intercontinental Communications Corp.; Req: 102.3 MHz; Channel No. 272A; ERP: 1.55 kW; HAAT: 400 ft.

BPH–800807AG (new), Bentonville, Arkansas, Elvis L. Moody; Req: 98.3 MHz; Channel No. 252A; ERP: 3 kW; HAAT: 300 ft.

BPH–800808AB (new), Monroe City, Missouri, Lynnlee Broadcasting Company, Inc.; Req: 101.7 MHz; Channel No. 269A; ERP: 2.4 kW; HAAT: 330 ft.

BPH–800811AH (new), Kingsville, Texas, Megahype Broadcasting; Req: 92.7 MHz; Channel No. 224A; ERP: 3 kW; HAAT: 210 ft.

BPH–800813AC (new), Port Henry, New York, Peter Edward Hunn; Req: 106.3 MHz; Channel No. 292A; ERP: .818 kW; HAAT: −77 ft. (allocated to Moriah, N.Y.).

BPH–800814AB (new), Iron Mountain, Michigan, Iron Mountain-Kingsford B/CTING Co.; Req: 93.1 MHz; Channel No. 226C; ERP: 100 kW; HAAT: 635 ft.

BPH–800815AA (new), Madison, Florida, Madison Communications Corp.; Req: 104.9 MHz; Channel No. 285A; ERP: 3 kW; HAAT: 300 ft.

BPH–800819AE, KWLF, Oakdale, California, Goldrush Broadcasting, Inc.; Req: 95.1 MHz; Channel No. 236B; ERP: 11.2 kW; HAAT: 912 ft.

BPH–800821AB, WRKT–FM, Cocoa Beach, Florida, Triplett B/CTING Co. of Georgia, Inc.; Has: 104.1 MHz; Channel No. 281C; ERP: 30 kW; HAAT: 165 ft. (Lic); Req: 104.1 MHz; Channel No. 281C; ERP: 100 kW; HAAT: 1392 ft.

BPH–800822AE, KFDI–FM, Wichita, Kansas, Wichita Great Empire B/CTING, Inc.; Has: 101.3 MHz; Channel No. 267C; ERP: 100 kW; HAAT: 440 ft. (Lic); Req: 101.3 MHz; Channel No. 267C; ERP: 100 kW; HAAT: 1130 ft.

BPH–800910AN (new), Chelan, Washington, the Northcentral B/CTING Company; Req: 93.5 MHz; Channel No. 228A; ERP: .165 kW; HAAT: 1040 ft.

BPH–800922AA, WDDD, Marion, Illinois, 3–D Communications Corporation; Has: 107.3 MHz; Channel No. 297B; ERP: 50 kW; HAAT: 500 ft. (lic); Req: 107.3 MHz; Channel No. 297B; ERP: 20 kW; HAAT: 720 ft.

BMPH–800609AG, KIJK, Prineville, Oregon, High Lakes Broadcasting Company; Has: 95.3 MHz; Channel No. 237A; ERP: 3 kW; HAAT: −98 ft. (CP); Req: 95.3 MHz; Channel No. 237A; ERP: 1.12 kW; HAAT: 456 ft.

BPED–791026AJ, WCVY, Coventry, Rhode Island, Coventry Rhode Island Public Schools; Has: 91.5 MHz; Channel No. 218DS; ERP: .01 kW; HAAT: ft. (lic); Req: 91.5 MHz; Channel No. 218A; ERP: .200 kW; HAAT: 36 ft.

BPED–791121AC, KKUP, Cupertino, California, Assurance Science Foundation; Has: 91.5 MHz; Channel No. 218D; ERP: .042 kW; HAAT: 2290 ft. (lic); Req: 91.5 MHz; Channel No. 218A; ERP: .041 kW; HAAT: 2270 ft.

BPED–791123AB (new), Kalamazoo, Michigan, Bd. of Educ. School Dist. of Kalamazoo; Req: 89.9 MHz; Channel No. 210A; ERP: .140 kW; HAAT: 127 ft.

BPED–791221AL, KVFG, Thibodaux, Louisiana, Nicholls State University; Has: 91.5 MHz; Channel No. 218DS; ERP: .01 kW; HAAT: ft. (lic); Req: 91.3 MHz; Channel No. 217A; ERP: 3 kW; HAAT: 286 ft.

BPED–791226BB, KLHS–FM, Lewiston, Idaho; Independent School District No. 1; Has: 89.1 MHz; Channel No. 206D; TPO: .01 kW. (lic); Req: 88.9 MHz; Channel No. 205A; ERP: .153 kW; HAAT: −810 ft.

BPED–791226CF, KDUR, Durango, Colorado, Fort Lewis College, Has: 91.9 MHz; Channel No. 220D; TPO: .01 kW. (lic); Req: 91.9 MHz; Channel No. 220A; ERP: .223 kW; HAAT: −447 ft.

BPED–791226CH, WONY, Oneonta, New York, State University of New York; Has: 90.9 MHz; Channel No. 215D; TPO: .01 kW. (lic); Req: 90.9 MHz; Channel No. 215A; ERP: .177 kW; HAAT: −72 ft.

BPED–791226CR, KICC, International Falls, Minnesota, Rainy River Community College; Has: 91.5 MHz; Channel No. 218D; TPO: .01 kW. (lic); Req: 91.5 MHz; Channel No. 218A; ERP: .18 kW; HAAT: 99 ft.

BPED–791226CS, WIUV, Castleton, Vermont, Vermont State College; Has: 91.3 MHz; Channel No. 217D; TPO: .01 kW. (lic); Req: 91.3 MHz; Channel No. 217A; ERP: .124 kW; HAAT: −235 ft.

BPED–791226CU, WUTM, Martin, Tennessee, University of Tennessee at Martin; Has: 90.3 MHz; Channel No. 212DS; ERP: .01 kW; HAAT: ft. (lic); Req: 90.3 MHz; Channel No. 212A; ERP: .185 kW; HAAT: 250 ft.

BPED–791226CW, WRMC–FM, Middlebury, Vermont, Middlebury College; Has: 91.7 MHz; Channel No. 219D; TPO: .01 kW. (lic); Req: 91.7 MHz; Channel No. 219A; ERP: .100 kW; HAAT: −37 ft.

BPED–791226CX, WUTS, Sewanee, Tennessee, University of the South; Has: 91.5 MHz; Channel No. 218DS; ERP: .01 kW; HAAT: ft. (lic); Req: 91.3 MHz; Channel No. 217A; ERP: .205 kW; HAAT: 658 ft.

BPED–791226CZ, WWLC, Lynchburg, Virginia, Lynchburg College, Has: 90.3 MHz; Channel No. 212DS; ERP: .01 kW; HAAT: ft. (lic); Req: 90.3 MHz; Channel No. 212A; ERP: .114 kW; HAAT: 35 ft.

BPED–791226DH, KSDB–FM, Manhattan, Kansas, Kansas State University; Has: 88.1 MHz; Channel No. 201DS; ERP: .01 kW; HAAT: ft. (lic); Req: 88.1 MHz; Channel No. 201A; ERP: .102 kW; HAAT: −38 ft.

BPED–791227AD, WETD, Alfred, New York, State University of New York; Has: 91.3 MHz; Channel No. 217D; TPO: kW. (lic); Req: 90.9 MHz; Channel No. 215A; ERP: .360 kW; HAAT: 285 ft.

BPED–791227AP, WDUB, Granville, Ohio, Denison University; Has: 90.9 MHz; Channel No. 215DS; ERP: .01 kW; HAAT: ft. (lic); Req: 91.1 MHz; Channel No. 216A; ERP: .100 kW; HAAT: 169 ft.

BPED–791227AW, WSYC–FM, Shippensburg, Pennsylvania, Shippensburg State College; Has: 88.7 MHz; Channel No. 204D; TPO: .01 kW. (lic); Req: 88.7 MHz; Channel No. 204A; ERP: .129 kW; HAAT: −157 ft.

BPED–791231BB, WBOR, Brunswick, Maine, the Bowdoin College; Has: 91.1 MHz; Channel No. 216D; TPO: .01 kW. (lic); Req: 91.1 MHz; Channel No. 216A; ERP: .300 kW; HAAT: 166 ft.

BPED–800610AA (new), Batavia, Ohio, WCNE Educational Community Radio Inc.; Req: 88.7 MHz; Channel No. 204B; ERP: 3.5 kW; HAAT: 190 ft.

BMPED–800918, KAZI, Austin, Texas, Austin Community Radio; Has: 88.7 MHz; Channel No. 204A; ERP: .13 kW; HAAT: 1120 ft. (CP); Req: 88.7 MHz; Channel No. 204A; ERP: 1.62 kW; HAAT: 345 ft.

[FR Doc. 80–35576 Filed 11–13–80; 8:45 am]

BILLING CODE 6712–01–M

[Report No. B–9]

FM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: November 4, 1980.

Cut-Off Date: December 19, 1980.

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Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

BPH–791012AH (New), South Burlington, Vermont, South Burlington Communications Corp.; Req: 95.3 MHz; Channel No. 237A; ERP: 1.6 kW; HAAT: 394 ft.

BPH–800130AI (New), Winnsboro, Texas, Winnsboro Broadcasting Co.; Req: 104.9 MHz; Channel No. 285A; ERP: 3 kW; HAAT: 300 ft.

BPH–800213AD (New), Russellville, Arkansas, River Valley Broadcasting Company; Req: 100.9 MHz; Channel No. 265A; ERP: 3 kW; HAAT: 212.2 ft.

BPH–800214AG (New), Russellville, Arkansas, Judy K. Purtle; Req: 100.9 MHz; Channel No. 265A; ERP: 3 kW; HAAT: 300 ft.

BPH–800220AL (New), Dubach, Louisiana, Dubach Broadcasting Company; Req: 97.7 MHz; Channel No. 249A; ERP: 3 kW; HAAT: 300 ft.

BPH–800312AG (New), Pittston, Pennsylvania, Charles T. & Genevieve R. Morgan; Req: 102.3 MHz; Channel No. 272A; ERP: 3 kW; HAAT: –29 ft.

BPH–800418AL (New), Sedona, Arizona, Red Rock Broadcasting Company; Req: 100.1 MHz; Channel No. 261A; ERP: .347 kW; HAAT: 764 ft.

BPH–800507AC (New), Laramie, Wyoming, Charlesco, Inc.; Req: 95.1 MHz; Channel No. 236C; ERP: 100 kW; HAAT: 1096 ft.

BPH–800529AB (New), Blue Earth, Minnesota, Logos Communications, Inc.; Req: 100.9 MHz; Channel No. 265A; ERP: 3 kW; HAAT: 245 ft.

BPH–800627AB (New), Thomaston, Georgia, Sunbelt Communications, Inc.; Req: 95.3 MHz; Channel No. 237A; ERP: 3 kW; HAAT: 300 ft.

BPH–800701AB (New), Reform, Alabama, Rego Broadcasting Company; Req: 101.7 MHz; Channel No. 269A; ERP: 3 kW; HAAT: 300 ft.

BPH–800703AB (New), Warrensburg, Missouri, Grapevine Communications, Inc.; Req: 105.5 MHz; Channel No. 288A; ERP: 3 kW; HAAT: 300 ft.

BPH–800708AB (New), Brownfield, Texas, Brownfield Radio, Inc.; Req: 103.9 MHz; Channel No. 280A; ERP: 3 kW; HAAT: 227.7 ft.

BPH–800708AC (New), Grundy Center, Iowa, Starrwhite Broadcasting Company; Req: 97.7 MHz; Channel No. 249A; ERP: 3 kW; HAAT: 300 ft.

BPH–800710AA (New), Lewiston, Idaho, Nez Perce Broadcasting; Req: 106.9 MHz; Channel No. 295C; ERP: 87.8 kW; HAAT: 960.3 ft.

BPH–800714AJ (New), Bridgeport, Texas, Golden Venture, Inc.; Req: 96.7 MHz; Channel No. 244A; ERP: 3 kW: HAAT: 300 ft.

BPH–800715AC (New), Pinconning, Michigan, Wigwam Bay Broadcasting, Inc.; Req: 100.9 MHz; Channel No. 265A; ERP: 3 kW; HAAT: 300 ft.

BPH–800731AC (New), Tahoe City, California, Cascade Communications Company; Req: 96.5 MHz; Channel No. 243B; ERP: 3 kW; HAAT: 300 ft.

BPH–800806AF (New), Guymon, Oklahoma, High Plains Broadcasting Corporation; Req: 92.7 MHz; Channel No. 224A; ERP: 3 kW; HAAT: 300 ft.

BPH–800811AG (New), Calexico, California, Hispanic Broadcasting Company; Req: 97.7 MHz; Channel No. 249A; ERP: 3 kW; HAAT: 190 ft.

BPH–800813AA (New), Yucca Valley, California, Shoblom Broadcasting, Inc.; Req: 106.9 MHz; Channel No. 295B; ERP: 5.7 kW; HAAT: 1176 ft.

BPH–800825AG (New), Yucca Valley, California, Corinthians XIII Broadcasting Co.; Req: 106.9 MHz; Channel No. 295B; ERP: 4.7 kW; HAAT: 1275 ft.

BPH–800827AA (New), Yucca Valley, California, Buena Vista Broadcasting Co.; Req: 106.9 MHz; Channel No. 295B; ERP: 5.89 kW; HAAT: 1175 ft.

BPH–800827AB (New), Kirksville, Missouri, Admiral Broadcasting Corporation; Req: 93.5 MHz; Channel No. 228A; ERP: .908 kW; HAAT: 505 ft.

BPH–800828AA (New), Havre, Montana, Hi-Line Radio Fellowship, Inc.; Req: 95.1 MHz; Channel No. 236C; ERP: 100 kW; HAAT: 793 ft.

BPH–800828AB (New), South Haven, Michigan, Sound Media Incorporated; Req: 98.3 MHz; Channel No. 252A; ERP: 3 kW; HAAT: 300 ft.

BPH–800828AC (New), Enid, Oklahoma, Haskin Broadcasting Corp.; Req: 103.1 MHz; Channel No. 276A; ERP: 3 kW; HAAT: 300 ft.

BPH–800828AD (new), Blue Earth, Minnesota, Minn-Iowa Radio, Inc. Req: 100.9 MHz; Channel No. 265A; ERP: 3 kW; HAAT: 216 ft.

BPH–800828AF (new), Breckenridge, Texas, Breckenridge Broadcasting Co. Req: 93.5 MHz; Channel No. 228A; ERP: 3kW; HAAT: 298 ft.

BPH–800828AG (new), La Follette, Tennessee, La Follette Broadcasters, Inc. Req: 104.9 MHz; Channel No. 285A; ERP: .120 kW; HAAT: 1,240 ft.

BPH–800828AI (new), Homosassa Springs, Florida, Oz Broadcasting Co. Req: 95.3 MHz; Channel No. 237A; ERP: 3 kW; HAAT: 300 ft.

BPH–800828AJ (new), Elizabeth City, North Carolina, Cambell Broadcasting, Inc. Req: 96.7 MHz; Channel No. 244A; ERP: 3 kW; HAAT: 291 ft.

BPH–800828AL (new), Gillette, Wyoming, Sears B/CTING of Wyoming, Inc. Req: 100.7 MHz; Channel No. 264C; ERP: 100 kW; HAAT: 517 ft.

BPH–800829AA (new), Tahoe City, California, Felicia F. Mindte & Robert F. Mindte. Req: 96.5 MHz; Channel No. 243B; ERP: 1.8 kW; HAAT: 2,187 ft.

BPH–800829AB (new), Lewiston, Idaho, Seaport Broadcasters, Inc., Req: 106.9 MHz; Channel No. 295C; ERP: 100 kW; HAAT: 1,230 ft.

BPH–800829AC (new), La Follette, Tennessee, Primo Communications, Inc., Req: 104.9 MHz; Channel No. 285A; ERP: .794 kW; HAAT: 600 ft.

BPH–800829AD (new), Tahoe City, California, Tahoe City Wireless, Ltd. Req: 96.5 MHz; Channel No. 243B; ERP: 1.38kW; HAAT: 2,107 ft.

BPH–800829AE (new), Tallulah, Louisiana, Mia Broadcasting Co. Req: 104.9 MHz; Channel No. 285A; ERP: 3 kW; HAAT: 290 ft.

BPH–800829AF (new), Elizabeth City, North Carolina, Town & Country Broadcasting, Inc. Req: 96.7 MHz; Channel No. 244A; ERP: 3 kW; HAAT: 290.5 ft.

BPH–800829AG (new), Yucca Valley, California, Total Desert Broadcasting, Inc. Req: 106.9 MHz; Channel No. 295B; ERP: 5.7 kW; HAAT: 1,190 ft.

BPH–800829AH (new), Knob Noster, Missouri, Warrensburg Broadcasters, Inc. Req: 105.5 MHz; Channel No. 288A; ERP: 3 kW; HAAT: 300 ft. Allocated to Warrensburg, Mo.

BPH–800829AI (new), Tahoe City, California, Minority B/Cters of Tahoe, Inc. Req: 96.5 MHz; Channel No. 243B; ERP: 1.8 kW; HAAT: 2,181 ft.

BPH–800829AJ (new), Guymon, Oklahoma, Texas County Broadcasting. Req: 92.7 MHz; Channel No. 224A; ERP: 3 kW; HAAT: 300 ft.

BPH–800829AK (new), Fairbanks, Alaska, Prime Time of Alaska, Inc., Req: 102.5 MHz; Channel No. 273C; ERP: 25 kW; HAAT: – 89.5 ft.

BPH–800829AL (new), South Burlington, Vermont, Champlain Valley B/Cting Corp. Req: 95.3 MHz; Channel No. 273A; ERP: 3 kW; HAAT: 300 ft.

BPH–800829AM (new), Tahoe City, California, North Tahoe Broadcasting Co. Req: 96.5 MHz; Channel No. 243B; ERP: 1.8 kW; HAAT: 2,170 ft.

BPH–800829AN (new), Crookston, Minnesota, Agassiz Broadcast Group, Inc. Req: 96.1 MHz; Channel No. 241C; ERP: 100 kW; HAAT: 455 ft.

BPH–800829AO (new), Desert Hot Springs, California, Royce International B/Cting Co. Req: 106.9 MHz; Channel No. 295B; ERP: 1.6 kW; HAAT: 2000 ft. (Allocated to Yucca Valley, Ca.)

BPH–800829AP (new), Wickenburg, Arizona, Shoblom Broadcasting, Inc. Req: 105.5 MHz; Channel No. 288A; ERP: 3 kW; HAAT: – 156 ft.

BPH–800829AR (new), Crookston, Minnesota, Joyce L. Hagen. Req: 96.1 MHz; Channel No. 241C; ERP: 100 kW; HAAT: 442 ft.

BPH–800829AS (new), Laramie, Wyoming. Curt Gowdy Broadcasting Corp. Req: 95.1 MHz; Channel No. 236C; ERP: 100 kW; HAAT: 1,011 ft.
BPH–800829AT (new), Havre, Montana, Havre Broadcasting Corp. Req: 95.1 MHz; Channel No. 236C; ERP: 100 kW; HAAT: 545 ft.
BPH–800829AU (new), Crookston, Minnesota, Tex-Linc Media, Inc. Req: 96.1 MHz; Channel No. 241C; ERP: 100 kW; HAAT: 446 ft.
BPH–800829AV (new), Nevada, Missouri, Nevada Broadcasting Corp. Req: 97.7 MHz; Channel No. 249A; ERP: 3 kW; HAAT: 300 ft.
BPH–800829AW (new), Tahoe City, California, The Women's Network. Req: 96.5 MHz; Channel No. 243B; ERP: 1.9 kW; HAAT: 2,155 ft.
BPH–800829AY (new), Gillette, Wyoming, Octagon Corporation. Req: 100.7 MHz; Channel No. 264C; ERP: 100 kW; HAAT: 610 ft.
BPH–800829BA (new), I Cline Village, Nevada, North Lake Tahoe B/Cting Co. Req: 93.5 MHz; Channel No. 228A; ERP: .7 kW; HAAT: 629 ft.
BPH–800829BB (new), Homosassa Springs, Florida, Seven Rivers Broadcasting, Inc. Req: 95.3 MHz; Channel No. 237A; ERP: 3 kW; HAAT: 300 ft.
BPH–800829BC (new), Gillette, Wyoming, Quality Communications, Inc. Req: 100.7 MHz; Channel No. 264C; ERP: 98.3 kW; HAAT: 617 ft.
BPH–800829BD (new), Dubach, Louisiana, Dubach Radio, Inc. Req: 97.7 MHz; Channel No. 249A; ERP: 3 kW; HAAT: 300 ft.
BPH–800829BE (new), Tahoe City, California, North Shore Broadcasters. Req: 96.5 MHz; Channel No. 243B; ERP: 1 kW; HAAT: 2,852 ft.
BPH–800829BF (new), Covington, Indiana, Covington Area Broadcasting, Inc. Req: 103.1 MHz; Channel No. 276A; ERP: 3 kW; HAAT: 300 ft.
BPH–800829AL (new), Taos, New Mexico, Community Broadcasting Co. of Taos. Req: 101.7 MHz; Channel No. 269A; ERP: 3 kW; HAAT: – 894 ft. (Mutually exclusive with renewal of KXRT)

[FR Doc. 80–35577 Filed 11–13–80; 8:45 am]
BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

[Agreement No. T–2745–1]

Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Environmental Analysis (OEA) has determined that the environmental issues relative to the referenced agreement do not consititue a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required under section 4332(2)(c) of NEPA.

Agreement No. T–2745, between Canton Company of Baltimore (and its subsidiaries Canton Railroad Company and The Cottman Company) (Lessor), and the Transamerican Trailer Transport, Inc. (TTT) (now known as Puerto Rico Maine Management, Inc.), provides for the lease to TTT of of Pier 10 and two parcels of improved inland areas at Canton, Baltimore Harbor, for use as a waterfront shipping terminal, trucking and rail freight handling and forwarding terminal and uses incidental thereto. Due to condemnation proceedings by the City of Baltimore of certain portions of the leased property under the original agreement, Agreement No. T–2745–1 was filed to (1) delete from the lease property that which has been condemned; (2) provide for the rental of adjacent substitute property and for certain construction and improvement work to be performed on such property; and (3) adjust the rental payments to indicate the changed circumstances occasioned by the condemnation as indicated in the Agreement.

The OEA concludes the Commission's final resolution of Agreement No. T–2745–1 should cause no significant adverse environmental effects in excess of those created by existing uses.

The environmental assessment is available for inspection on request from the office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725. Interested parties may comment on the environmental assessment December 4, 1980. Such comments are to be filed with the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573. If a party fails to comment within this period, it will be presumed that the party has no comment to make.

Francis C. Hurney,

Secretary.

[FR Doc. 80–35594 Filed 11–13–80; 8:45 am]
BILLING CODE 6730–01–M

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Fastway Forwarders, Inc., 7226 NW 79th Avenue, Medley, FL 33166.
Officers: Roy Leon, Chairman of the Board, Manuel Leon, President, Leonor A. Ferreiro, Vice President, Oscar Ferreiro, Secretary/Treasurer.
Transnational Forwarding Co., Inc., 98 Poinier Street, Newark, NJ.
Officers: Armand Ventura, President/Treasurer, Stephen Larzelere, Secretary.
Hirdes International (David Edward McDermott, dba), 5097 N. Elston Avenue, Chicago, IL 60630.
Harbour International, Inc., 86 Maple St., P.O. Box 4, Sugar Grove, IL 60554.
Officers: Robert C. Masterson, Jr., President, Nancy S. Masterson, Vice President.
Jeong Ha Shinn, c/o Korea Shipping America, Inc., 71 Broadway, New York, NY 10006.
MIA International Forwarders, Inc., 7119 SW 105th Ct., Miami, FL 33173.
Officers: Rodolfo D. Gonzales, President, Concepcion G. Gonzalez, Secretary, Teresa Santana, Vice President, Rodolfo L. Gonzales, Vice President.
Harold Lloyd Burke, 14017 Barner Avenue, Sylmar, CA 91342.
John Victor Garolia, 5465 E. 2nd St., #16, Long Beach, CA 90803.
Inter-Commerce Enterprises, Inc., P.O. Box 53294, Houston, TX 77052.
Officers: David W. Gray, President, Janis M. Gray, Secretary, Gary Fidelman, Vice President, Sandra K. Fidelman, Treasures.
Ross Freight Company, Inc., 10402 S. La Cienega Blvd., Inglewood, CA 90304.
Officers: Aida S. Gallanders, Director, Philip B.R. Gallanders, Director, David Gallanders, Director, Aida Caballero, Director.

By the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

Dated: November 10, 1980.

[FR Doc. 80–35595 Filed 11–13–80; 8:45 am]
BILLING CODE 6730–01–M

[Independent Ocean Freight Forwarder License No. 1733]

Interlands Traffic Consultants, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Interlands Traffic Consultants, Inc., 8000 NW 56th St., Miami, FL 33166, FMC No. 1733, was cancelled effective November 2, 1980.

By letter dated October 8, 1980, Interlands Traffic Consultants, Inc., was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1733 would be automatically revoked or suspended unless a valid bond was filed with the Commission.

Interlands Traffic Consultants, Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1733 be and is hereby revoked effective November 2, 1980.

It is ordered, that Independent Ocean Freight Forwarder License No. 1773, issued to Interlands Traffic Consultants, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Interlands Traffic Consultants, Inc.

Daniel J. Connors,

Director, Bureau of Certification & Licensing.

[FR Doc. 80-35596 Filed 11-13-80; 8:45 am]

BILLING CODE 6730-01-M

Lykes Bros. Steamship Co., Inc./ African Coasters (Pty/Ltd.), Connecting Carrier Agreement; Notice of Cancellation

Filing Party: R. J. Finnan, Chief Publishing Officer, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 9229.

Summary: On October 17, 1980, the Commission received notice of the termination of participation of Lykes Bros. Steamship Co., Inc., in Agreement No. 9299. The agreement will be cancelled effective October 17, 1980, the date the notice of cancellation was received by the Commission.

Filing Party: R. J. Finnan, Chief Publishing Officer, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 9303.

Summary: On October 17, 1980, the Commission received notice of the termination of participation of Lykes Bros. Steamship Co., Inc., in Agreement No. 9303. The agreement will be cancelled effective October 17, 1980, the date the notice of cancellation was received by the Commission.

Portnica Shipping Company, Inc./ Seatrain Lines, Inc., Connecting Carrier Agreement; Notice of Cancellation

Filing Party: Peter J. King, Esquire, Coles & Goertner, 1000 Connecticut Avenue, N.W., Washington, D.C. 20036.

Agreement No. 9556.

Summary: On September 15, 1980, the Commission received notice of the termination of Seatrain International, S.A., in Agreement No. 9556. The agreement will be cancelled effective September 15, 1980, the date the notice of cancellation was received by the Commission.

Seatrain Lines/Seatrain Lines of Puerto Rico, Connecting Carrier Agreement: Notice of Cancellation

Filing Party: Peter J. King, Esquire, Seatrain International, S.A., 1000 Connecticut avenue, N.W., Washington, D.C. 20036.

Agreement No. 9759.

Summary: On September 15, 1980, the Commission received notice of the termination of participation of Seatrain International S.A. in Agreement No. 9759. The agreement will be cancelled effective September 15, 1980, the date the notice of cancellation was received by the Commission.

A. P. Moller-Maersk Line/Japan Line, Ltd., Connecting Carrier Agreement; Notice of Cancellation

Filing Party: David Snow, Manager, Japan Line (U.S.A.). Ltd., One California Street, San Francisco, California 94111.

Agreement No. 9868.

Summary: On October 6, 1980, the Commission received notice of the termination of participation of Japan Line (U.S.A.) Ltd., in Agreement No. 9868. The agreement will be cancelled effective October 6, 1980, the date the notice of cancellation was received by the Commission.

American Export Lines, Inc./Seatrain Lines, Inc., Connecting Carrier Agreement; Notice of Cancellation

Filing Party: Peter J. King, Esquire, Seatrain International, S.A., 1000 Connecticut Avenue, N.W., Washington, D.C. 20036.

Agreement No. 9996.

Summary: On September 15, 1980, the Commission received notice of the termination of participation of Seatrain International, S.A., in Agreement No. 9996. The agreement will be cancelled effective September 15, 1980, the date the notice of cancellation was received by the Commission.

The Scindia Steam Navigation Co., Ltd./Seatrain Lines, Inc., Connecting Carrier Agreement; Notice of Cancellation

Filing Party: Peter J. King, Esquire, Seatrain International, S.A., 1000 Connecticut Avenue, N.W., Washington, D.C. 20036.

Agreement No. 10011.

Summary: On September 15, 1980, the Commission received notice of the termination of participation of Seatrain International, S.A. in agreement No. 10011. The agreement will be cancelled effective September 15, 1980, the date the notice of cancellation was received by the Commission.

Nedlloyd America Service/Green R Line (Pty) Ltd., Connecting Carrier Agreement; Notice of Cancellation

Filing Party: M. J. Alberga, General Agent, Nedlloyd Inc., 5 World Trade Center, Suite 617, New York, New York 10048.

Agreement No. 10180.

Summary: On September 16, 1980, the Commission received notice of the termination of participation of Needlloyd America Service in Agrrement No. 10180. The agreement will be cancelled effective September 16, 1980, the date of the notice of cancellation was received by the Commission.

East Coast South America/New York Free Time Agreement; Notice of Cancellation

Filing Party: Paul B. Thornquist, Chairman, East Coast South America/New York, Free Time Agreement, 17 Battery Place, New York, New York, 10004.

Agreement No. 7525.

SUMMARY: On October 7, 1980, the Commission received notice of the cancellation of Agreement No. 7525, East Coast South America/New York Free Time Agreement, effective November 15, 1980.

By order of the Federal Maritime Commission.

Dated: November 10, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80-35597 Filed 11-13-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or

gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than December 5, 1980.

A. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

Country Bank Shares Corp., Janesville, Wisconsin, (general insurance activities; Wisconsin): to continue to act as an agent or broker for the sale of general insurance in a community of less than 5,000 people. These activities would continue to be conducted from an office in The Montello State Bank, 24 West Street, Montello, Wisconsin, and service the community of Montello, Wisconsin, and the surrounding area within a 15-mile radius. Comments on this application must be received by December 1, 1980.

B. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Wells Fargo & Company, San Francisco, California (credit property, casualty and homeowners insurance agency activities; Arizona, Arkansas, Kansas, Louisiana, Missouri, Nevada, New Mexico, Oklahoma, Texas, and Utah): proposes to engage through its subsidiary, Wells Fargo Insurance Services, in acting as agent for credit property, casualty and homeowners insurance and associated liability insurance, related to extensions of credit or the provision of other financial services by Wells Fargo & Company or its subsidiaries, to the extent permissible under applicable state insurance laws or regulations. These activities would be conducted from an office in Scottsdale, Arizona, serving Arizona, Oklahoma, Nevada, Utah, Texas, Kansas, Missouri, Arkansas, New Mexico and Louisiana.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, November 6, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-35503 Filed 11-13-80; 8:45 am]

BILLING CODE 6210-01-M

European American Bank International; Corporation To Do Business Under Section 25(a) of the Federal Reserve Act Establishment of U.S. Branch of a Corporation To Be Organized Under Section 25(a)

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as European American Bank International, Miami, Florida. European American Bank International would operate as a subsidiary of European American Bank & Trust Company, New York, New York. The proposed corporation has also applied for the Board's approval under § 211.4(c)(1) of Regulation K (12 CFR 211.4(c)(1)) to establish a branch in Los Angeles, California. The factors that are considered in acting on the application are set forth in § 211.4(a) of the Board's Regulation K (12 cFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than December 5, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 6, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-35507 Filed 11-13-80; 8:45 am]

BILLING CODE 6210-01-M

First Breck Holding Company; Formation of Bank Holding Company

First Breck Holding Company, Breckenridge, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of First National Bank of Breckenridge, Breckenridge, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. An person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 5, 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, November 6, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-35508 Filed 11-13-80; 8:45 am]

BILLING CODE 6210-01-M

Harrisburg Bancshares, Inc.; Formation of Bank Holding Company

Harrisburg Bancshares, Inc., Harrisburg, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 87.73 per cent or more of the voting shares of The Harrisburg National Bank, Harrisburg, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 5, 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, November 6, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-35506 Filed 11-13-80; 8:45 am]

BILLING CODE 6210-01-M

Marine National Bancorporation; Formation of Bank Holding Company

Marine National Bancorporation, Jacksonville, Flordia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 92.6 per cent or more of the voting shares of Marine National Bank of Jacksonville, Jacksonville, Florida. 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 Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than December 5, 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, November 6, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-35499 Filed 11-13-80; 8:45 am]

BILLING CODE 6210-01-M

Morning Sun Bank Corp.; Formation of Bank Holding Company

Morning Sun Bank Corporation, Morning Sun, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 99.3 percent or more of the voting shares of Iowa State Bank, Morning Sun, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 5, 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, November 6, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-35502 Filed 11-13-80; 8:45 am]

BILLING CODE 6210-01-M

Nimrod Enterprises, Inc.; Formation of Bank Holding Company

Nimrod Enterprises, Inc., Foley, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 94.2 percent or more of the voting shares of State Bank of Foley, Foley, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 5, 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, November 6, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-35504 Filed 11-13-80; 8:45 am]

BILLING CODE 6210-01-M

Old Kent Financial Corp.; Acquisition of Bank

Old Kent Financial Corporation, Grand Rapids, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent or more of the voting shares of Old Kent Bank of Kalamazoo, Kalamazoo, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than December 5, 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, November 6, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-35550 Filed 11-13-80; 8:45 am]

BILLING CODE 6210-01-M

Pacific Western Bancshares; Formation of Bank Holding Company

Pacific Western Bancshares, San Jose, California, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent (less directors' qualifying shares) of the voting shares of Pacific Valley Bank, San Jose, California. 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 San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 26, 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 Goevernor's of the Federal Reserve System, November 4, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-35501 Filed 11-13-80; 8:45 am]

BILLING CODE 6210-01-M

Peoples Bancorp, Inc.; Acquisition of Bank

Peoples Bancorp, Inc., Marietta, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of The First National Bank of Caldwell, Caldwell, Ohio. 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

Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than December 5, 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, November 7, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-35549 Filed 11-13-80; 8:45 am]

BILLING CODE 6210-01-M

Pipestone Bancshares, Inc.; Formation of Bank Holding Company

Pipestone Bancshares, Inc., Pipestone, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 87.57 percent of the voting shares of First National Bank of Pipestone, Pipestone, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 5, 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, November 5, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-35505 Filed 11-13-80; 8:45 am]

BILLING CODE 6210-01-M

Southwest Security, Inc., Formation of Bank Holding Company

Southwest Security, Inc., Natchez, Mississippi, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First Natchez Bank, Natchez, Mississippi. 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 Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 4, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 4, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-35500 Filed 11-13-80; 8:45 am]

BILLING CODE 6210-01-M

Amended Order for Hearing Regarding Application To Engage in Certain Data Processing and Electronic Funds Transfer Activities and Possible Rulemaking With Respect Thereto

CROSS REFERENCE: For a document amending FRS's order for hearing regarding application to engage in certain data processing, see FR Doc. 80-35643 published in the Proposed Rules section of this issue. The document amends an order which was previously published as a Notice on June 19, 1980 (45 FR 41533). Refer to the table of contents at the front of this issue under "Federal Reserve System" to determine the correct page number.

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[H-80-1]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to dispose of surplus real property at the Wappapello Lake and Reservoir Project on the St. Francis River, Missouri, to owners of adjoining privately owned land who have encroached thereon.

2. *Effective date.* The delegation of authority is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by section 205(d) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(d)), authority is delegated to the Secretary of Defense to determine that excess real property and related personal property under the control of the Department of the Army at the Wappapello Lake and Reservoir Project on the St. Francis River, Missouri, which owners of adjoining privately owned lands have encroached upon in the development of their properties, is not required for the needs and responsibilities of Federal agencies, and where he considers such action appropriate, to dispose of that property by negotiated sale to the encroaching private property owners.

b. The Secretary of Defense may redelgate this authority to any officer, official, or employee of the Department of the Army.

c. The authority conferred in this delegation shall be exercised in accordance with the Federal Property and Administrative Services Act of 1949, as amended, other applicable statutes, and regulations issued pursuant thereto. In this regard, explanatory statements of the circumstances of the transactions, where required, shall be submitted to the General Services Administration (GSA) for transmittal to the Senate Committee on Governmental Affairs and the House Committee on Government Operations as prescribed by Federal Property Management Regulations (FPMR) 101-47.304-12.

d. The Department of Defense, as the disposal agency, shall be responsible for complying with the following: (1) the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321, et seq.), Executive Order 11514 of March 5, 1970, entitled "Protection and Enhancement of Environmental Quality," as amended by Executive Order 11991, Relating to Protection and Enhancement of Environmental Quality; (2) section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f); (3) Executive Order 11593 of May 13, 1971, entitled "Protection and Enhancement of the Cultural Environment"; (4) Executive Order 11988 of May 24, 1977, entitled "Floodplain Management"; (5) Executive Order 11990 of May 24, 1977, entitled "Protection of Wetlands"; (6) 40 CFR 761 entitled "Polychlorinated Biphenyls Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions"; (7) regulations issued by the Council on Environmental Quality (40 CFR 800); (8) the recommendation contained in House Report No. 95-1053, "FAA Determination of 'No Hazard' For Structures Near Airports," concerning the protection of navigable airspace; and (9) for securing, in accordance with FPMR 101-47.303-4, any appraisal

deemed necessary by the Secretary, if appropriate.

e. A copy of any documents executed under this delegation shall be forwarded immediately to the General Services Administration (DR), Washington, DC 20406.

Dated: November 4, 1980.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 80-35425 Filed 11-13-80; 8:45 am]

BILLING CODE 6820-96-M

National Archives Advisory Council; Qualifications Review Panel for the Position of Assistant Archivist for the National Archives Subcommittee

Notice is hereby given that the Qualifications Review Panel for the position of Assistant Archivist for the National Archives, will meet on December 12, 1980 from 9:30 a.m. to adjournment in Room 105, National Archives and Records Service, 8th and Pennsylvania Avenue, N.W., Washington, DC 20408.

The Panel will:

1. Develop selection criteria for ths position of Assistant Archivist for the National Archives.

2. Review applications for position, rank applicants, and make recommendations to the Archivist of the United States.

The meeting on December 12 will be open to the public during the discussion of item 1, above. Panel deliberations under item 2, above, are closed in accordance with exemption (6) of the Government in the Sunshine Act (5 U.S.C. 552b(c)). For further information contact Robert R. Brookhart, General Services Administration (NS), Washington, DC 20408 (202-523-3616).

Issued in Washington, D.C., on November 4, 1980.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 80-35414 Filed 11-13-80; 8:45 am]

BILLING CODE 6820-22-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 80D-0417]

Investigation of Drugs in Humans; Availability of Clinical Guideline

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of a clinical guideline which outlines procedures and standards for investigating certain drugs in humans to determine drug safety and effectiveness. This notice concerns the guideline for clinical evaluation of lipid-altering agents in adults and children. The guideline is intended to inform interested persons of what the Bureau of Drugs views as acceptable procedures and standards for conducting clinical investigations of a specific class of drugs.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Roger Gregorio, Bureau of Drugs (HFD-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4330.

SUPPLEMENTARY INFORMATION: FDA is making available a guideline on the investigation of drugs in humans. The guideline has been prepared by the Bureau of Drugs with assistance from FDA scientific advisory committees and other consultants to the agency. The guideline contains current acceptable approaches to the study of a specific class of investigational drugs in humans.

This notice of availability of a guideline is issued under § 10.90(b) (21 CFR 10.90(b)), which provides for the use of guidelines to outline procedures or standards of general applicability that are acceptable to FDA for a subject matter that falls within the laws administered by FDA. Although this guideline does not contain legal requirements, a person may be assured that in following an agency guideline the procedures and standards will be acceptable to FDA. A person may also choose to use alternative procedures or standards for which there is scientific rationale even though they are not provided for in the guideline. A person who chooses to use procedures or standards not in a guideline may discuss the matter further with the agency to prevent an expenditure of money and effort on work that FDA may later determine to be unacceptable.

The guideline subject to this notice is entitled "Guidelines for the Clinical Evaluation of Lipid-Altering Agents in Adults and Children," HHS (FDA) No. 80-3103.

Copies of the guideline can be purchased from the Superintendent of Documents, U.S. Government Printing Office (GPO), Washington, DC 20402, at the cost of $1.50 for each document. Orders for copies must include the GPO stock number 017-012-00288-9.

Interested persons may submit written comments on the guideline to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville MD 20857. Such comments will be considered in determining whether further amendments to or revisions of the guideline are warranted. Comments should be in four copies (except that individuals may submit single copies), identified with the docket number found in brackets in the heading of this document. The guideline and comments received may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 3, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-35239 Filed 11-13-80; 8:45 am]

BILLING CODE 4110-03-M

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Cardiovascular and Renal Drugs Advisory Committee

Date, time, and place. December 1 and 2, 9 a.m., Conference Rm. I and J, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, December 1, 9 a.m. to 10 a.m.; open committee discussion, December 1, 10 a.m. to 5 p.m., December 2, 9 a.m. to 5 p.m.; Joan C. Standaert, Bureau of Drugs (HFD-110), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4730.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in cardiovascular and renal disorders.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Committee will discuss Prostaglandin E_1, (PGE_1), Prostin VR, Sterile Solution (NDA 18–484) proposed for treatment to maintain patent ductus arteriosis by Upjohn Co.; Nifedipine (NDA 18–482), a coronary vasodilator proposed for use in angina by Pfizer; Verapamil (Isoptin) (NDA 18–485) a coronary vasodilator proposed for use as an anti-arrhythmic agent by Knoll; and Bumex (Bumetanide) (NDA 18–255 tablets and NDA 18–266 injectable) proposed for use as a diuretic by Hoffman-LaRoche.

Application for reimbursement. Must be received by November 14, 1980.

Radiopharmaceutical Drugs Advisory Committee

Date, time, and place. December 4 and 5, 9 a.m., Conference Rm. M, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open committee discussion, December 4, 9 a.m. to 12 m.; open public hearing, December 4, 12:45 p.m. to 1:45 p.m.; open committee discussion, December 4, 1:45 p.m. to 5 p.m., December 5, 9 a.m. to 1 p.m.; Timothy A. Ulatowski, Bureau of Drugs (HFD–150), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4250.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of nuclear medicine.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Committee will discuss subcommittee status reports; NDA 18–454, Hepato-Scan (Tc 99m Lidofenin Kit), and NDA 18–467, Hepatolite (Tc 99m Disofenin Kit).

Application for reimbursement. Must be received by November 26, 1980.

Miscellaneous Internal Drug Products Panel

Date, time, and place. December 13 and 14, 9 a.m., Sheraton Inn, Silver Spring, MD.

Type of meeting and contact person. Open public hearing, December 13, 9 a.m. to 10 a.m.; open committee discussion, December 13, 10 a.m. to 4:30 p.m., December 14, 8 a.m. to 3 p.m.; John R. Short, Bureau of Drugs (HFD–510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6156.

General function of the Committee. The Committee reviews and evaluates data on the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the Committee. Those who wish to make such a presentation should notify the contact person before December 8, 1980, and submit a brief statement of the general nature of the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

Open committee discussion. The Panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this Panel (see also 21 CFR 330.10(a)(2)). The Panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

Applications for reimbursement. Must be received by December 1, 1980.

Miscellaneous External Drug Products Panel

Date, time, and place. December 14 and 15, 9 a.m., Pennsylvania Room, Holiday Inn, Bethesda, MD (December 14), Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD (December 15).

Type of meeting and contact person. Open committee discussion, December 14, 9 a.m. to 4:30 p.m.; open public hearing, December 15, 9 a.m. to 10 a.m.; open committee deliberations, December 15, 10 a.m. to 4:30 p.m.; John T. McElroy, Bureau of Drugs (HFD–510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1430.

General function of the Committee. The Committee reviews and evaluates data on the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. Those who wish to make such a presentation should notify the contact person before December 9, 1980, and submit a brief statement of the general nature of the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

Open committee discussion. The Panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this Panel (see also 21 CFR 330.10(a)(2)). The Panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

Application for reimbursement. Must be received by December 1, 1980.

Ophthalmic Device Section of the Ophthalmic: Ear, Nose, and Throat: and Dental Devices Panel

Date, time, and place. December 18 and 19, 9 a.m., Auditorium, 200 Independence Ave. SW., Washington, D.C.

Type of meeting and contact person. Open public hearing, December 18, 9 a.m. to 10 a.m.; open committee discussion, December 18, 10 a.m. to 5 p.m.; open public hearing, December 19, 9 a.m. to 10 a.m.; open committee discussion, December 19, 10 a.m. to 5 p.m.; Max W. Talbott, Bureau of Medical Devices (HFK–460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7538.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes appropriate recommendations for their regulation.

Agenda—Open public hearing. Interested persons are encouraged to present information pertinent to intraocular lenses and the intraocular lens investigation (December 18) and contact lenses and contact products (December 19). Those desiring to make formal presentations should notify the contact person listed above by December 10, 1980, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The Section will conduct reviews of premarket approval applications of intraocular lenses and will discuss other statistical/epidemiological questions pertaining to intraocular lenses (December 18); and will conduct reviews of premarket approval applications for contact lens products and prototype package inserts, and patient information booklets. Fitting guides for contact lenses and solution will also be presented.

Applications for reimbursement. Must be received by December 4, 1980.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee

discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of the meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Applications for reimbursement for participation in the meetings listed above should be sent to the Office of Consumer Affairs (HFE–90), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, rather than to the Dockets Management Branch as prescribed in § 10.210 of the regulations (21 CFR 10.210). If you wish to submit an application or wish more information regarding the reimbursement program, please call 301–443–3170.

FDA has established expedited procedures for review of any application for reimbursement for participation in the meetings announced in this notice. The Office of Consumer Affairs, FDA, will file any application for reimbursement for participation in the meetings announced in this notice in the docket for this notice.

Dated: November 5, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-35416 Filed 11-13-80; 8:45 am]

BILLING CODE 4110-03-M

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Pulmonary-Allergy Drugs Advisory Committee

Date, time, and place. December 8 and 9, 9 a.m., Conference Rm. M, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, December 8, 9:30 a.m. to 10:30 a.m.; open committee discussion, December 8, 10:30 a.m. to 4:30 p.m., December 9, 9 a.m. to 10 a.m.; closed presentation of data, December 9, 10 a.m. to 12:30 p.m.; open committee discussion, December 9, 1:30 p.m. to 3 p.m.; Conrad J. Ledet, Bureau of Drugs (HFD–160), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD. 20857, 301–443–3500.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the treatment of pulmonary disease and diseases with allergic and/or immunologic mechanisms.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Committee will discuss the action report on Theophylline/Ephedrine combinations; $Beta_2$ agonists/Theophylline combinations; $Beta_2$ agonists tumorigenicity; bronchodilator testing guidelines; dosage reproducibility in aerosol delivery systems; Vanceril for croup; $Beta_2$ Agonists/Theophylline combinations; and Oral Cromolyn Sodium.

Closed presentation of data. The Committee will discuss the action report on Lodoxamide; Lodoxamide (Upjohn IND's 10,570; 11,151; 11,258; and 13,871); Proventil (albuterol) Inhaler (Schering NDA 17–559); and Ventolin (albuterol) Inhaler (Glaxo NDA 18–473). This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Applications for reimbursement. Must be received by November 26, 1980.

Anesthetic and Life Support Drugs Advisory Committee

Date, time, and place. December 11 and 12, 9:30 a.m., Conference Rm. G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, December 11, 9:30 a.m. to 10:30 a.m.; open committee discussion, December 11, 10:30 a.m. to 5 p.m.; closed presentation of data, December 12, 9:30 a.m. to 12 m.; John M. Singer, Bureau of Drugs (HFD–150), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–4434–3560.

General function of the Committee. The Committee reviews and evaluates data on the safety the effectiveness of marketed and investigational prescription drugs for use in the fields of anesthesiology and surgery.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Committee will discuss a subcommittee report on perinatal effects of drugs; the adverse experiences of intended epidural injection of chloriprocaine; and the labeling of anesthetic drugs and adjuncts with regard to malignant hyperthermia.

Closed presentation of data. The Committee will discuss IND 17,269. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Applications for reimbursement. Must be received by November 28, 1980.

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Applications for reimbursement for participation in the meetings listed above should be sent to the Office of Consumer Affairs (HFE–90), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, rather than to the Dockets Management Branch (formerly the Hearing Clerk's office) as prescribed in § 10.210 of the regulations (21 CFR 10.210). If you wish to submit an application or wish more information regarding the reimbursement program, please call 301–443–3170.

FDA has established expedited procedures for review of any application for reimbursement for participation in the meetings announced in this notice. The Office of Consumer Affairs, FDA, will file any application for reimbursement for participation in the meetings announced in this notice in the docket for this notice.

Dated: November 6, 1980.

Jere E. Goyan,

Commissioner of Food and Drugs.

[FR Doc. 80–35417 Filed 11–13–80; 8:45 am]

BILLING CODE 4110–03–M

American Cyanamid Co., Enheptin Premix; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency withdraws approval of a new animal drug application (NADA) providing for use of Enheptin Premix (containing 2-amino-5-nitrothiazole) in turkey feed as an aid in prevention of blackhead. The sponsor, American Cyanamid Co., requested this action.

EFFECTIVE DATE: November 24, 1980.

FOR FURTHER INFORMATION CONTACT: David N. Scarr, Bureau of Veterinary Medicine (HFV–214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3183.

SUPPLEMENTARY INFORMATION: American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540, is sponsor of NADA 7–409 which provides for use of Enheptin Premix in turkey feed as an aid in prevention of blackhead (histomoniasis). The application was originally approved May 11, 1950. In a letter dated April 18, 1979, the firm requested that approval of the NADA be withdrawn because the product is no longer being marketed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84), and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 7–409 and all supplements for Enheptin Premix is

hereby withdrawn, effective November 24, 1980.

Dated: November 5, 1980.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 80-35415 Filed 11-13-80; 8:45 am]

BILLING CODE 4110-03-M

Office of Human Development Services

White House Conference on Aging; Technical Committee Meeting

The White House Conference on Aging Technical Committee was established to provide scientific and technical advice and recommendations to the National Advisory Committee of the 1981 White House Conference on Aging and to the Executive Director of the 1981 White House Conference on Aging in developing issues to be considered and to produce technical documents to be used by the Conference.

Notice is hereby given pursuant to the Federal Advisory Committee Act, (Pub. L. 92-463, 5 U.S.C. App. 1, sec. 10, 1976) that the Technical Committee on Creating An Age Integrated Society—Implications for Societal Institutions will hold their meeting on Tuesday, November 18 and Wednesday, November 19, 1980 from 9:30 to 5:00 p.m. each day in Town and Country Hotel, The Esquire Room, 500 Hotel Circle North, San Diego, California 92138.

The purpose of this meeting is to review drafts of papers that the Technical Committee members and consultants have developed.

Further information on the Technical Committee meeting may be obtained from Mr. Jerome R. Waldie, Executive Director, White House Conference on Aging, Room 4059, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 245-1914. Technical Committee meetings are open for public observation. This notice has been delayed due to a necessity awaiting release of meeting space in San Diego.

Dated: November 10, 1980.

Mamie Welborne,

HDS Committee Management Officer.

[FR Doc. 80-35578 Filed 11-13-80; 8:45 am]

BILLING CODE 4110-92-M

White House Conference on Aging; Technical Committee Meeting

The White House Conference on Aging Technical Committee was established to provide scientific and technical advice and recommendations to the National Advisory Committee of the 1981 White House Conference on Aging and to the Executive Director of the 1981 White House Conference on Aging in developing issues to be considered and to produce technical documents to be used by the Conference.

Notice is hereby given pursuant to the Federal Advisory Committee Act, (Pub. L. 92-463, 5 U.S.C. App. 1, sec. 10, 1976) that the Technical Committee on Employment is holding their meeting on November 23, 1980 from 2:30 to 4:00 p.m. in Town and Country Hotel, Fashion Valley Road, Island Room, San Diego, California.

The purpose of this meeting is to exchange views with interested persons on the major issues affecting the employment of older workers over the next thirty years.

Further information on the Technical Committee meeting may be obtained from Mr. Jerome R. Waldie, Executive Director, White House Conference on Aging, Room 4059, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 245-1914. Technical Committee meetings are open for public observation. This notice has been delayed due to a necessity awaiting release of meeting space in San Diego.

Dated: November 10, 1980.

Mamie Welborne,

HDS Committee Management Officer.

[FR Doc. 80-35579 Filed 11-13-80; 8:45 am]

BILLING CODE 4110-92-M

White House Conference on Aging, Technical Committee Meeting

The White House Conference on Aging Technical Committee was established to provide scientific and technical advice and recommendations to the National Advisory Committee of the 1981 White House Conference on Aging and to the Executive Director of the 1981 White House Conference on Aging in developing issues to be considered and to produce technical documents to be used by the Conference.

Notice is hereby given pursuant to the Federal Advisory Committee Act, (Public Law 92-463, 5 U.S.C. App. 1, sec. 10, 1976) that the Technical Committee on Media will meet on December 2, 1980 from 9:30 a.m. until 3:30 p.m. at the Equitable Life Assurance Building, 1285 Avenue of America, New York City 10019.

The purpose of this meeting is to bring together media specialists-television, print media, advertising, marketing and research for a discussion of media and the aging and to gather the best available information.

Further information on the Technical Committee meeting may be obtained from Mr. Jerome R. Waldie, Executive Director, White House Conference on Aging, Room 4059, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 245-1914. Technical Committee meetings are open for public observation.

Dated: November 10, 1980.

Mamie Welborne,

HDS Committee Management Officer.

[FR Doc. 80-34580 Filed 11-13-80; 8:45 am]

BILLING CODE 4110-92-M

White House Conference on Aging; Technical Committee Meeting

The White House Conference on Aging Technical Committee was established to provide scientific and technical advice and recommendations to the National Advisory Committee of the 1981 White House Conference on Aging and to the Executive Director of the 1981 White House Conference on Aging in developing issues to be considered and to produce technical documents to be used by the Conference.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Public Law 92-463, 5 U.S.C. App. 1, sec. 10, 1976) that the Technical Committee on Research is holding their meeting on Monday, December 1, 1980 and Tuesday December 2, 1980 from 9:00 a.m. to 4:00 p.m. each day in Rooms 525A and 529A in the Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

The purpose of this meeting is to work on Technical Committee report.

Further information on the Technical Committee meeting may be obtained from Mr. Jerome R. Waldie, Executive Director, White House Conference on Aging, Room 4059, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 245-1914. Technical Committee meetings are open for public observation.

Dated: November 10, 1980.

Mamie Welborne,

HDS Committee Management Officer.

[FR Doc. 80-35581 Filed 11-13-80; 8:45 am]

BILLING CODE 4110-92-M

White House Conference on Aging, Technical Committee Meeting

The White House Conference on Aging Technical Committee was established to provide scientific and technical advice and recommendations

to the National Advisory Committee of the 1981 White House Conferernce on Aging and to the Executive Director of the 1981 White House Conference in developing issues to be considered and to produce technical documents to be used by the Conference.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Public Law 92–463, 5 U.S.C. App. 1, sec. 10, 1976) that the Technical on Creating an Age-Integrated Society—Implications for the Economy will hold their meeting on December 16, 1980 from 9:00 a.m. to 4:00 p.m., at 1600 L Street, N.W., Suite 1100, Washington, D.C.

The purpose of this meeting is to report to the committee the outcome of macro and micro econimic simulations of various policy options in the areas of employment, transfer payments, and saving. Based on the results of the simulations, the committee will determine appropriate recommendations to make to the White House Conference on Aging.

For information on the Technical Committee meeting may be obtained from Mr. Jerome R. Waldie, Executive Director, White House Conference on Aging, Room 4059, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 245–1914. Technical Committee meetings are open for public observation.

Dated: November 10, 1980.

Mamie Welborne,

HDS Committee Management Officer.

[FR Doc. 80–35582 Filed 11–13–80; 8:45 am]

BILLING CODE 4110–92–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N–80–1040]

Privacy Act of 1974; System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notification of system of records.

SUMMARY: The Department is giving notice of a system of records it maintains which is subject to the Privacy Act of 1974.

EFFECTIVE DATE: This notice shall become effective December 14, 1980, unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Departmental Privacy Act Officer, Telephone 202–557–0605. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The system is the Consumer Register Mailing List. It contains the names of consumers having an interest in HUD programs or in publications produced by the Department. Pertinent sections of the Register are used by other Federal and non-government agencies for mailings. The Consumer Register will also further the Department's outreach program by involving the consumer directly in the decisionmaking process on certain proposed regulations within the Department. Timely information on these regulations will be mailed out to Register participants.

Members of the Register will be invited periodically to participate in policy related Local and National Consumer Forums. Summaries of these Forums will often be provided to the Register membership in the form of a Consumer Notice or Consumer Bulletin. Attachment A, which lists the addresses of HUD's field offices, was published at 45 FR 67626 (October 10, 1980). A new system report was filed with the Speaker of the House, the President of the Senate, and the Office of Management and Budget on September 29, 1980.

HUD/NVACP–1

SYSTEM NAME:

Consumer Register Mailing List.

SYSTEM LOCATION:

Headquarters and Field offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have expressed an interest in HUD programs, users of HUD programs, and persons wishing to comment on various policymaking issues.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address and telephone number of the participant; organization name and type; issues of interest to participants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 4(a) of the Department of Housing and Urban Development Act, 42 U.S.C. 3531; Executive Order 12160.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To other Federal agencies and private organizations for purposes of mailing information relevant to the use or benefits of HUD programs or related public or private programs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In file folders and on magnetic tape/disc/drum.

RETRIEVABILITY:

Name, address and telephone number of the participant; organization name and type; issues of interest to participants.

SAFEGUARDS:

Manual files will be kept in lockable cabinets in a secured area. Computer records will be maintained in a separate secured area. Access to either type of record will be limited to authorized personnel.

RETENTION AND DISPOSAL:

Manual and automated records are retained in accordance with officially approved mandatory standards contained in HUD Handbooks 2225.6 and 2228.2.

SYSTEM MANAGERS AND ADDRESS:

Director, Consumer Liaison Division
Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection
Department of Housing and Urban Development 451 7th Street SW., Washington, D.C. 20410

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix. A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is

needed, it may be obtained by contacting: (i) In relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A, (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Individuals who have expressed an interest in HUD programs; persons wishing to comment on various policymaking issues; members of the Register who provide names of other possible participants.

(5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., November 7, 1980.

Vincent J. Hearing,

Deputy Assistant Secretary for Administration.

[FR Doc. 80-35320 Filed 11-13-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A-6451; AR-09229 WR]

Arizona: Proposed Continuation of Withdrawals and Opportunity for Public Hearing

As a result of the review made pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754; 43 U.S.C. 1714, the Bureau of Land Management, U.S. Department of the Interior, proposes to continue the existing withdrawals made by Public Land Order Nos. 5263 and 5359 of September 28, 1972 and July 23, 1973, respectively.

The withdrawn land is described as follows:

Gila and Salt River Meridian, Arizona

Virgin River Gorge Recreation Lands

A-6451

T. 41 N., R. 13 W.,
Sec. 1, W½SW¼;
Sec. 3, Lot 1, S½NE¼, S½;
Sec. 4, Lots 3, 4, S½NW¼, S½;
Secs. 5, 6, 7, 8, 9, 10, all;
Sec. 11, N½, N½S½;
Sec. 12, W½NW¼, SE¼NW¼, SW¼, SW¼SE¼;
Sec. 15, N½NW¼;
Secs. 17, 18 all;
Sec. 19, Lots 1-4, N½NE¼, SW¼NE¼, E½NW¼;
Sec. 30, Lots 1-4.
T. 42 N., R. 13 W.,
Sec. 31, Lot 6, SE¼SW¼, SW¼SE¼;
Sec. 32, E½SW¼, SE¼;
Sec. 33, SW¼;
T. 40 N., R. 14 W.,
Sec. 5, Lot 4;
Sec. 6, Lots 1, 2, 3.
T. 41 N., R. 14 W.,
Sec. 1, all;
Sec. 3, S½SE¼;
Sec. 9, E½;
Secs. 10, 11, 12, 13, 14, 15, all;
Sec. 20, NE¼SE¼, S½SE¼, SE¼NE¼;
Secs. 21, 22, 23, 24, 25, all;
Secs. 27, 28, 29, all;
Sec. 30, Lots 2, 3, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 31, Lots 1, 2, NE¼, E½NW¼, E½SE¼;
Sec. 32 all;
Sec. 33, N½NE¼, SW¼NE¼, W½;
Sec. 34, N½N½;
Sec. 36, N½N½.
T. 42 N., R. 14 W.,
Sec. 35, E½SE¼;
Sec. 36, S½.

AR-09229

T. 41 N., R. 13 W.,
Sec. 1, S½N½.
T. 41 N., R. 15 W.,
SEc. 25, N¼SE½, SW¼SE¼;
Sec. 35, E½, SE¼NW¼.

The areas described aggregate 21,669.61 acres in Mohave County.

The purpose of the withdrawals is protection of recreation and public values in connection with the Virgin River Gorge Recreation Lands area. No change is proposed in the purpose of the withdrawals.

The land described under serial number A-6451 is currently segregated from all forms of appropriation under the public land laws, including the U.S. mining laws, but not the mineral leasing laws. The land described under serial number AR-09229 is withdrawn only from appropriation under the mining laws. No change is proposed in the segregative effect of the withdrawals.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed continuation of withdrawal. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned officer. Upon determination by the Arizona State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place scheduled for the hearing. Public hearings are scheduled and conducted in accordance with BLM Manual Sec. 2351.16B.

The authorized officer of the Bureau of Land Management will undertake such investigation sas are necessary to determine the existing and potential demand for the land and its resources, and will review the withdrawal justification to ensure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated, the area involved is the minimum essential to meet the desired needs, the maximum concurrent utilization of the land is provided for, and agreement is reached on concurrent management of the land and its resources. The authorized officer will also prepare a report for consideration by the Secretary of the Interior, the President, and the Congress, who will determine whether the withdrawals will be continued and if so, for how long. The final determination on the contunuation of the withdrawals will be published in the **Federal Register.** The existing withdrawals will continue until such final determination is made.

Requests for public hearing, comments, suggestions, or objections to this proposed continuation of withdrawal must be submitted in writing on or before December 15, 1980. All communications should be directed to the undersigned authorized officer, Bureau of Land Management, U.S. Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 80-35406 Filed 11-13-80; 8:45 am]

BILLING CODE 4310-84-M

Arizona Strip District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management.

ACTION: Notice of meeting.

SUMMARY: The Arizona Strip District Grazing Advisory Board will meet on December 16, 1980 at 10:00 a.m. to discuss range improvement plans for Fiscal Year 1981.

DATE: December 16, 1980.

ADDRESS: The Four-Seasons Convention Center—Suite 8, 747 East St. George Blvd., St. George, Utah.

FOR FURTHER INFORMATION CONTACT: Billy R. Templeton, 196 E. Tabernacle St., St. George, Utah 84770—(801) 673-3545.

SUPPLEMENTARY INFORMATION: The Arizona Strip District Grazing Advisory Board will meet at 10:00 a.m. on Tuesday, December 16, 1980 in Suite 8 of the Four Seasons Convention Center at 747 East St. George Blvd. in St. George, Utah. The primary topic on the agenda will be road maintenance and range improvement plans to implement Allotment Management Plans on the Arizona Strip District. Additionally, the allotment management planning strategy for the Shivwits Resource Area will be discussed. The meeting is open to the public. Anyone wishing to make a

presentation to the Board should contact the District Manager of the Arizona Strip District at 196 E. Tabernacle St. in St. George, Utah or call (801) 673–3545 at least 5 days prior to the meeting.

Billy R. Templeton,

District Manager, Arizona Strip District.

[FR Doc. 80–35407 Filed 11–13–80; 8:45 am]

BILLING CODE 4310–84–M

BLM Resource Management Plan and Environmental Impact Statement for the Northeast Resource Area and Fountain Creek Planning Unit; Canon City District, Colorado

Pursuant to the Federal Land Policy and Management Act of 1976 (FLPMA) and in accordance with 43 CFR Part 1600, notice is hereby given that the Bureau of Land Management (BLM), Canon City District has begun preparation of a resource management plan (RMP) and associated environmental impact statement (EIS) covering the federal surface lands and reserved minerals administered by the BLM in northeast Colorado.

Let the following be known:

1. Description of the proposed planning action: Preparation of the RMP/EIS will meet requirements of the FLPMA and the National Environmental Policy Act (NEPA). Regulation derived from these acts will be adhered to throughout the process. As a comprehensive land use plan the final decisions will establish land areas for varying levels of use or protection and set the allowable resource use levels. In addition, the resource condition goals, constraints, and practices needed will be identified. An implementation schedule will be set for initiation of the above decisions, development of activity planning, support actions needed, and monitoring progress. The RMP/EIS is scheduled for completion by September 1984.

2. Identification of the geographic area to be planned for: The federal surface lands and reserved federal mineral estate administered by the BLM generally located in northeast Colorado. Counties within the planning area include Adams, Arapahoe, Boulder, Cheyenne, Clear Creek, Douglas, Elbert, El Paso, Gilpin, Jefferson, Kit Carson, Larimer, Lincoln, Logan, Morgan, Park, Phillips, Sedgwick, Washington, Weld, and Yuma. Approximately 42,250 acres of surface management and 599,750 acres of subsurface reserved mineral estate are involved.

3. The general types of issues anticipated: Issues in response to allocations are expected on most if not all of the resources present in the area. Included as a minimum will be oil, gas and coal production, recreational uses, animal use, realty actions, timber and firewood production, and the protection of soil, water, vegetation, cultural minerals, and areas of critical environmental concern.

4. The disciplines to be represented on the interdisciplinary team: Archeology, economics, forestry, geology, hydrology, minerals, range, realty, recreation, sociology, soils, and wildlife will be included as a minimum.

5. The kind and extent of public participation activities to be provided: Individual contacts, workshops, meetings, and hearings will be utilized at key points to obtain needed input, coordination, and comment as necessary. If appropriate, mass mailings will be used to solicit participation. Contacts will be made with local governments, state agencies, and federal agencies to assure coordinated goals and objectives. Surface land owners will be consulted where suitable coal resources exist and the subsurface coal rights are reserved by the federal government.

A mailing list will be maintained of all those interested in the RMP/EIS. A newsletter will be published at least twice a year to inform the public and request assistance.

6. The times, dates, and locations scheduled or anticipated for any needed public meetings, hearings, conferences, or other gatherings as of this publication: In general, meetings will begin at 7:00 PM during the working week and winter season at desirable locations so that the public will have sufficient opportunity to participate. The first set of meetings to identify issues and planning criteria will be held during January-February 1981 in Denver, Idaho Springs, Fort Morgan, Limon, Colorado Springs, and Fort Collins.

Further meetings will be scheduled where needed for estimation of effects of alternatives in February-March 1983, and for review of the draft RMP/EIS in February-March 1984. The District Advisory Council will assist in all phases of the process. Hearings will be scheduled as needed.

7. The name, title, address, and telephone number of the BLM official who may be contacted for further information:

Melvin Clausen, District Manager, P.O. Box 311, 3080 East Main Street, Canon City, Colorado 81212; (303) 275–7494; or
Francis Young, Area Manager, 10200 West 44th Avenue, Wheatridge, Colorado 80033, (303) 234–4988

8. The location and availability of documents relevant to the planning process: Generally the documents will be available as they are accepted by the District Manager in the district or area offices listed above.

Melvin D. Clausen,

District Manager.

[FR Doc. 80–35411 Filed 11–13–80; 8:45 am]

BILLING CODE 4310–84–M

[S567, S487,S856,S572,S857]

California; Classification of Public Lands for Multiple Use Management: Termination of Mineral Segregation

November 6, 1980.

The following classifications of public land for multiple use management are hereby modified to terminate the segregation from appropriation under the United States mining laws insofar as they affect the lands described below. Pursuant to the authority delegated by Bureau Order No. 701 of July 23, 1964 (29 FR 10526), and the regulations set forth in 43 CFR 2461.5(c)(2), the mineral estate is hereby relieved of any segregative effect by the subject classification as of 7:30 a.m., December 16, 1980.

1. S 487, published in Vol. 32, No. 168, **Federal Register,** Wednesday, August 30, 1967, page 12565:

Mount Diablo Meridian, California

T. 1 N.,R. 14 E.,
Sec. 17, W½NE¼;
Sec. 19, N½SE¼ and SW¼SE¼;
Sec. 20, SW¼SW¼ NE¼, SW¼NW¼, S½SE¼NW¼, and N½SW¼.
The land aggregates 350 acres.

2. S 567, published in Vol. 32, No. 193, **Federal Register,** Thursday, October 5, 1967, pages 13873 and 13874:

Mount Diablo Meridian, California

T. 6 N., R. 12 E.,
Sec. 34, NW¼SE¼.
T. 4 N., R. 13 E.,
Sec. 6, SE¼NW¼.
The land aggregates 80 acres.

3.S 572, published in Vol. 32, No. 246, **Federal Register,** Thursday, December 21, 1967, page 20660:

Mount Diablo Meridian, California

T. 12 N., R. 8 E.,
Sec. 25, North Extension of Mineral Survey 6091, NW¼NW¼ (exclusive of Mineral Survey 6091 and North Extension of Mineral Survey 6091), SW¼NW¼ (exclusive of Mineral Survey 6091), and S½SE¼NW¼ (exclusive of Mineral Survey 6091).
T. 8 N., R. 9 E.,
Sec. 13, E½SE¼;
Sec. 24, Lots 1, 2, and 3, and unpatented portion of New Virginia Quartz Mine of Mineral Survey 3904.
T. 13 N., R. 9 E.,
Sec. 1, Fractional portion of lLot 51;
Sec. 2, Lots 2 and 7, N½SW¼, SW¼SW¼, N½SE¼SW¼, and SW¼SE¼SW¼;

Sec. 11, S½SW¼;
Sec. 13, SE¼SE¼;
Sec. 22, N½SW¼ and SW¼SW¼;
Sec. 23, Lot 41;
Sec. 24, Lot 1 (exclusive of Mineral Survey 5487), Lot 2 (exclusive of Mineral Surveys 5487, 5488, 4962, and 5209), and SE¼SW¼ (exclusive of Mineral Survey 5488);
Sec. 25, Mineral Survey 4343;
Sec. 28, NE¼NE¼, S½NW¼NE¼, SE¼NW¼, NW¼SW¼, N½SW¼SW¼, E½SW¼SW¼SW¼, and W½SE¼SW¼ SW¼;
Sec. 34, Lot 4;
Sec. 36, Lots 1, 2, and 3.
T. 14 N., R. 9 E.,
Sec. 1, Lot 5;
Sec. 24, SW¼;
Sec. 25, Lot 1 (exclusive of Mineral Survey 5816) and W½SW¼;
Sec. 35, Lots 1 and 3, NE¼, E½NW¼, SW¼, and NE¼SE¼;
Sec. 36, NW¼.
T. 15 N., R. 10 E.,
Sec. 22, SE¼ exclusive of Lot 104;
Sec. 23, S½S½NE¼, NW¼SE¼, NW¼SE¼SE¼, and NE¼SE¼.
T. 9 N., R. 11 E.,
Sec. 7, E½NW¼ and NE¼SW¼;
Sec. 18, E½NW¼.
T. 9 N., R. 12 E.,
Sec. 14, SW¼SW¼;
Sec. 15, S½S½;
Sec. 17, E½NE¼ and N½SE¼;
Sec. 19, NE¼SW¼;
Sec. 20, SE¼NE¼;
Sec. 22, N½NE¼, SW¼NE¼, S½SE¼NE¼, and NE¼NW¼;
Sec. 23, NW¼NW¼, S½NW¼, and NE¼SW¼;
Sec. 24, Lots 1 and 2, N½SW¼, SW¼SW¼, and NW¼SE¼;
Sec. 25, E½NE¼SW¼;
Sec. 26, S½NE¼, NW¼NW¼, and SE¼NE¼.
T. 8 N., R. 10 E.,
Sec. 2, Lots 2, 6, 7, and 39 (exclusive of Mineral Survey 5421);
Sec. 18, Lots 1 through 4 inclusive and E½SW¼;
Sec. 19, Lots 1 through 4 inclusive and E½W½;
Sec. 30, Lots 1 and 2 and NE¼NW¼.
T. 9 N., R. 10 E.,
Sec. 13, Lot 1 (exclusive of Lot 55, Minerals Surveys 5423 and 5552), Lots 8, 9, and 15;
Sec. 24, N½NW¼ (exclusive of Mineral Survey 4749).
T. 11 N., R. 10 E.,
Sec. 2, Lot 13.
T. 12 N., R. 10 E.,
Sec. 1, Lot 2 (exclusive of Mineral Survey 6312) and SW¼NE¼ (exclusive of Mineral Survey 6312);
Sec. 17, Lots 11, 19, 20, 21, 22, 23, and 26, and E½SW¼NW¼.
T. 13 N., R. 10 E.,
Sec. 2, Lots 1, 3 through 7 inclusive, and Lots 10 through 14 inclusive;
Sec. 3, Lots 4, 5, 8, 9, 10, 11, and 12;
Sec. 9, Lots 8, 12, and 13, and SW¼NE¼;
Sec. 10, Lots 1, 2, and 3, Lots 5 through 9 inclusive, E½NE¼, E½NW¼, and SW¼NW¼;
Sec. 18, Lots 1, 2, 3, and 4, S½ Lot 5, S½ Lot 8, and Lots 11 and 13;
Sec. 19, Lot 24;
Sec. 20, Lot 1 and N½NE¼.
T. 14 N., R. 10 E.,
Sec. 18, Lots 2, 7, 10, and 15;
Sec. 30, Lots 8 and 16, NE¼, E½NW¼, SE¼SW¼, and SW¼SE¼.
The land aggregates approximately 6,590 acres.

4. S 856, published in Vol. 32, No. 251, **Federal Register**, Friday, December 29, 1967, page 20988:

Mount Diablo Meridian, California

T. 19 N., R. 6 E.,
Sec. 13, NW¼NW¼ and E½SW¼NW¼.
T. 17 N., R. 8 E.,
Sec. 1, Lots 8 and 11;
Sec. 5, Lots 10, 11, 12, and 13;
Sec. 6, Lots 18, 19, 20, 21, and 22;
Sec. 11, NE¼NW¼NE¼, W½NW¼NE¼, and SW¼NW¼.
T. 18 N., R. 9 E.,
Sec. 34, SNE¼SW¼, S½SW¼, and W½W½SE¼.
The land aggregates 612 acres.

5. S 857, published in Vol. 32, No. 246, **Federal Register**, Thursday, December 21, 1967, page 20664:

Mount Diablo Meridian, California

T. 7 S., R. 4 E.,
Sec. 25, 26, 32, 34, and 35.
T. 8 S., R. 4 E.,
Secs. 1 through 13 inclusive, 18, and 23.
T. 9 S., R. 4 E.,
Sec. 18, NW¼NE¼.
T. 7 S., R. 5 E.,
Sec. 31.
T. 8 S., R. 5 E.,
Secs. 6, 7, 18, and 19.
The land aggregates 6,214 acres.

This action shall in no way affect the continued classification of the land for multiple use management and segregation from appropriation under the remaining public land laws.

James B. Ruch,

State Director.

[FR Doc. 80-35554 Filed 11-13-80; 8:45 am]

BILLING CODE 4310-84-M

[Serial Nos. I-1639, I-2834]

Idaho; Partial Termination of Classification for Multiple-Use Management

1. Pursuant to authority delegated to me by Bureau Order No. 701, dated July 23, 1964 (29 FR 10526), I hereby terminate the Bureau of Land Management Multiple-Use Classifications Orders dated November 9, 1967, and December 4, 1970 (Serial Nos. I-1639 and I-2834) published in the **Federal Register** November 16, 1967, 32 FR 15767 and December 11, 1970, 35 FR 18883, insofar as they segregated the lands described below from mineral entry:

Boise Meridian, Idaho

(I-1639)

T. 18 N., R. 24 E.,
Sec. 12, SW¼NE¼;
The area described aggregates 40 acres in Lemhi County, Idaho.

(I-2834)

T. 11 N., R. 17 E.,
Sec. 6, NW¼SE¼;
The area described aggregates 40 acres in Custer County, Idaho.

2. The segregative effect (closure to entry under the Mining Laws) on the lands described in this order will terminate upon publication of this notice in the **Federal Register** as provided by the regulations in 43 CFR 2461.5(c)(2). The lands remain closed to entry under the agricultural land laws.

Robert O. Buffington,

State Director.

[FR Doc. 80-35600 Filed 11-13-80; 8:45 am]

BILLING CODE 4310-84-M

Coal Leasing for West-Central North Dakota; Notice Offering Opportunity to File Intention to Consent or Refusal to Consent

AGENCY: Bureau of Land Management, Department of Interior.

ACTION: Notice.

SUMMARY: With this **Federal Register** notice, the Montana State Office of the Bureau of Land Management (BLM) offers the opportunity for surface owners over Federal coal to indicate unilaterally whether they have the intention to consent to the surface mining of their land or whether they intend to refuse to consent to mining. The areas in question are those identified as suitable for further consideration for coal leasing in the Management Framework Plan (MFP) for West-Central North Dakota, which is a portion of the Fort Union Federal Coal Production Region.

Surface owners who already have made written agreements with industry to consent to mining need not respond to this **Federal Register** notice. (A valid written consent with industry takes precedence over both of the items described here.) At the present BLM is asking coal companies for initial information regarding existing leasing agreements that they have with surface owners. (The information includes location, transferrability, and expiration date.) At a later time, BLM will ask for full documentation of contracts with surface owners.

Forms for filing an Intention to Consent Statement or a Refusal to Consent Statement may be requested

from either the Montana State Office or the Dickinson District Office (addresses given below.) In the case of both forms, the first portion asks that surface owners validate that they are legally qualified as surface owners, as defined in the Code of Federal Regulations. The government forms are optional; if he wishes, the surface owner may write a letter as a substitute.

The surface owner should be aware that there is a third option, which is to do neither of the above. Although this possibility will not be discussed here in detail, it might be mentioned that the effect of not responding would be essentially to keep a surface owner's options open during the remainder of BLM's activity planning process, an effect which is similar in this regard to filing an Intention to Consent. It is BLM's role, of course to make a surface owner's options clear to him and not to encourage or discourage him in any particular course of action. The options and questions dealt with in this **Federal Register** notice are complicated, and a surface owner should feel free to contact BLM for explanations.

The written statements of refusal to consent and intention to consent by qualified surface owners will become part of the public record, and these statements will be made available for public inspection in the Montana State Office and at the Dickinson District Office.

Note.—Most of the Federal regulations relevant to Refusals to Consent and to Intentions to Consent can be found in 43 Code of Federal Regulations 3427.2.

DATES: The Code of Federal Regulations (CFR) say that statements of Refusal to Consent "shall be accepted for filing only during activity planning," which means for West-Central North Dakota that the refusals should be submitted sometime after November 1, 1980; the Regulations do not say when the Intention to Consent might be filed. For both items, however, BLM is requesting an early submission—*by January 7, 1981.* If a surface owner decides to declare for consent or refusal, an early filing is desirable because this information is important for the activity planning process and because surface owner wishes are key factors for helping the Fort Union Regional Coal Team (RCT) determine which Federal coal lands might be offered for lease.

ADDRESSES: The above information should be sent to Mr. Michael Penfold, State Director, Bureau of Land Management, Attn: MSEL, P.O. Box 30157, Billings, Montana 59107.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Steele, Dickinson District Manager, Bureau of Land Management, P.O. Box 1229, Dickinson, ND 58601 (701) 225–9148, or contact Mr. Bill Frey, Bureau of Land Management, Montana State Office, 222 North 32nd St., P.O. Box 30157, Billings, MT 59107 (406) 657–6632.

Maps showing the areas acceptable for further coal leasing consideration in the West-Central North Dakota Area are also available from the above two addresses.

ADDITIONAL INFORMATION ON INTENTION TO CONSENT: From surface owners who have not already entered into a coal leasing agreement with a private party, BLM will accept from them unilateral statements expressing their desire or intention to permit the surface mining of the Federal coal under their land. Either in the form of a letter or by filing an Intention to Consent Statement, the qualified surface owner may declare, among other things, any special conditions he wants to set before he would allow someone to enter and commence surface mining of coal.

It is important for a surface owner to know that his unilateral expression of Intention to Consent does not in itself guarantee that the Federal coal under his land will actually be leased. In fact, before the Federal government can lease his lands, the qualified surface owner must sign a contract for surface mining with a private party (typically a coal company). It should be emphasized that without this legal contract for surface mining, the Federal government (BLM) cannot put the surface owner's land up for lease. The surface mining contract with a private party must be sent to BLM at least 30 working days prior to the publication of a lease sale notice for the coal area in question. (The first lease sale notice for the Fort Union Coal Region is anticipated for April, 1983.)

Since a surface owner's land will not ultimately be leased without a valid contract with a private party, what is the effect of filing at this time with BLM an Intention to Consent Statement? Primarily, filing an Intention to Consent allows the Fort Union Regional Coal Team and BLM to consider surface owner desires when they are determining where coal should be leased. The lack, however, of a valid Intention to Consent Statement on record will not preclude consideration of sub-surface Federal coal during activity planning. Nevertheless, all other factors being nearly equal, a tract with a surface owner Intention to Consent will be given priority for lease sale consideration over a tract on which no such statement has been filed.

ADDITIONAL INFORMATION ON REFUSAL TO CONSENT: Written statements from qualified surface owners who refuse to consent to coal leasing will be accepted at the Montana State Office at the address given above. Early submittal of a refusal to consent by a qualified surface owner will eliminate pressure from parties seeking to enter into a consent agreement with the surface owner and will make further inquiries by BLM unnecessary.

Upon receipt of the Refusal to Consent form, BLM will remove from further leasing consideration the Federal coal underlying the qualified surface owner's land until such time as the *West-Central North Dakota Management Framework Plan* (MFP) is revised, amended, or until the ownership of the surface estate changes. (Regulations require that an MFP be reviewed in not more than 5 years for currency and adequacy, at which time an amendment or revision might be done. A MFP must be revised after 10 years.) The surface owner who has submitted a refusal should be aware that his decision is irreversible during the years that the MFP stays in effect. Upon revision or amendment of the *West-Central North Dakota MFP,* the qualified surface owner will be notified that the prior written refusal to consent is about to expire and that he has a new opportunity to exercise his option to consent or to refuse.

Kannon Richards,

Acting State Director.

[FR Doc. 80–35599 Filed 11–13–80; 8:45 am]

BILLING CODE 4310–84–M

[Coal Lease Applications C–0127832, C–0127833, C–0127834]

Coal Leasing; Garfield County, and Mesa County, Colorado; Public Hearing, Availability of Environmental Assessment, and Request for Public Comment

The Department of the Interior, Bureau of Land Management, Colorado State Office, Denver, Colorado hereby gives notice that a public hearing will be held on December 16, 1980 at 7:00 p.m. in the Bureau of Land Management's District Office Building, Third Floor Conference Room, 764 Horizon Drive, Grand Junction, Colorado. Applications by the Dorchester-ColoMine Joint Venture have been made to the United States that it lease non-competitively certain coal resources in the public lands hereinafter described. The purpose of the hearing is to obtain public comments on the Environmental Assessment and on the following items: (1) the method of mining to be employed

to obtain maximum economic recovery of the coal; (2) the impact that mining the coal in the proposed leasehold may have on the area, including, but not limited to, impacts on the environment. Written requests to testify orally at the December 16, 1980 public hearing should be received at the Grand Junction District Office, Bureau of Land Management, 764 Horizon Drive, Grand Junction, Colorado 81501, prior to the close of business December 15, 1980. People who indicate they wish to testify when they check in at the hearing room may have an opportunity to testify if time is available after the listed witnesses have been heard.

Both oral and written comments will be received at the public hearing, but speakers will be limited to a maximum of three or five minutes each depending on the number of persons desiring to comment. The time limitation will be strictly enforced, but the complete text of prepared speeches may be filed with the presiding officer at the hearing, whether or not the speaker has been able to finish oral delivery in the allotted minutes. Written comments may also be submitted to Grand Junction District Office at the above address, prior to close of business on December 22, 1980. Substantive comments, whether written or oral, will receive equal consideration prior to any lease offering.

Any written comments not presented at the hearing should be sent to both the State Director, Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, and to the Deputy Conservation Manager—(RE), C/R USGS Consv. Div. (MS 609), Box 25046, Denver, Colorado 80225, to arrive no later than December 22, 1980.

The federal coal resources to be offered is limited to underground mining methods from the Cameo and Anchor Coal seams in the following lands located approximately 12 miles north of Fruita, Colorado:

Colorado–0127832; Garfield County, Colorado

Township 7 South, Range 101 West, 6th P.M.
Sec. 29: NW¼NW¼, S½NW¼, SW¼
Sec. 30: E½NE¼, Lots 5, 6, 7, 8, 9, 10 & Tract 44 (all-fractional)
Sec. 31: Lots 5, 6, 7, 8, (all-fractional)
Sec. 32: Lots 1, 2, 3, W½NE¼, N½NW¼
Township 7 South, Range 102 West, 6th P.M.
Sec. 25: All
Sec. 26: All
Sec. 35: All
Sec. 36: All
Township 8 South, Range 101 West, 6th P.M.
Sec. 5: Lots 3, 4, S½NW¼, SW¼
Sec. 6: Lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE½NW¼, E½SW¼, SE¼ (All)
Containing 4,521.60 acres of land, more or less.

Colorado–0127833; Carfield County, Mesa County, Colorado

Township 8 South, Range 101 West, 6th P.M.
Sec. 7: Lots 1, 2, 3, 4, E½W½, E½ (All)
Sec. 8: W½, SE¼
Sec. 9: S½SW¼, SW¼SE¼
Sec. 14: SW¼NW¼
Sec. 15: S½N½, S½
Sec. 16: S½NE¼, NW¼NE¼, NW¼, S½
Sec. 17: All
Sec. 18: Lots 1, 2, 3, 4, E½W½, E½ (All)
Sec. 20: All
Sec. 21: All
Sec. 28: N½N½
Containing 5,087.06 acres of land, more or less.

Colorado–0127834; Garfield County, Mesa County, Colorado

Township 8 South, Range 101 West, 6th P.M.
Sec. 13: S½/SW¼
Sec. 14: SE¼NW¼, SW¼, W½SE¼, SE¼SE¼
Sec. 22: All
Sec. 23: All
Sec. 24: All
Sec. 25: All
Sec. 26: All
Sec. 27: E½, N½NW¼
Sec. 35: N½, SE¼
Sec. 36: All
Containing 5,120.00 acres of land, more or less.

The Draft Environmental Assessment will be available for review in the Grand Junction District Office. Single copies are available for distribution upon request from the office at the above address.

A copy of the Environmental Assessment, the case file and the comments submitted by the public will be available for public inspection at the Colorado State Office, Bureau of Land Management at the address set out above.

Edward Koeteeuw,

Acting Leader, Canon City-Grand Junction Team, Branch of Adjudication.

[FR Doc. 80-35540 Filed 11-13-80; 8:45 am]

BILLING CODE 4310-84-M

Nevada; Proposed Continuation of Withdrawal of Land

November 6, 1980.

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by Public Land Order 1485 on September 9, 1957, be continued in part for a 20-year period, pursuant to section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714. The withdrawn land proposed for continuation is described as follows:

Mount Diablo Meridian

T. 21 S., R. 61 E.,
Sec. 1, E½SE¼SE¼SW¼ except the north 70 feet.

The area described contains 4.47 acres in Clark County, Nevada.

The purpose of the withdrawal is to protect the Las Vegas U.S. Army training center. The land is currently segregated from location and entry under the public land laws generally, including the mining laws, and the mineral leasing laws. A change is proposed in the segregative effect to open the land to the mineral leasing laws.

For a period of 30 days, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned within 30 days. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. Public hearings are scheduled and conducted in accordance with BLM Manual Sec. 2351.16B.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the Chief, Division of Technical Services, Bureau of Land Management,

Department of the Interior, P.O. Box 12000, Reno, Nevada 89520.

William J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 80-35552 Filed 11-13-80; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Chevron U.S.A. Inc., Unit Operator of the West Cameron Block 17 Federal Unit Agreement No. 14-08-0001-8927, submitted on October 30, 1980, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the West Cameron Block 17 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837-4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: November 7, 1980.

J. Courtney Reed,

Staff Assistant for Resource Evaluation.

[FR Doc. 80-35598 Filed 11-13-80; 8:45 am]

BILLING CODE 4310-31-M

Outer Continental Shelf (OCS) Oil and Gas Information Program; Availability of Gulf of Alaska (Including Lower Cook Inlet) Summary Report

SUMMARY: The fourth in a series of reports that provide affected States with current planning information on OCS oil and gas activities has been published in accordance with Section 26 of the OCS Lands Act Amendments of 1978 and 30 CFR 252.4. The report focuses on the Gulf of Alaska (including Lower Cook Inlet) and provides summary information to States regarding current oil and gas resource estimates, reserves, and production levels; the magnitude and timing of OCS exploration, development, and production; strategies for transporting oil and gas; and the location and nature of onshore facilities. Other Summary Reports are planned or being written for the Gulf of Mexico, the North Atlantic, and the Beaufort Sea.

EFFECTIVE DATE: November 12, 1980.

ADDRESSES: Copies of the report may be obtained upon request from the Office of OCS Information, U.S. Geological Survey, 640 National Center, Reston, VA 22092.

FOR FURTHER INFORMATION CONTACT: David A. Nystrom, Chief, Office of OCS Information, U.S. Geological Survey, 640 National Center, Reston, VA 22092, (703) 860-7166.

Lowell G. Hammons,

Acting Deputy Division Chief, Offshore Minerals Regulation, Conservation Division.

[FR Doc. 80-35712 Filed 11-13-80; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Upper Delaware Citizens Advisory Council Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Upper Delaware Citizens Advisory Council will be held at 7:00 p.m., November 28, 1980, at the Arlington Hotel, Narrowsburg, New York. The Advisory Council was estabished by Public Law 95-625, Section 704 (f) to encourage maximum public involvement in the development and implementation of plans and programs authorized by the Act and section noted above. The Council is to meet and report to the Delaware River Basin Commission, to the Secretary of the Interior and to the Governors of New York and Pennsylvania on the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region.

The matters to be discussed at this meeting include:

1. Implementation of Section 704 of the National Parks and Recreation Act of 1978.
2. New Business.

The meeting will be open to the public. Any member of the public may file with the Council a written statement concerning the matters to be discussed. The statement should be addressed to the Council, c/o Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, NY 12764.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact John T. Hutzky, Area Manager, Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, NY 12764, phone 914-252-3947.

Minutes of the meeting will be available for inspection four weeks after the meeting at the temporary headquarters of the Upper Delaware National Scenic and Recreational River in Narrowsburg, NY.

Dated: October 31, 1980.

James W. Coleman, Jr.,

Regional Director, Mid-Atlantic Region.

[FR Doc. 80-35632 Filed 11-13-80; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

Oil Shale Environmental Advisory Panel; Renewal

This notice is published in accordance with the provisions of Section 7(a) of the Office of Management and Budget Circular A-63 (Revised). Pursuant to the authority contained in Section 14(a) of the Federal Advisory Committee Act (Pub. L. 94-463), the Secretary has determined that renewal of the Oil Shale Environmental Advisory Panel is necessary and in the public interest.

The purpose of the Panel is to assist the Department of the Interior in the performance of functions in connection with the supervision of oil shale leases issued pursuant to section 21 of the Mineral Leasing Act as amended (30 U.S.C. 241) and pursuant to the policies enunciated in the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347). The General Services Administration has concurred in the renewal of this committee.

Further information regarding this renewal may be obtained from Mr. Jeffrey F. Zabler, Office of the Assistant Secretary, Land and Water Resources, Room 6621, Department of the Interior, 18th and C Sts. N.W., Washington, D.C., telephone: (202) 343-4612; or Mr. Hank Ash, Chairman, Oil Shale Environmental

Advisory Panel, Room 690, Bldg. 67, Denver Federal Center, Denver, Colorado 80225; telephone: (303) 234–3275).

Dated: November 9, 1980.

Guy R. Martin,

Assistant Secretary.

[FR Doc. 80-35555 Filed 11-13-80; 8:45 am]

BILLING CODE 4310-10-M

[516 DM 6, Appendix 2]

National Environmental Policy Act; Revised Implementing Procedures

AGENCY: Department of the Interior.

ACTION: Notice of proposed revised instructions for the U.S. Geological Survey.

SUMMARY: This notice proposes an appendix to the Department's NEPA procedures for the U.S. Geological Survey. The Departmental procedures were published in the **Federal Register** on April 23, 1980 (45 FR 27541).

DATE: Comments due by December 15, 1980.

ADDRESS: Comments to: Larry E. Meierotto, Assistant Secretary—Policy, Budget and Administration, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Bruce Blanchard, Director, Office of Environmental Project Review, Office of the Secretary, Department of the Interior, Washington, D.C. 20240, Telephone: (202) 343–3891. For U.S. Geological Survey, contact Daniel Krinsley, Telephone: (703) 860–7455.

SUPPLEMENTARY INFORMATION: This proposed appendix to the Departmental Manual (516 DM 6, Appendix 2) provides more specific NEPA compliance guidance to the U.S. Geological Survey. In particular, it provides information about organizational responsibilities for NEPA compliance, advice to applicants, actions normally requiring the preparation of an environmental statement, and categorical exclusions. The appendix should be taken in conjunction with the Departmental procedures (516 DM 1–6) which were published in the **Federal Register** on April 23, 1980 (45 FR 27541). In addition, the service will prepare a handbook(s) or other technical guidance on how to apply these procedures to its principal programs.

Previously published proposed appendices include:

Heritage Conservation and Recreation Service, August 23, 1980 (44 FR 49523)
Bureau of Indian Affairs, July 24, 1980 (45 FR 49368)
Bureau of Mines, February 14, 1980 (45 FR 10043)
National Park Service, May 15, 1980 (45 FR 32126)
Office of Surface Mining, February 14, 1980 (45 FR 10043)

Final appendices have been published for:

Appendix 1. Fish and Wildlife Service (45 FR 47941)
Appendix 9. Water and Power Resources Service (45 FR 47944)

The proposed appendix for the Bureau of Land Management will be published as a notice for 30-day public comment at a later date.

Comment on the proposed appendix are invited. To be considered in the preparation of the final appendix, comments must be received by December 15, 1980.

Dated: November 6, 1980.

James H. Rathlesberger,

Special Assistant to Assistant Secretary of the Interior.

Geological Survey

2.1 *Responsibility*

A. *Director*

Is responsible for NEPA compliance for U.S. Geological Survey (GS) activities.

B. *Assistant Director, Resource Programs*

Is responsible for providing scientific leadership, and for approving or concurring with all EISs for GS actions. The Assistant Director is also responsible for approving reviews of environmental documents prepared by other agencies.

C. *Chief, Environmental Affairs Office (Washington)*

Is the Service focal point for all NEPA matters and develops NEPA-related policy and guidance for the GS. The Chief is responsible for: assuring the quality control of NEPA documents; monitoring Service-wide activities to assure NEPA compliance; reviewing and commenting on other bureaus' and agencies' environmental documents; managing GS personnel assigned to other agencies' EISs; preparing environmental documents at the request of other agencies; assisting in the performance of specialized studies in support of ongoing environmental analyses; and conducting research to improve the NEPA process. Information about GS NEPA documents or the NEPA process can be obtained by contacting this office.

D. *Chief of Divisions and Independent Offices*

Are responsible within their respective organizations for ensuring compliance with NEPA and other environmental review and consultation requirements.

2.2 *Information to Applicants*

The following regulatory documents of the Geological Survey include information to applicants as to the environmental information required to be submitted as part of or to accompany their applications relating to Federal or Indian mineral leases. The documents are available on request from the appropriate regional Conservation Manager.

A. *Oil and Gas*

(1) Onshore—Notice to Lessees and Operators—NTL–6 (Approval of Operations).

(2) Offshore—30 CFR 250.34.

—30 CFR 251.

—Guidelines for Preparing Outer Continental Shelf (OCS) Environmental Reports.

B. *Geothermal Resources*

—30 CFR 270.34.

—Geothermal Resources Operational Order No. 4.

C. *Coal Exploration*

—30 CFR 211.

2.3 *Major Actions Normally Requiring an EIS*

A. The following proposals will normally require the preparation of an EIS:

(1) Approval of studies and investigations that would result in liberation of radioactive tracer materials, or nuclear stimulation.

(2) Approval of an OCS oil and gas development and production plan in a frontier area, when the plan is declared to be a major Federal action in accordance with Section 25 of the OCS Lands Act Amendments of 1978 (30 CFR 250.34–4).

(3) Approval of a new surface mine plan which would disturb a total of 640 acres or more.

(4) Approval of a new commercial surface oil shale mine plan, regardless of size.

(5) Approval of a new underground uranium mine plan in which 640 acres or more would be mined.

B. If, for any of these proposals, it is initially decided not to prepare an EIS, an EA will be prepared and handled in accordance with Section 1501.4(e)(2).

2.4 *Categorical Exclusions*

In addition to the actions listed in the Departmental categorical exclusions outlined in Appendix 1 of 506 DM 2, many of which the Survey also performs, the following Geological Survey actions are designated categorical exclusions unless the action qualifies as an exception under 516 DM 2.3A(3).

A. *Internal Program Initiatives*

(1) Topographic, land use and land cover, geologic, mineralogic, resource evaluation, and hydrologic mapping activities including aerial topographic surveying, photography, and geophysical surveying.

(2) Rendering formal classification of Federal lands in the United States as to their mineral character and waterpower and waterstorage values.

(3) Collection of data and samples for geologic, paleontologic, mineralogic, geochemical, geophysical investigations, and resource evaluation, including contracts therefor.

(4) The acquisition of existing geological or geophysical data from otherwise private exploration ventures.

(5) Well loggin, aquifer response testing, digital modeling, inventory of existing wells and water supplies, water-sample collection, operation/installation of water-level recording devices in wells, and installation and operation of stream-gaging stations, including contracts therefor.

(6) Establishment of survey marks, emplacement and operation of field instruments, and installation of any research/monitoring devices.

(7) Exploratory or observation well drilling operations, including contracts therefor.

(8) Establishment of seasonal and temporary field camps.

(9) Digging of exploratory trenches.

(10) Offroad travel to drilling or data collection or observation sites.

(11) Test or exploration drilling and downhole testing.

(12) Hydraulic fracturing of rock formations.

B. Permit and Regulatory Functions

(1) Determination and designation of logical mining units (LMU's).

(2) Recommendation to the Office of Surface Mining for approval of coal mining and operation plans (30 CFR 211.10) filed under the Surface Mining Control and Reclamation Act (SMCRA).

(3) Minor modification of or variance from activities described in approved mineral exploration plans or approved development/production plans, such as the relocation of a drill site(s).

(4) Development of reporting forms to collect data required by regulations.

(5) Approval of Sundry Notices and Reports on Wells.

(6) Approval of wells as capable of producing in paying quantities.

(7) Approval of unitization agreements, pooling, or communitization agreements.

(8) Approval of suspensions of operations and suspensions of production.

(9) Approval for commingling of production.

(10) Approval of applications for pricing determinations under the Natural Gas Policy Act.

(11) Inspections and investigations.

(12) Issuance of Notices to Lessees and Operators, and field rules.

(13) Administrative decisions and actions and recordkeeping, such as:

(a) Approval of royalty oil contracts.

(b) Approvals of underground gas storage agreements from a presently or formerly productive reservoir.

(c) Issuance of paying well determinations and participating area approvals.

(d) Issuance of drainage determinations.

(14) Reports to Surface Management agencies concerning mineral appraisals and applications for rights-of-way, small tract leases, lease consolidation applications, lease assignments, and bond terminations.

(15) Approval of royalty payment procedures and determinations concerning royalty quantities and values, such as audits, royalty reductions, collection procedures, cash handling procedures, reporting procedures, and any actions taken with regard to royalty collections (includes similar actions relating to net profit and windfall profit taxes).

(16) Decisions made and enforcement actions taken as a result of inspections made to assure compliance with the applicable laws and regulations, Orders, lease terms, and all requirements imposed as conditions of approval.

(17) Conversion of an unsuccessful oil and gas or geothermal well or an exhausted producer to a water source well or observation well.

(18) Approval of off-lease storage in existing facilities.

(19) Approval of production measurement methods, facilities and procedures.

(20) Approval of surface facilities for the disposal of produced water.

(21) Conversion of an existing well for disposal of produced water.

(22) Approval of OCS geological and geophysical exploration activities, except where the proposed activity includes the drilling of deep stratigraphic test holes.

(23) Minor revisions of or variances from activities described in an approved OCS development/production plan and of approved exploration plans relating to OCS leases.

(24) Approval of an Application for Permit to Drill (APD) an OCS oil and gas exploration or development well when said well is described in an approved exploration plan, development plan, or production plan.

(25) Approval of mineral prospecting permits or exploration plans on Federal or Indian lands.

(26) Approval of of minor modifications to, or variances from, activities described in existing approved underground and surface mine plans.

(27) Approval of an APD for exploratory oil and gas wells prior to the completion of the first confirmation drilling.

(28) Approval of an APD for exploratory oil and gas wells subsequent to the first confirmation drilling.

(29) Approval of an APD for a new water source, observation or produced-water disposal well.

(30) Approval of an APD for a new injection or withdrawal well pursuant to an approved gas storage project.

(31) Approval of proposals for the enhanced recovery of proven oil and gas resources.

(32) Approval of geothermal plans of operation for exploration.

(33) Approval of plans for injection of geothermal fluids.

(34) Approval of plans for geothermal production.

(35) Approval of geophysical exploration for oil and gas and geothermal resources.

(36) Approval of OCS exploration plans in the Western Gulf of Mexico (30 CFR 250.2).

(37) Approval of OCS development/production plans in the Western Gulf of Mexico (30 CFR 250.2).

[FR Doc. 80-35403 Filed 11-13-80; 8:45 am]

BILLING CODE 4310-31-M

INTERSTATE COMMERCE COMMISSION

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80-30462, appearing at page 65352 in the issue of Thursday, October 2, 1980, make the following correction:

On page 65355, third column, fourth paragraph in the application for C & E Transport Inc. in the 15th line, "LA" should read "IA".

BILLING CODE 1505-01-M

[Docket No. AB-19 (Sub-No. 50F)]

Baltimore and Ohio Railroad Co., Abandonment Near South Webster and Edmunds, OH; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and

Decision decided November 7, 1980, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.-Abandonment Goshen,* 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment by the Baltimore and Ohio Railroad Company of a line of railroad known as Portsmouth Branch from Valuation Station 1927+00 (milepost 37.20), at or near South Webster, OH to Valuation Station 2055+15 (milepost 39.63), at or near Edmunds, OH, a distance of 2.43 miles in Scioto County, OH and between Valuation Stations 2831+30.5 (milepost 48.99) and 2856+50 (milepost 49.47), at or near Portsmouth, OH, a distance of 0.48 mile in Scioto County, OH. A certificate of public convenience and necessity permitting the abandonment was issued to The Baltimore and Ohio Railroad Company. Since no investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, on or before November 24, 1980. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-35622 Filed 11-13-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-19 (Sub-No. 51F)]

Baltimore and Ohio Railroad Co., Abandonment Near Spelter and Clarksburg, W. Va.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided November 7, 1980, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.-Abandonment Goshen,* 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment by the Baltimore and Ohio Railroad Company of a line of railroad known as Monongahela River Branch, from Valuation Station 1229+08.1 (milepost 24.39), at or near Spelter, W.Va., to Valuation Station 1594+73.6 (milepost 31.32), at or near Clarksburg, W.Va., a total distance of 6.93 miles in Harrison County, W.Va. and further that applicant shall keep intact all of the right-of-way underlying the track, including all the bridges and culverts for a period of 120 days from November 7, 1980, to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way. A certificate of public convenience and necessity permitting the abandonment was issued to the Baltimore and Ohio Railroad Company. Since no investigation was instituted, the requirements of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, on or before November 24, 1980. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-35623 Filed 11-13-80; 8:45 am]

BILLING CODE 7035-01-M

Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

November 10, 1980.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before December 1, 1980. No. 43867, Southwestern Freight Bureau, Agent (No. B-95), reduced rate on iron or steel bars, in carloads, from Coalton, KY to Houston, TX, as published in Supplement 522 to its Tariff ICC SWFB 4850, scheduled to become effective November 16, 1980. SWFB advises that the proposed effective date will be postponed to November 28, 1980. Grounds for relief—origin rate relationship and market competition.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-35624 Filed 11-13-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers—Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.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 on or before December 29, 1980 (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. 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. OP1–065

Decided: October 31, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 200 (Sub-503F) filed, October 21, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in Bergen County, NJ, on the one hand, and, on the other, points in Milwaukee County, WI, restricted to traffic originating at or destined to the facilities used by J. C. Penney Co., its affiliates, suppliers, and vendors.

MC 2770 (Sub-25F), filed October 16, 1980. Applicant: SANBORN'S MOTOR EXPRESS, INC., 550 Forest Ave., Portland, ME 04101. Representative: Lawrence S. Burstein, Suite 2373, One World Trade Center, New York, NY 10048. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in CT, DE, MA, ME, MD, NH, NJ, NY, PA, RI, VA, VT, WV, and DC.

MC 2860 (Sub-210F), filed October 15, 1980. Applicant: NATIONAL FREIGHT, INC., 71 West Park Ave., Vineland, NJ 08360. Representative: Gerald S. Duzinski (same address as applicant). Transporting (1) *foodstuffs,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of foodstuffs, between points in Mecklenburg County, NC, on the one hand, and, on the other, those points in the U.S. in and east of MT, WY, UT, and AZ, restricted to traffic originating at or destined to the facilities of H. J. Heinz Company.

MC 2860 (Sub-211F), filed October 15, 1980. Applicant: NATIONAL FREIGHT, INC., 71 West Park Ave., Vineland, NJ 08360. Representative: Gerald S. Duzinski (same address as applicant). Transporting (1) *foodstuffs and pet food products,* and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, between points in the U.S., under continuing contract(s) with Nabisco, Inc., of East Hanover, NJ.

MC 2900 (Sub-440F), filed October 22, 1980. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). Transporting *classes A, B and C explosives, blasting materials and supplies, weapons, ammunition, and component parts of ammunition and explosives and articles designated by the U.S. Government as sensitive,* between points in the U.S. Condition: To the extent that the certificate in this proceeding authorized the transportation of dangerous commodities, it will expire 5 years from the date of issuance.

MC 7381 (Sub-17F), filed October 16, 1980. Applicant: WEBB'S TRANSFER, INC., P.O. Box 1189, Suffolk, VA 23434. Representative: Elliott Bunce, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209. 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), in cargo containers or trailers, and (2) *empty cargo containers or trailers,* between points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MN, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC, restricted to traffic having a prior or subsequent movement by water.

MC 8771 (Sub-73F), filed October 9, 1980. Applicant: S M TRANSPORT, INC., Hemlock Bldg. 5000 Lenker Street, Mechanicsburg, PA 17055. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. Transporting (1) machinery, machinery parts, contractor's equipment, commodities which because of size and weight require the use of special equipment, and self-propelled vehicles, each weighing 15,000 pounds or more, and (2) *accessories* for the commodities in (1) above, between points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA, VT, and DC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 29910 (Sub-299F), filed October 23, 1980. Applicant: ABF FREIGHT SYSTEM, INC., 301 South Eleventh St., Fort Smith, AR 72901. Representative: Joseph K. Reber, P.O. Box 48, Fort Smith, AR 72902. *Over regular routes,* transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Lawrence, KS, as an intermediate point in connection with applicant's otherwise authorized regular-route operations between Kansas City, MO, and Salina, KS.

MC 29910 (Sub-300F), filed October 21, 1980. Applicant: ABF FREIGHT SYSTEM, INC., 301 South Eleventh St., Fort Smith, AR 72901. Representative: Joseph K. Reber (same address as applicant). *Over regular routes,* transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Sussex, Warren, Morris and Passaic Counties, NJ, as intermediate or off-route points in connection with applicant's otherwise authorized regular-route operations between New York, NY, and Raleigh, NC.

MC 56270 (Sub-47F), filed October 27, 1980. Applicant: LEICHT TRANSFER & Storage Co., a corporation, P.O. Box 2385, Green Bay, WI 54306. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603. Transporting *general commodities* (except commodities in bulk, classes A and B explosives, and household goods as defined by the Commission) between the facilities of Allis-Chalmers Corporation at or near (a) Harrisburg and York, PA, (b) Zion, Harvey, Matteson, and Batavia, IL, (c) St. Louis, Columbia, and Independence, MO, (d) Brownsville and Elizabethton, TN, (e) Dallas, TX, (f) Fayetteville, AR, (g) City of Industry, CA (h) Louisville, KY, (i) Appleton, Milwaukee, and Port Washington, WI, and (j) La Porte, IN, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, KS, OK, and TX.

MC 56270 (Sub-48F), filed October 21, 1980. Applicant: LEICHT TRANSFER & STORAGE CO., a corporation, 1401

State Street, P.O. Box 2385, Green Bay, WI 54306. Representative: Joel H. Steiner, 39 South LaSalle Street, Suite 600, Chicago, IL 60603. Transporting *flour*, between Omaha, NE, and points in Otter Tail County, MN, on the one hand, and, on the other, Chicago, IL. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 65491 (Sub-12F), filed October 22, 1980. Applicant: GEORGE W. BROWN, INC., 1475 East 222nd St., New York, NY 10469. Representative: William Biederman, 371 Seventh Ave., New York, NY 10001., New York, NY 10001. Transporting (1) *iron and steel articles*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between Pittsburg, PA, on the one hand, and, on the other, New York, NY.

MC 65920 (Sub-10F), filed October 22, 1980. Applicant: BISHOP MOTOR EXPRESS, INC., 607 Century Ave. SW., Grand Rapids, MI 49503. Representative: William B. Elmer, 21635 East Nine Mile Rd., St. Clair Shores, MI 48080. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), serving points in Allegan, Ionia, Kent, Mecosta, Montcalm, Muskegon, Newaygo, and Ottawa Counties, MI, as off-route points in connection with applicant's otherwise authorized regular-route operations.

MC 74761 (Sub-22F), filed October 17, 1980. Applicant: TRAILWAYS TAMIMI, INC., 200 Spring Street, NW., Atlanta, GA 30303. Representative: George W. Hanthorn, 1500 Jackson Street, Dallas, TX 75201. Over regular routes, transporting *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Waycross, GA, and Callahan, FL, over U.S. Hwy 1, serving no intermediate points.

MC 103490 (Sub-84F), filed October 21, 1980. Applicant: PROVAN TRANSPORT COPR., 210 Mill Street, Newburgh, NY 12550. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Transporting *liquid commodities*, in bulk, (1) between Delaware City, DE, on the one hand, and on the other, points in MD, GA, WV, CH, and MI, and (2) between Eldorado, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 108460 (Sub-72F), filed October 20, 1980. Applicant: PETROLEUM CARRIERS COMPANY, a corporation, 5104 West 14th St., Sioux Falls, SD 57101. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603. Transporting *petroleum products*, in bulk, from points in Minnehaha County, SD to points in MN and IA.

MC 111401 (Sub-606F), filed October 17, 1980. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Blvd., Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). In foreign commerce only, transporting *cottonseed oil*, in bulk, between points in Harris County, TX, on the one hand, and, on the other, points in Lubbock, Hardeman, and Nolan Counties, TX.

MC 111401 (Sub-607F), filed October 20, 1980. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Blvd., Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). Transporting *petroleum*, in bulk, from points in Dundy, Hitchcock, and Red Willow Counties, NE, to points in Decatur and Scott Counties, KS.

MC 114211 (Sub-479F), filed October 23, 1980. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same address as applicant). Transporting (1) *experimental and show display construction, earthmoving, and material handling equipment*, and (2) *parts, attachments, and accessories* for the commodities in (1) above, (a) between the facilities used by JCB, Inc., at points in the U.S., and (b) between the facilities used by JCB, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 118130 (Sub-121F), filed October 21, 1980. Applicant: SOUTH EASTERN XPRESS, INC., P.O. Box 6459, Fort Worth, TX 76115. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S.

MC 120770 (Sub-3F), filed October 20, 1980. Applicant: KANSAS CARTAGE CO., a corporation, P.O. Box 15277, 712 Sunshine Rd., Kansas City, KS 66115. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting (1) *concrete pipe, concrete manholes, prestressed concrete and prestressed concrete accessories*, and (2) *materials, equipment and supplies* used in the manufacture of the commodities in (1) above, from Kansas City, MO, to Columbia and St. Louis, MO.

MC 120910 (Sub-50F), filed October 20, 1980. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, AL 35401. Representative: Donald B. Sweeney, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. Transporting (1) *chemicals*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of commodities in (1) above, between points in Tuscaloosa County, AL, on the one hand, and, on the other, points in the U.S. (except AK and HI.)

MC 124170 (Sub-158F), filed October 21, 1980. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Transporting *such commodities* as are dealt in or used by food business houses, between Cincinnati, OH, on the one hand, and, on the other, points in the U.S.

MC 125551 (Sub-20F), filed October 23, 1980. Applicant: K & W TRUCKING CO., INC., P.O. Box 1415, 101 Cooper Ave. North, St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in AK, on the one hand, and, on the other, points in the U.S.

MC 135760 (Sub-22F), filed October 17, 1980. Applicant: COAST REFRIGERATED TRUCKING CO., INC., P.O. Box 188, Holly Ridge, NC 28445. Representative: Herbert Alan Dubin, 818 Connecticut Ave. NW., Washington, DC 20006. Transporting (1) *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *foodstuffs*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S., under continuing contract(s) with Swift & Company, and Swift Independent Packing Company, both of Chicago, IL.

MC 138941 (Sub-46F), filed October 20, 1980. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservoir St., Pomona, CA 91766. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. Transporting (1) *paper and paper products*, (2) *plastic and plastic articles*, (3) *woodpulp*, and (4) *materials, equipment, and supplies* used in the manufacture and distribution of the

commodities in (1), (2) and (3) above (except commodities in bulk), between points in the U.S., under continuing contract(s) with International Paper Company, of New York, NY.

MC 138960 (Sub-18F) filed October 21, 1980. Applicant: ROKO EXPRESS, INC., P.O. Box 169, 819 West Fifth Ave., Columbus, OH 43212. Representative: H. Barney Firestone, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Transporting (1) *pet foods, and pet food ingredients,* and (2) *materials and supplies* used in the manufacture of pet foods, between points in Franklin County, OH, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, and TN.

MC 147911 (Sub-4F) filed October 23, 1980. Applicant: TILFORD TRUCKING, INC., P.O. Box 34, Readyville, TN 37419. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St. NW., Washington, D.C. 20004. Transporting (1) *malt beverages,* and (2) *materials, equipment and supplies* used in the manufacture of malt beverages, between Detroit, MI, on the one hand, and, on the other, points in KY.

MC 148060 (Sub-5F) filed October 21, 1980. Applicant: STOVER LINES, INC., 5636 N.W. 17th, Topeka, KS 66618. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *malt beverages,* from Fort Worth, TX, Milwaukee, WI, and Peoria and Belleville, IL, to Topeka and Manhattan, KS.

MC 149100 (Sub-5F) filed October 15, 1980. Applicant: JIM PALMER TRUCKING, INC., 9730 Derby Dr., Missoula, MT 59801. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202. Transporting (1)(a) *agricultural implements,* (b) *farm equipment* (except those in (a)), *and industrial equipment,* and (2) *parts* and *attachments* for the commodities in (1) above, from points in IL, WI, IN, KS, MO, MN, MI, OH, GA, MS, IA, TX, and WA to points in OR, WA, ID, and UT.

MC 149280 (Sub-2F) filed October 23, 1980. Applicant: M & A TRANSPORT, INC., 4117 Terminal Drive, Box 395, McFarland, WI 53558. Representative: Michael S. Varda, 121 S. Pinckney Street, Madison, WI 53703. Transporting *asphalt products,* in bulk, between points in the U.S., under continuing contract(s) with G. J. Payne Co., of St. Paul, MN.

MC 150660 (Sub-1F), filed October 20, 1980. Applicant: BALVANZ TRUCKING, INC., Hubbard, IA 50122. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Transporting (1) *straw mats used for grass lawns,* from Toledo, OH, Denver, CO, Salem, OR, Reno, NV, Kansas City, MO, Pleasantville, IA, Dallas, TX, and Atlanta, GA, to points in the U.S. (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction.

MC 151430 (Sub-1F), filed October 21, 1980. Applicant: SAN-DEE TRUCKING CORP., 19–41 Chapel Street, Newark, NJ 07105. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Transporting (1) *malt beverages, and nonalcoholic beverages,* and (2) *materials and supplies* used in the manufacture, packaging and distribution of the commodities in (1) above (except commodities in bulk), between Newark and Hammonton, NJ, on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, PA, and RI.

MC 151740 (Sub-1F), filed October 23, 1980. Applicant: LARRYMAR CORPORATION, P.O. Box 5, Rt. 541, Mt. Holly, NJ 08060. Representative: Raymond A. Thistle, Jr., Five Cottman Court, Homestead Rd. & Cottman St., Jenkintown, PA 19046. Transporting (1) *building materials, petroleum products and coal products,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S., under continuing contract(s) with Owens-Corning Fibreglas Corporation, of Toledo, OH.

MC 151740 (Sub-4F), filed October 21, 1980. Applicant: LARRYMAR CORPORATION, P.O. Box 5, Rt. 541, Mt. Holly, NJ 08060. Representative: Raymond A. Thistle, Jr., Five Cottman Court, Homestead Rd. & Cottman St., Jenkintown, PA 19046. Transporting (1) *containers and containing devices,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S., under continuing contract(s) with Burlington Metal Products, Inc., of Lumberton, NJ.

MC 152320F, filed October 20, 1980. Applicant: VERSPEETEN CARTAGE LIMITED, 67 Dalton Rd., Delhi, Ontario, Canada N4B 1B4. Representative: Neill T. Riddell, 900 Guardian Bldg., Detroit, MI 48226. 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 AgroSpray Chemicals Limited and Tripp-Vogt Trottier Limited, both of Tillsonburg, Ontario, Canada, and Delhi Division of General Instrument of Canada Ltd., and Taylor Tobacco Enterprises (Ont.), Inc., both of Delhi, Ontario, Canada.

Volume No. OP2–086

Decided: November 3, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 113843 (Sub-287F), filed October 22, 1980. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St, 5th floor, Boston, MA 02210. Representative: Lawrence T. Shells (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission, commodities in bulk, and classes A and B explosives), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to facilities used by Ralston Purina Company.

MC 125433 (Sub-436F), filed October 10, 1980. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Rd., Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting *iron and steel articles and commodities which because of size or weight require the use of special equipment* between Tulsa, OK, and Amarillo, TX, on the one hand, and, on the other, points in the U.S.

MC 125433 (Sub-437F), filed October 20, 1980. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Rd., Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting *plastic bags and plastic film,* between points in TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 125433 (Sub-439F), filed October 20, 1980. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Rd., Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting (1) *store fixtures and store equipment,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 125433 (Sub-440F), filed October 20, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Rd., Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting (1) *glass and metal containers,* (2) *containers, closures,* and (3) *materials and supplies* used in the manufacture of the commodities in (1) above, between the facilities of Ball Corporation and its

subsidiaries in the U.S., on the one hand, and, on the other, points in the U.S.

MC 125433 (Sub-441F), filed October 20, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Rd., Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in AR, on the one hand, and, on the other, points in the U.S.

MC 125433 (Sub-441F), filed October 20, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Rd., Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting (1) *aircraft passenger seats*, (2) *cooling and freezing boxes* and *parts* for cooling and freezing boxes, (3) *food cabinets and counters*, and (4) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) to (3) above, between points in Cooke County, TX, on the one hand, and, on the other, points in the U.S.

MC 128302 (Sub-16F), filed October 21, 1980. Applicant: THE MANFREDI MOTOR TRANSIT CO., a corporation, 11250 Kinsman Rd., Newbury, OH 44065. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. Transporting (1) *concrete additives, air entraining agents, mortar, concrete mix, cement compounds, iron borings, surface curing compounds, grout, and paint compounds*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Master Builders, Division of Martin-Marietta Corporation.

MC 133262 (Sub-3F), filed October 21, 1980. Applicant: TIGGES TRUCKING, INC., 5071 JFK Rd., Dubuque, IA 52001. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *dry cement*, in bulk, (1) from Rock Island, IL, and Buffalo, IA, to points in WI, and (2) from La Crosse, WI, to Waukon and Monona, IA.

MC 133542 (Sub-19F), filed October 17, 1980. Applicant: FLOYD WILD, INC., P.O. Box 91, Marshall, MN 56258. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting (1) *cabinets and vanity sets*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of cabinets and vanity sets, between points in the U.S. (except AK and HI), under continuing contract(s) with StarMark, Inc., of Sioux Falls, SD; Mid Continent Millwork, Inc., of Cottonwood, MN; and Decorá Division of Beatrice Foods, of Zumbrota, MN.

MC 134922 (Sub-336F), filed October 21, 1980. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Representative: Diane Price, Route 6, Box 15, North Little Rock, AR 72118. Transporting *foodstuffs* (except commodities in bulk, in tank vehicles), from points in Shelby County, TN, to points in the U.S. (except AK and HI.)

MC 135962 (Sub-5F), filed October 22, 1980. Applicant: MAR–KAT CARTAGE, INC., 5275 Naiman Parkway, Solon, OH 44139. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215. Transporting *such commodities* as are dealt in or used by retail department stores, between points in the U.S., under continuing contract(s) with Joseph Horne Co., of Pittsburgh, PA, and J.C. Penny Company, Inc., of New York, NY.

MC 134922 (Sub-337F), filed October 17, 1980. Applicant: B. J. McADAMS, INC., Route 6, Box 15, N. Little Rock, AR 72118. Representative: Diane Price (same as applicant). Transporting *general commodities* (except commodities in bulk, household goods as defined by the Commission, and classes A and B explosives), between points in the U.S. (except AK and HI). Condition: Issuance of this certificate is subject to prior or coincidental cancellation of all certificates of applicant. Applicant shall submit a list of all existing certificates and dates of issue to be cancelled.

MC 142672 (Sub-156F), filed October 23, 1980. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulburry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting (1) *stainless steel tubing*, from points in Johnson County, AR, to points in the U.S. (except AK and HI); and (2) *materials, equipment, and supplies* used in the manufacture and distribution of stainless steel tubing, in the reverse direction.

MC 144052 (Sub-1F), filed October 21, 1980. Applicant: INTERMODAL FREIGHT SYSTEMS, INC., 144 Pennsylvania Ave., P.O. Box 423, Kearny, NJ 07032. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment), between those points in the U.S. in and east of WI, IL, KY, TN, and MS, on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted to traffic having a prior or subsequent movement by rail.

MC 144153 (Sub-2F), filed October 20, 1980. Applicant: OSCAR G. BJUGSTAD, OSCAR L. BJUGSTAD, and AUGUST D. BJUGSTAD, d.b.a. BJUGSTAD TRUCKING CO., Rte. 2, Highway 51, Stoughton, WI 53589. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Transporting *general commodities* (except classes A and B explosives, and household goods as defined by the Commission), between points in the U.S., under continuing contract(s) with Baker Manufacturing Company, of Evansville, WI.

MC 145102 (Sub-68F), filed October 23, 1980. Applicant: FREYMILLER TRUCKING, INC., 1400 S. Union Ave., Bakersfield, CA 93307. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. Transporting *dairy products and synthetic dairy products*, from points in MN, IL, ND, SD, IA, and WI, to points in AZ, CA, and NV.

MC 145802 (Sub-7F), filed October 21, 1980. Applicant: RONALD E. REED, d.b.a. TRIPLE R. TRUCKING, R.F.D., Laurens, IA 50554. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *frozen concentrated and canned juices*, from points in FL to points in IA.

MC 146853 (Sub-5F), filed October 23, 1980. Applicant: FRANK F. SLOAN, d.b.a. HAWKEYE WOOD SHAVINGS, Route 1, Runnells, IA 50327. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting (1) *wooden windows, sliding glass doors, wooden folding doors, partitions, and lumber*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), from Pella, IA, to points in UT, MT, WY, CO, and SD.

MC 150432 (Sub-8F), filed October 21, 1980. Applicant: H & M TRANSPORTATION, INC., U.S. 42 and 70, London, OH 43140. Representative: Owen B. Katzman, 1828 L St., NW., Suite 1111, Washington, DC 20036. Transporting *foodstuffs*, between points in the U.S., under continuing contract(s) with T. Marzetti Company, of Columbus, OH.

MC 151162 (Sub-5F), filed October 21, 1980. Applicant: LOWELL E. CAWOOD d.b.a. CAWOOD PRODUCE, P.O. Box 83, Springdale, AR 72701. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting (1) *metal shelving*, and (2) *parts* and *accessories* used in the manufacture and distribution of metal

shelving, from points in OH to points in TX, restricted to traffic originating at or destined to the facilities of Austin Material Handling Company.

MC 151533 (Sub-6F), filed October 21, 1980. Applicant: BESTWAY FREIGHT LINES LTD., 1749 Wilbur Cross Hwy., Berlin, CT 06037. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting (1) *electronic equipment, radar equipment, radio equipment, transformers, metal weldments, and metal fabrications*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Radio Research Instrument Company, Inc., at (a) Danbury and Waterbury, CT, (b) New York, NY, (c) Sacramento and San Diego, CA, and (d) Williamsport, PA, on the one hand, and, on the other, points in the U.S. (including AK and HI).

MC 151693 (Sub-3F), filed October 17, 1980. Applicant: SPECIAL SERVICE DELIVERY CO., INC., 2514 Bridge Ave., Cleveland, OH 44113. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Transporting *such commodities* as are dealt in or used by manufacturers of cosmetics (except commodities in bulk), and between points in Lucas County, OH, on the one hand, and, on the other, points in the Lower Peninsula of MI.

MC 151742 (Sub-1F), filed October 18, 1980. Applicant: TEAM TRANSPORT, INC., 132 Phillips Avenue, Niles, OH 44446. Representatives: Samuel P. DeLisi, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Transporting (1) *primary metal products*, as described in Item 33 of the Standard Transportation Commodity Code Tariff; (2) *fabricated metal products*, as described in Item 34 of the Standard Transportation Commoditiy Code Tariff; (3) *machinery and supplies*, as described in Item 35 of the Standard Transportation Commodity Code Tariff; (4) *electrical machinery or equipment and supplies*, as described in Item 36 of the Standard Transportation Commodity Code Tariff; and (5) *materials, equipment and supplies* used in the manufacture, sale or distribution of the commodities in (1) and (2) above, between points in the U.S. in and east of MT, WY, CO and NM.

Volume No. OP3–061

Decided: October 29, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

MC 45194 (Sub-27TA) filed, October 15, 1980. Applicant: LATTAVO BROTHERS, INC., 2230 Shepler-Church Ave., SW., Canton, OH 44706. Representative: M. Diane Neal (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission), between points in OH, PA, and WV, on the one hand, and, on the other, points in U.S. (except AK and HI).

MC 67485 (Sub-21F), filed October 9, 1980. Applicant: TEXAS TEX-PACK EXPRESS, INC., P.O. Box 9325, San Antonio, TX 78204. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Houston and Junction, TX, over Interstate Hwy 10; (2) between Dallas and Laredo, TX, over Interstate Hwy 35; (3) between San Antonio and Corpus Christi, TX, over Interstate Hwy 37; (4) between Eagle Pass and Moore, TX, over U.S. Hwy 57; (5) between Houston and Laredo, TX, over U.S. Hwy 59; (6) between Dallas and Brownsville, TX, over U.S. Hwy 77; (7) between Round Rock and Hearne, TX, over U.S. Hwy 79; (8) between Hillsboro and Laredo, TX, over U.S. Hwy 81; (9) between Brownsville and Leakey, TX, over U.S. Hwy 83; (10) between Junction and Eden, TX, over U.S. Hwy 83; (11) between Gatesville and Collidge, TX, over U.S. Hwy 84 serving the intermediate points between McGregor and Collidge, TX; restricted against service at Gatesville; (12) between Goldthwaite and Mullin, over U.S. Hwy 84; (13) between Eden and Victoria, over U.S. Hwy 87; (14) between Houston and Sanderson, TX, over U.S. Hwy 90; (15) between Seguin and Belmont, TX, over alternate U.S. Hwy 90; (16) between San Antonio and Corpus Christi, TX, over U.S. Hwy 181; (17) between Gonzales and Mullin, TX, over U.S. Hwy 183; (18) between Brady and Hearne, TX, over U.S. Hwy 190; (19) between Del Rio and Carrizo Springs, TX, over U.S. Hwy 277; (20) between Lampasas and Brownsville, TX, over U.S. Hwy 281; serving all intermediate points, including Hidalgo; (21) between Brady, TX and junction U.S. Hwy 283 and F.M. Road 504, over U.S. Hwy 283; (22) between Junction and Giddings, TX, over U.S. Hwy 290, serving all intermediate points, including Butler and McDade; (23) between Junction and Brady, TX, over U.S. Hwy 377; (24) between Rocksprings and junction U.S. Hwy 377 and TX Hwy 41, over U.S. Hwy 377; (25) between Waco and Hearne, TX, over TX Hwy 6; (26) between Kosse and Eddy, TX, over TX Hwy 7; (27) between Corpus Christi, TX and junction TX Hwy 9 and U.S. Hwy 281 near Three Rivers, TX, over TX Hwy 9; (28) between between Fredericksburg and Zapata, TX, over TX Hwy 16; (29) between Llano and Goldthwaite, TX, over TX Hwy 16; (30) between San Marcos and junction TX Hwy 21 and F.M. Road 141 near Dime Box, over TX Hwy 21; (31) between Hillsboro and Blooming Grove, TX, over TX Hwy 22; (32) between Comfort and Mountain Home, TX, over TX Hwy 27; (33) between Georgetown and Fort McKavett, TX, over TX Hwy 29; (34) between Dawson, TX and junction TX Hwy 31 and U.S. Hwy 84 near Waco, over TX Hwy 31; (35) between Gregory and Hiliday Beach, TX, over TX Hwy 35; (36) between Cameron and Gatesville, TX, over TX Hwy 36; serving all intermediate points including North Fort Hood, excluding service at Gatesville, except for the purpose of interline with other carriers; (37) between Hunt and Ingram, TX, over TX Hwy 39; (38) between Mountain Home and junction TX Hwy 41 and U.S. Hwy 377, over TX Hwy 41; (39) between Corpus Christi and Freer, TX, over TX Hwy 44; (40) between Seguin and junction TX Hwy 46 and TX Hwy 16 near Pipe Creek, over TX Hwy 46; (41) between Brownsville and Port Isabel, TX, over TX Hwy 48; (42) between Temple and Rosebud, TX, over TX Hwy 53; (43) between Uvalde and Rocksprings, TX, over TX Hwy 55; (44) between Bastrop and Brady, TX, over TX Hwy 71; (45) between Kenedy and Fowlerton, TX, over TX Hwy 72; (46) between San Marcos and Karnes City, TX, over TX Hwy 80; (47) between Carrizo Springs and Dilley, TX, over TX Hwy 85; (48) between Temple and Bastrop, TX, over TX Hwy 95; (49) between Charlotte and Waelder, TX, over TX Hwy 97; (50) between Cotulla and Fowlerton, TX, over TX Hwy 97; (51) between Port Isabel, TX and junction TX Hwy 100 and U.S. Hwy 77 near Olmito over TX Hwy 100; (52) between Combes and Mission, TX, over TX Hwy 107; (53) between San Marcos and Karnes City, TX, over TX Hwy 123; (54) between Sabinal and Concan, TX, over TX Hwy 127; (55) between Kingsville and junction TX Hwy 141 and U.S. Hwy 281, over TX Hwy 141; (56) between Lockhart and Martindale, TX, over TX Hwy 142; (57) between Waco and Groesbeck, TX, over TX Hwy 164; (58) between Hillsboro and Groesbeck, TX, over TX Hwy 171; serving all intermediate points except those between Coolidge and Groesbeck; (59) between Jourdanton and Kerrville, TX, over TX Hwy 173; (60) between Linn-San Manuel and Port Mansfield, TX,

over TX Hwy 186; serving all intermediate points, including San Perita; (61) between junction TX Hwy 195 and U.S. Hwy 183 and junction TX Hwy 195 and U.S. Hwy 81, via Florence, over TX Hwy 195; (62) between Beesville and Refugio, TX, over TX Hwy 202; (63) between Randolph A.F.B. near San Antonio and Live Oak, TX, over TX Hwy 218; (64) between Bluffton and Buchanan Dam, TX, over TX Hwy 261; (65) between Corpus Christi and Chapman Ranch, TX, over TX Hwy 286; (66) between Gonzales and Bastrop, TX, over TX Hwy 304; (67) between Belton and McGregor, TX, over TX Hwy 317; (68) between junction TX Hwy 320 and TX Hwy 7 near Chilton and junction TX Hwy 320 and TX Hwy 53 near Barclay, over TX Hwy 320; (69) between Freer and Benavides, TX, over TX Hwy 339; (70) between Red Oak, TX and junction TX Hwy 342 and U.S. Hwy 77 over TX Hwy 342;

(71) Between San Benito and Rio Hondo, TX, over TX Hwy 345; (72) between Laredo and Skidmore, TX, over TX Hwy 359; (73) between Gregory and Port Aransas, TX, over TX Hwy 361; (74) between San Marcos and Wimberly, TX, over F.M. Road 12; (75) between Fentress and junction F.M. Road 20 and TX Hwy 71 near Bastrop, over F.M. Road 20; (76) between Crystal City and Brundage, TX, over F.M. Road 65; (77) between Champan Ranch and Bishop, TX, over F.M. Road 70; (78) between Coolidge and Prairie Hill, TX, over F.M. Road 73; (79) between San Antonio and Seguin, TX, over F.M. Road 78; (80) between Panna Maria, TX and junction F.M. Road 81 and TX Hwy 123, over F.M. Road 81; (81) between Luling and Red Rock, TX, over F.M. Road 86; (82) between Progreso and junction F.M. Road 88 and TX Hwy 186, over F.M. Road 88; (83) between Harlingen, TX and junction F.M. Road 106 and TX Hwy 345 east of Rio Hondo, over F.M. Road 106; (84) between Moody and Eddy, TX, over F.M. Road 107; (85) between Artesia Wells and Caterina, TX, over F.M. Road 133; (86) between Gregory and Woodsboro, TX, over F.M. Road 136; (87) between Charlotte and Campbellton, TX, over F.M. Road 140; (88) between Giddings and junction F.M. Road 141 and TX Hwy 21 near Dime Box, over R.M. Road 141; (89) between Sabinal and Vanderpool, TX, over F.M. Road 187; (90) between Asherton and Brundage, TX, over F.M. Road 190; (91) between Elm Mott and Milford, TX, over F.M. Road 308; (92) between Vanderpool and Camp Wood, TX, over F.M. Road 337; (93) between Birome and junction F.M. Road 339 and TX Hwy 164 east of Mart, over F.M. Road 339; (94) between Rosebud and Kosse, TX, over F.M. Road 413; (95) between Waco and Chilton, TX, over F.M. Road 434; (96) between Belton and Heidenheimer, TX, over F.M. Road 436; (97) between Temple and Belfalls, TX, over F.M. Road 438; (98) between Killeen and Florence, TX, over F.M. Road 440; (99) between Moore and Tarpley, TX, over F.M. Road 462; (100) between Utopia and Bandera, TX, over F.M. Road 470; (101) between San Antonio and Natalia, TX, over F.M. Road 471; (102) between Florence and Bartlett, TX, over F.M. Road 487; (103) between La Villa and Lyford, TX, over F.M. Road 491; (104) between Donna, TX, and junction F.M. Road 493 and TX Hwy 186 north fo Hargill, over F.M. Road 493; (105) between Pontotoc and Bend, TX, over F.M. Road 501; (106) between Lohn, TX and junction F.M. Road 504 and U.S. Hwy 283 north of Brady, over F.M. Road 504, (107) between San Benito and Laguna Vista, TX, over F.M. Road 510; (108) between Sandia, TX, and junction F.M. Road 534 and F.M. Road 3162, over F.M. Road 535; (110) between San Saba and Lampass, TX, over F.M. Road 580; (111) between Lometa and Bend, TX, over F.M. Road 581; (112) between Bee Cave and Round Rock, TX, over F.M. Road 620; (113) between Mirando City and junction F.M. Road 649 and TX Hwy 359, over F.M. Road 649; (114) between Roma-Los Saenz and Fronton, TX, over F.M. Road 650; (115) between Italy and Frost, TX, over F.M. Road 667; (116) between McQueeny and New Braunfels, TX, over F.M. Road 725; (117) between Rio Grande City and Rachal, TX, over F.M. Road 755; (118) between New Berlin, TX, and junction F.M. Road 775 and Interstate Hwy 10, over F.M. Road 775; (119) between Red Rock, TX and junction F.M. Road 812 and U.S. Hwy 183 near Austin, over F.M. Road 812; (120) between Fort McKavett, TX and junction F.M. Road 864 and TX Hwy 29, over F.M. Road 864; (121) between Sinton and Rockport, TX, over F.M. Road 881; (122) between Troy, TX, and junction F.M. Road 935 and U.S. Hwy 77 near Chilton, over F.M. Road 935; (123) between Buda, TX, and junction F.M. Road 967 and Interstate Hwy 35, over F.M. Road 967; (124) between Austin and Webberville, TX, over F.M. Road 969; (125) between Granger and Georgetown, TX, over F.M. Road 971; (126) between junction F.M. Road 972 and Interstate Hwy 35 north of Georgetown and F.M. Road 972 and TX Hwy 95 north of Barlett, over F.M. Road 972; (127) between Manor and Del Valle, TX, over F.M. Road 973; (128) between Waco and Aquilla, TX, over F.M. Road 993; (129) between Lasara, TX and junction F.M. Road 1015 and F.M. Road 1422, over F.M. Road 1015; (130) between La Gloria and Linn-San Manuel, TX, over F.M. Road 1017; (131) between Eagle Pass and El Indio, TX, over F.M. Road 1021; (132) between Utopia, TX, and junction F.M. Road 1050 and U.S. Hwy 83, over F.M. Road 1050; (133) between Reagan Wells, TX and junction F.M. Road 1051 and U.S. Hwy 83, over F.M. Road 1051; (134) between Katemcy, TX and junction F.M. Road 1222 and U.S. Hwy 87, over F.M. Road 1222; (135) between Troy, TX, and junction F.M. Road 1237 and TX Hwy 36, over F.M. Road 1237; (136) between Bynum and Abbott, TX, over F.M. Road 1242; (137) between Pipe Creek, TX, and junction F.M. Road 1283 and F.M. Road 471, over F.M. Road 1283; (138) between Aquilla, TX, and junction F.M. Road 1304 and Interstate Hwy 35, over F.M. Road 1304; (139) between San Antonio and La Vernia, TX, over F.M. Road 1346; (140) between Monte Alto, TX, and junction F.M. Road 1422 and F.M. Road 491, over F.M. Road 1422; (141) between Penitas and junction F.M. Road 1427 and U.S. Hwy 83, over F.M. Road 1427; (142) between junction F.M. Road 1431 and TX Hwy 29 and F.M. Road 1431 and U.S. Hwy 281, via Kingsland, over F.M. Road 1431; (143) between Jonestown and Cedar Park, TX, over F.M. Road 1431; (144) between Schertz, TX, and junction F.M. Road 1518 and U.S. Hwy 87, over F.M. Road 1518; (145) between junction F.M. Road 1604 and U.S. Hwy 87 and F.M. Road 1604 and Interstate Hwy 10 east of San Antonio, TX, over F.M. Road 1604; (146) between Manchaca, TX and junction F.M. Road 1626 and Interstate Hwy 35, over F.M. Road 1626; (147) between Alcoa, TX, and junction F.M. Road 1786 and U.S. Hwy 79, over F.M. Road 1786; (148) between Hutto, TX and junction F.M. Road 1825 and Interstate Hwy 35, over F.M. Road 685; (149) between Mendoza and Dale, TX, over F.M. Road 1854; (150) between West, TX, and junction F.M. Road 2114 and F.M. Road 933, over F.M. Road 2114; (151) between Rockdale and Alcoa, TX, over F.M. Road 2116; (152) between Devine and D'Hanis, TX, over F.M. Road 2200; (153) between Sunrise Beach, TX, and junction F.M. Road 2233 and TX Hwy 71, over F.M. Road 2233; (154) between Llano and Tow, TX, over F.M. Road 2241; (155) between Lake Victor, TX, and junction F.M. Road 2340 and U.S. Hwy 281, over F.M. Road 2340; (156) between Carrizo Springs and El Indio, TX, over F.M. Road 2644; (157) between Kingsland, TX, and junction F.M. Road 2900 and F.M. Road 2233, over F.M. Road 2900; (158) between Corpus Christi and Padre Island, TX, over Park Road

22; (159) between Lake Hills, TX, and junction Park Road 37 and TX Hwy 16, over Park Road 37; (160) between Port Aransas, TX, and junction Park Road 53 and Park Road 22, over Park Road 53; (161) between Port Isabel and South Padre Island, TX, over Park Road 100; (162) between New Berlin, TX, and junction unnumbered Hwy and Interstate Hwy 10, over unnumbered Hwy, serving all intermediate points in routes (1) through (162), except as otherwise noted, restricted to the transportation of packages or articles weighing in the aggregate in any one shipment, 500 pounds.

MC 106674 (Sub-510F), filed October 15, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *general commodities* (except classes A and B explosives, and household goods as defined by the Commission), between points in the U.S., restricted to traffic originating at or destined to the facilities of Standard T Chemical Company, Inc.

MC 112595 (Sub-94F), filed October 18, 1980. Applicant: FORD BROTHERS, INC., Box 727, Ironton, OH 45638. Representative: James W. Muldoon, 50 W. Broad St., Columbus, OH 43215. Transporting *commodities in bulk,* between points in Marengo County, AL, Tehama and Alameda Counties, CA, Kent County, DE, Polk, Manatee, and Hillsborough Counties, FL, Damden, Cobb, and Spalding Counties, GA, Kane, La Salle, and Sangamon Counties, IL, Marion County, IN, Logan County, KY, Ascension, East Baton Rouge, and West Baton Rouge Parishes, LA, Anne Arundel County, MD, Essex, Middlesex, and Worcester Counties, MA, Kalamazoo, Lenawee, Ottawa, and Saginaw Counties, MI, Missoula County, MT, Bergen, Middlesex, and Union Counties, NJ, Chenango, New York, Kings, Richmond, Nassau, and Queens Counties, NY, Beaufort, Cumberland, Lenoir and New Hanover Counties, NC, Delaware, Scioto, and Shelby Counties, OH, Lane and Union Counties, OR, Montgomery County, PA, Angelina County, TX, Chesapeake and Pittsylvania Counties, VA, Clark and King Counties, WA, Sheboygan and Winnebago Counties, WI, and Los Angeles, CA, Atlanta, GA, Chicago, IL, Louisville, KY, St. Louis, MO, Camden, NJ, Cincinnati, Columbus, and Toledo, OH, Portland, OR, Dallas and Fort Worth, TX, and Norfolk, VA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 121654 (Sub-41F), filed October 22, 1980. Applicant: COASTAL TRANSPORT & TRADING CO., a Corporation, P.O. Box 7438, Savannah, GA 31408. Representative: Alan E. Serby, 3390 Peachtree Rd., NE., 5th Floor/Lewnox Towers South, Atlanta, GA 30326. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in MA, CT, RI, NY, NJ, PA, MD, DE, OH, WV, VA, NC, TN, SC, GA, FL, AL, MS, LA, TX, and DC.

MC 123285 (Sub-12F), filed October 15, 1980. Applicant: CLETEX TRUCKING, INC., P.O. Box 812, Cleburne, TX 76031. Representative: Clint Oldham, 1108 Continental Life Bldg., Fort Worth, TX 76102. Transporting (1) *lime,* between points in TX, on the one hand, and, on the other, points in MS, and (2) *flyash,* between points in TX, on the one hand, and, on the other, points in AR, LA, OK, NM, and MS.

MC 141024 (Sub-2F), filed filed October 14, 1980. Applicant: CLARK TRUCKING, INC. 711 Clymer Rd., P.O. Box 207, Marysville, OH 43040. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting *general commodities* (except articles of unusual value, explosives, household goods as defined by the Commission, and commodities requiring special equipment), between points in Union County, OH, on the one hand, and, on the other, points in IN, KY, MI, OH, PA, and WV.

MC 144714 (Sub-2F), filed September 12, 1980. Applicant: UPPER CUMBERLAND FREIGHT, INC., Route 5, Box 196, Cookeville, TN 38501. Representative: Harlan Dodson, 900 Nashville City Bank Bldg., P.O. Box 2524, Nashville, TN 37219. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in the U.S., under continuing contract(s) with Thomas Industries, Inc., of Sparta, TN. Condition: Applicant must submit a statement indicating how it proposes to satisfy the statutory criteria of contract carriage, i.e., either by (1) furnishing transportation service through the assignment of motor vehicles for a continuing period of time to the exclusive use of each person served, or (2) furnishing transportation services designed to meet the distinct need of each individual customer, and if the latter, applicant must describe briefly the distinct need for which transportation services have been designed. The statement will be examined by a review board prior to issuance of any permit.

MC 146754 (Sub-6F), filed October 15, 1980. Applicant: TENNANT TRUCK LINES, INC., R. R. 1, P.O. Box 233, Orion, IL 61273. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. Transporting *such commodities* as are dealt in or used by manufacturers and dealers of building materials and building supplies, between Coal Valley and Moline, IL, and McKinney, TX, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, MO, and WI.

MC 148064 (Sub-1F), filed October 15, 1980. Applicant: M. T. TRUCKING, INC., Route 2, Zimmerman, MN 55398. Representative: John B. Van De North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55101. Transporting *cabinets,* and *materials, equipment and supplies* used in the manufacture of cabinets, between points in the U.S., under a continuing contract(s) with Crystal Cabinet Works, Inc., of Princeton, MN.

MC 148404 (Sub-3F), filed October 16, 1980. Applicant: UNITED CHEMICAL CARRIERS, INC., 15812 La Monde St., Hacienda Heights CA 91745. Representative: Bobbie F. Albanese, 13215 E. Penn St., Ste. 310, Whittier, CA 90602. Transporting *aluminum plates, aluminum sheets, and aluminum blanks,* between points in Lancaster County, PA, on the one hand, and, on the other, points in AR, CA, CO, MS, OK, OR, TX, and WA.

Volume No. OP3–063

Decided: October 31, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 107445 (Sub-38F), filed October 18, 1980. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 W. Troy Ave., Indianapolis, IN 46203. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting (1) *machinery and supplies* for machinery, (2) *metal products,* and (3) *commodities* requiring the use of special equipment, between points in IN, on the one hand, and, on the other, points in U.S. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidential cancellation of Certificate MC 107445 Sub-20F.

MC 113855 (Sub-516F), filed October 16, 1980. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. Transporting *talc,* between points in MT, on the one hand, and, on the other, points in the U.S. (excluding AK and HI).

MC 116254 (Sub-317F), filed October 2, 1980, previously noticed in the **Federal**

Register issue of October 23, 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* as described in Item 10 of the Standard Transportation Commodity Code Tariff (STCCT), (2) *non-metallic minerals* (except fuels) as described in Item 14 of STCCT, (3) *clay, concrete, glass or stone products*, as described in Item 32 of STCCT, (4) *primary metal products*, including galvanized, as described in Item 33 of STCCT, (5) *fabricated metal products* (except ordnance, machinery and transportation equipment), as described in Item 34 of STCCT, and (6) *waste or scrap materials*, as described in Item 40 of STCCT, between points in the U.S. in and east of MN, IA, MO, AR, and LA.

Note.—This republication correctly states the commodities.

MC 123255 (Sub-223F), filed October 16, 1980. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Rd., Newark, OH 43055. Representative: A. Charles Tell, 100 E. Borad St., Columbus, OH 43215. Transporting *general commodities* except classes A and B explosives and household goods as defined by the Commission, between points in IL, IN, KY, MI, OH, PA, WV and WI.

MC 129124 (Sub-31F), filed October 16, 1980. Applicant: SAMUEL J. LANSBERRY, INC., P.O. Box 58, Woodland PA 16881. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. Transporting *sand*, from points in Geauga County, OH, to points in NY and PA.

MC 140945 (Sub-5F), filed October 18, 1980. Applicant: JAMES W. CROWE, INC., 307 Brennan Road, Columbus, GA 31903. Representative: C. E. Walker, Suite 235, Martin Building, P.O. Box 1085, Columbus, GA 31902. Transporting (A)(1) *dry fertilizer* and *dry fertilizer materials*, (2) *farm seed and animal feed*, in containers, and (3) *crop-protection chemicals* in mixed loads with fertilizer and fertilizer materials, between points in AL, GA (except Clyo, Metter, and Port Wentworth), and FL, restricted in parts (1) and (3) above against the transportation of commodities in bulk, in tank vehicles, under continuing contract(s) with USS Agri-Chemicals Division at Atlanta, GA, and International Minerals and Chemical Corporation, of Atlanta, GA, and (b) *liquid fertilizer and liquid fertilizer materials*, in bulk, in tank vehicles, from points in Barbour County, AL, to points in FL and GA, under continuing contract(s) with USS Agri-Chemicals Division at Atlanta, GA.

Note.—Issuance of a permit in this proceeding is conditioned upon prior or coincidental cancellation of Permit No. MC 140945 Sub 1, at applicant's written request.

MC 141205 (Sub-49F), filed October 18, 1980. Applicant: HUSKY OIL TRANSPORTATION COMPANY, a Corporation, 600 South Cherry Street, Denver, CO 80222. Representative: James M. Elegante, P.O. Box 11898, Salt Lake City, UT 84147. Transporting *crude oil, scrubber oil* and *condensate*, between points in the U.S., under continuing contract(s) with Husky Oil Company, Denver, CO.

MC 148404 (Sub-5F), filed October 16, 1980. Applicant: UNITED CHEMICAL CARRIERS, INC., 15812 La Monde St., Hacienda Heights, CA 91745. Representative: Bobbie F. Albanese, 13215 E. Penn St., Suite 310, Whittier, CA 90602. Transporting (1) *advertising matter, magazines, periodicals*, and (2) *equipment, materials and supplies* used in printing and publishing business, between points in Greene County, OH, on the one hand, and, on the other, points in AR, AZ, CA, CO, IA, LA, MS, MT, NM, NV, OK, OR, TX, WA, and WY.

MC 148404 (Sub-4F), filed October 16, 1980. Applicant: UNITED CEHMICAL CARRIERS, INC., 15812 La Monde St., Hacienda Heights, CA 91745. Representative: Bobbie F. Albanese, 13215 E. Penn St., Suite 310, Whittier, CA 90602. Transporting *insecticides* and *pet supplies* (except in bulk), between points in Dallas County, TX, on the one hand, and, on the other, points in the U.S.

Volume No. OP3-065

Decided November 3, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 2245 (Sub-15F), filed October 21, 1980. Applicant: THE O. K. TRUCKING COMPANY, a Corporation, 3000 E. Crescentville Road, Cincinnati, OH 45241. Representative: Rober H. Kinker, P.O. Box 464, Frankfort, KY 40602. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Macon County, IL as off-route points in connection with carrier's authorized regular routes.

Note.—Applicant intends to tack this authority with its existing authority and interline with connecting carriers.

MC 20824 (Sub-48F), filed October 18, 1980. Applicant: COMMERCIAL MOTOR FREIGHT, INC., 2141 South High School Rd., Indianapolis, IN 46241. Representative: C. C. Boyd (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Danville, IL and Moline, IL: From Danville over Interstate Hwy 74 to junction Interstate Hwy 80, and then over Interstate Hwy 80 to Moline, and return over the same route; (2) Between Chicago, IL and East Dubuque, IL, over U.S. Hwy 20; (3) Between Danville, IL and Kansas City, MO: From Danville over Interstate Hwy 74 to junction Interstate Hwy 72, then over Interstate Hwy 72 to junction U.S. Hwy 36, then over U.S. Hwy 36 to junction U.S. Hwy 24, and then over U.S. Hwy 24, to Kansas City, and return over the same route; (4) Between Terre Haute, IN and Kansas City, MO, over Interstate Hwy 70; (5) Between Evansville, IN and St. Louis, MO: From Evansville over U.S. Hwy 41 to junction Interstate Hwy 64, and then over Interstate Hwy 64 to St. Louis, and return over the same route; (6) Between Chicago, IL and Sikeston, MO, over Interstate Hwy 57; (7) Between Chicago, IL and St. Louis, MO, over Interstate Hwy 55; (8) Between Dayton, OH and Toledo, OH over Interstate Hwy 75; (9) Between Columbus, OH and Ashtabula, OH: From Columbus over Interstate Hwy 71 to Cleveland, OH, then over Interstate Hwy 90 to junction OH Hwy 11, and then over OH Hwy 11 to Ashtabula, and return over the same route; (10) Between Columbus, OH and Bridgeport, OH, over Interstate Hwy 70; (11) Between Columbus, OH and Portsmouth, OH, over U.S. Hwy 23; (12) Between Columbus, OH and Marietta, OH: From Columbus, over U.S. Hwy 33 to Athens, OH, then over U.S. Hwy 50 to junction OH Hwy 7, and then over OH Hwy 7 to Marietta, and return over the same route; (13) Between Fort Wayne, IN and Toledo, OH, over U.S. Hwy 24; (14) Between Fort Wayne, IN and Youngstown, OH: From Fort Wayne over U.S. Hwy 30 to junction Interstate Hwy 71, then over Interstate Hwy 71 to junction Interstate Hwy 76, then over Interstate Hwy 76 to junction Interstate Hwy 80, and then over Interstate Hwy 80 to Youngstown, and return over the same route; (15) Between Evansville, IN and Cairo, IL: From Evansville over U.S. Hwy 41 to junction U.S. Hwy 60, then over U.S. Hwy 60 to Wickliffe, KY, and then over U.S. Hwy 51 to Cairo, and return over the same route; (16) Between Evansville, IN and Chattanooga, TN,

over U.S. Hwy 41; (17) Between Evansville, IN and Owensboro, KY: From Evansville over IN Hwy 66 to junction U.S. Hwy 231, and then over U.S. Hwy 231 to Owensboro, and return over the same route; (18) Between Louisville, KY and Memphis, TN: From Louisville over Interstate Hwy 65 to Nashville, TN, and then over Interstate Hwy 40 to Memphis, and return over the same route; (19) Between Cincinnati, OH and Chattanooga, TN, over Interstate Hwy 75; (20) Between Louisville, KY and Ashland, KY: From Louisville over Interstate Hwy 64 to junction U.S. Hwy 60, and then over U.S. Hwy 60 to Ashland, and return over the same route; (21) Between junction Interstate Hwys 57 and 24, and Chattanooga, TN, over Interstate Hwy 24; (22) Between St. Louis, MO and Joplin, MO, over Interstate Hwy 44; (23) Between St. Louis, MO and Sikeston, MO: From St. Louis over Interstate Hwy 55 to junction U.S. Hwy 60, and then over U.S. Hwy 60 to Sikeston, and return over the same route; (24) Between St. Louis, MO and Hannibal, MO, over U.S. Hwy 61; (25) Between Kansas City, MO and Saint Joseph, MO, over Interstate Hwy 29; (26) Between St. Louis, MO and Memphis, TN, over Interstate Hwy 55; (27) Between Rockville, IN and Saint Joseph, MO, over U.S. Hwy 36; (28) Between Louisville, KY and Springfield, MO, over U.S. Hwy 60; (29) Between Cincinnati, OH and Ashland, KY: From Cincinnati over U.S. Hwy 52 to Portsmouth, OH, and then over U.S. Hwy 23 to Ashland, and return over the same route; and (30) in (1) through (29) above (a) serving all intermediate points and (b) serving all points in IL, IN, KY, MO, OH, and TN as off-route points in connection with Routes (1) through (29) above and carrier's presently authorized regular route operations.

Note.—Applicant intends to tack and interline this authority with existing authority.

MC 56244 (Sub-111F), filed October 17, 1980. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. #2, Gardners, PA 17324. Representative: J. Bruce Walter, 410 North Third St., P.O. Box 1146, Harrisburg, PA 17108. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, in tank vehicles), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 73165 (Sub-529F), filed October 15, 1980. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd St., Birmingham, AL 35222. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting (1) *commodities*, which because of size or weight require the use of special equipment, (2) *self-propelled articles*, and (3) *materials* and *supplies* used in the manufacture of commodities in (1) and (2), between points in Jefferson County, AL, Los Angeles, and Tulare Counties, CA, Mesa, Denver, and El Paso Counties, CO, Jefferson and McHenry Counties, IL, LaPorte County, IN, Sullivan County, NH, Erie and Queens Counties, NY, Wilson and Lenoir Counties, NC, Cuyahoga and Tuscarawas Counties, OH, Venango, Washington, and Indiana Counties, PA, Harris and Ellis Counties, TX, Salt Lake and Carbon Counties, UT, Tazewell and Scott Counties, VA, Clark County, WA, and Ohio County, WV, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 74695 (Sub-15F), filed October 20, 1980. Applicant: SOUTHERN TRUCKING COMPANY, P.O. Box 5008, Jersey City, NJ 07305. Representative: Robert B. Peper, 168 Woodbridge Ave., Highland Park, NJ 08904. Transporting *compressed industrial gases*, in gas cylinders and tube trailers, between points in the U.S., under continuing contract(s) with Liquid Air Corporation of North America, King of Prussia, PA.

MC 77424 (Sub-53F), filed October 22, 1980. Applicant: WENHAM TRANSPORTATION, INC., 3200 East 79th Street, Cleveland, OH 44104. Representative: James Johnson (same address as applicant). Transporting *automobile accessories*, from Centralia, IL to points in MI and OH.

MC 83835 (Sub-171F), filed October 18, 1980. Applicant: WALES TRANSPORTATION, INC., P.O. Box 226186, Dallas, TX 75266. Representative: James W. Hightower, 5801 Marvin D. Love Freeway, Suite 301, Dallas, TX 75237. Transporting (A) *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; (B) *commodities* which, because of their size or weight, require the use of special equipment, and related parts when their transportation is incidental to the transportation of commodities, which by reason of size or weight require the use of special equipment; (C) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, restricted to the transportation of commodities on trailers, between points in DE, MD, NY, NJ, and WV, on the one hand, and, on the other, points in AR, AZ, CA, CO, KS, LA, MO, MT, NM, OK, UT, WY, and TX, restricted against the transportation of commodities in bulk, in tank vehicles.

Note.—The sole purpose of this application is to substitute single-line for joint-line service.

MC 107295 (Sub-998F), filed October 21, 1980. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). Transporting *glass*, from points in Preble County, OH to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY.

MC 107934 (Sub-43F), filed October 22, 1980. Applicant: BYRD MOTOR LINE, INCORPORATED, P.O. Box 828, Lexington, NC 27292. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Transporting *wood stoves* and *accessories* for wood stoves, from points in Henderson County, NC, to points in VA.

MC 110325 (Sub-162F), filed October 17, 1980. Applicant: TRANSCON LINES, a corporation, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Building, 1221 Baltimore Avenue, Kansas City, MO 64105. Transporting *general commodities* (except household goods as defined by the Commission and Classes A and B explosives), (1) between Waco and San Antonio, TX, over Interstate Highway 35; (2) between San Antonio and Houston, TX, over Interstate Hwy 10; (3) between San Antonio, TX and Denver, CO, over Interstate Hwy 10 to junction Interstate Hwy 25, then over Interstate Hwy 25 to Denver; (4) between Waco, TX and Memphis, TN, over TX Hwy 31 to junction U.S. Hwy 259, then over U.S. Hwy 259 to junction U.S. Hwy 80, then over U.S. Hwy 80 to junction U.S. Hwy 59, then over U.S. Hwy 59 to junction Interstate Hwy 30, then over Interstate Hwy 30 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Memphis; (5) between Hearne and Marshall, TX, over U.S. Hwy 79 to junction U.S. Hwy 59, then over U.S. Hwy 59 to Marshall; (6) between Houston and Austin, TX over U.S. Hwy 290; (7) between San Antonio, TX and Raton, NM over U.S. Hwy 87; (8) serving all intermediate points in (1) through (7) above and the off-route points in Hill, McLennan, Bell, Falls, Caldwell, Milam, Williamson, San Patricio, Nueces, Travis, Hays, Robertson, Brazos, Burleson, Comal, Guadalupe, Bexar, Hidalgo, Willacy and Cameron Counties, TX.

Note.—Applicant intends to tack this authority with its existing authority.

MC 110325 (Sub-163F), filed October 17, 1980. Applicant: TRANSCON LINES, a corporation, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Bldg.,1212 Baltimore Ave., Kansas City, MO 64105. Over regular routes, transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), (1) Between Denver, CO and Houston, TX: From Denver over Interstate Hwy 25 to junction U.S. Hwy 87, then over U.S. Hwy 87 to junction U.S. Hwy 287, then over U.S. Hwy 287 to junction Interstate Hwy 30, then over Interstate Hwy 30 to junction U.S. Hwy 75, then over U.S. Hwy 75 to Houston, and return over the same route; (2) Between Dallas, and Port Arthur, TX: From Dallas over U.S. Hwy 175 to junction U.S. Hwy 69, then over U.S. Hwy 69 to Port Arthur, and return over the same route; (3) Between Houston, TX and Memphis, TN: From Houston over U.S. Hwy 59 to junction U.S. Hwy 259, then over U.S. Hwy 259 to junction U.S. Hwy 80, then over U.S. Hwy 80 to junction U.S. Hwy 59, then over U.S. Hwy 59 to junction Interstate Hwy 30, then over Interstate Hwy 30 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Memphis, and return over the same route; (4) Between Houston and Beaumont, TX, (a) over Interstate Hwy 10, (b) over U.S. Hwy 90; (5) Between Corsicana, TX and Texarkana, AR: From Corsicana over TX Hwy 31 to junction U.S. Hwy 271, then over U.S. Hwy 271 to junction TX Hwy 155, then over TX Hwy 155 to junction U.S. Hwy 259, then over U.S. Hwy 259 to junction Interstate Hwy 30, then over Interstate Hwy 30 to Texarkana, and return over the same route; (6) Between Gilmer, TX and junction U.S. Hwy 259 and Interstate Hwy 30: From Gilmer over U.S. Hwy 271 to junction Interstate Hwy 30, then over Interstate Hwy 30 to junction U.S. Hwy 259, and return over the same route; (7) serving all intermediate points in (1) through (6) and the off-route points in Kaufman, Van Zandt, Henderson, Smith, Anderson, Cherokee, Houston, Nacogdoches, Angelina, Polk, Tyler, Jasper, Hardin, Orange, and Jefferson Counties, TX.

Note.—Applicant intends to tack this authority with its existing authority.

MC 110325 (Sub-164F), filed October 17, 1980. Applicant: TRANSCON LINES, a corporation, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Bldg.,1212 Baltimore Ave., Kansas City, MO 64105. Over regular routes, transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), (1) Between Houston, TX and Lake Charles, LA, (a) over Interstate Hwy 10; and (b) over U.S. Hwy 90; (2) Between Beaumont and Marshall, TX: From Beaumont over U.S. Hwy 96 to junction U.S. Hwy 59, then over U.S. Hwy 59 to Marshall, and return over the same route; (3) Between Lake Charles, LA and Memphis, TN: From Lake Charles over U.S. Hwy 171 to junction U.S. Hwy 71, then over U.S. Hwy 71 to junction Interstate Hwy 30, then over Interstate Hwy 30 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Memphis, and return over the same route; (4) Between Shreveport, LA and Birmingham, AL, over Interstate Hwy 20; (5) Between Houston, TX and Texarkana, AR, over U.S. Hwy 59; (6) Between Marshall, TX and Shreveport, LA, over Interstate Hwy 20; (7) serving all intermediate points in (1) through (6) above, and the off-route points in Jefferson, Orange, Hardin, Polk, Tyler and Jasper Counties, TX.

Note.—Applicant intends to tack this authority with its existing authority.

MC 114045 (Sub-576F), filed October 23, 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*, between points in the U.S. under continuing contract(s) with Swift & Company, of Chicago, IL. CONDITION: To the extent the authority granted herein authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from the date of issuance.

MC 117815 (Sub-340F), filed October 20, 1980. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th St., Des Moines, IA 50317. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. Transporting *general commodities* (except household goods and classes A and B explosives), between points in AR, IA, IL, IN, KS, KY, MI, MN, MO, ND, NE, OH, OK, SD, TN, TX, and WI.

MC 123054 (Sub-29F), filed October 21, 1980. Applicant: R & H CORPORATION, 295 Grand Avenue, Box 469, Clarion, PA 16214. Representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. Transporting (1) *paper and paper products, lumber, forest products, janitorial equipment and supplies, packaging material and equipment, and printing equipment and supplies*, and (2) *material, equipment, and supplies* used in the manufacture, conversion or distribution of the commodities in (1), between points in the U.S. in and east of MN, IA, MO, AR, and LA, restricted to traffic originating at or destined to facilities used by Hammermill Paper Company.

MC 124964 (Sub-67F), filed October 21, 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) *foodstuffs* (except commodities in bulk, in tank vehicles) and (2) *materials, supplies, and equipment* used in the manufacture and distribution of foodstuffs, from the facilities of Adams Packing Association, Inc., at or near Memphis, TN, to points in the U.S. (except AK and HI).

MC 133805 (Sub-59F), filed October 1, 1980, previously noticed in the **Federal Register** issue of October 21, 1980 as MC 133808 (Sub-59F). Applicant: LONE STAR CARRIERS, INC., Route 1, Box 48, Tolar, TX 76476. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701.

Note.—This republication correctly states the docket number, which is MC 133805 (Sub-59F).

MC 138634 (Sub-3F), filed October 24, 1980. Applicant: MARSHALL MOTOR COACH, INC., 1409 East Anson, Marshalltown, IA 50158. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *foodstuffs*, (2) *meats, meat products, and meat byproducts*, and *articles distributed by meat packing houses*, (except foodstuffs), and (3) *materials and supplies* used in the manufacture and distribution of commodities in (1) and (2), between Marshalltown, IA, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, WY, CO, and NM.

MC 140294 (Sub-17F), filed October 21, 1980. Applicant: GENERAL FREIGHTS, INC., P.O. Box 1946, Middleburg Pike, Hagerstown, MD 21740. Representative: Dixie C. Newhouse, P.O. Box 1417, Hagerstown, MD 21740. Transporting *such commodities* as are used by or dealt in by grocery and drug manufacturers, and drug stores, grocery stores and food business houses (except commodities in bulk), between points in Cumberland County, PA, on the one hand, and, on the other, points in MD, VA, WV, and DC.

MC 140665 (Sub-115F), filed October 20, 1980. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: H. J. Anderson (same address as applicant). Transporting *general commodities* (except those of

unusual value, classes A and B explosives, houshold goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Los Angeles, CA, Seattle, WA, Salt Lake City, UT, Cleveland, OH, Dallas, TX, and Springfield and Portland, OR.

MC 142974 (Sub-4F), filed October 22, 1980. Applicant: SURE TRANSPORT, INC., Industrial Center, P.O. Box G, Lincoln, RI 02865. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Transporting (1) *printed matter* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of printed matter (except in bulk), between points in the U.S. (except AK and HI) under continuing contract(s) with Rand McNally & Company.

MC 143594 (Sub-28F), filed October 23, 1980. Applicant: NATIONAL BULK TRANSPORT, INC., P.O. Box 402535, Dallas, TX 75240. Representative: Patrick M. Byrne, P.O. Box 2298, Green Bay, WI 54306. Transporting *chemicals*, in bulk, between Nashville, TN, on the one hand, and, on the other, those points in that part of the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 148875 (Sub-2F), filed October 20, 1980. Applicant: KELLEY H. WATSON ENTERPRISES, d.b.a. WATSON TRUCKING, 8477 Aero Drive, San Diego, CA 92123. Representative: William R. Daly, 4340 Vandever, Suite S, P.O. Box 20521, San Diego, CA 92120. Transporting *games and toys*, between points in the U.S., under continuing contract(s) with Gremlin Industries, of San Diego, CA.

MC 150425 (Sub-2F), filed October 21, 1980. Applicant: TRANS-CONTINENTAL EXPRESS, INC., P.O. Box D, Clarksville, TX 75426. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. Transporting (1) *paper, paper products and plastic articles*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1), between points in the U.S. in and east of WI, IA, MO, KS, OK and TX.

MC 150464 (Sub-5F), filed October 21, 1980. Applicant: C. E. MELTON TRANSPORT, Route 4, Highway 280 East, Americus, GA 31709. Representative: Carl E. Melton (same address as above). Transporting *general commodities* (except materials in bulk and classes A and B explosives), between those counties in GA in and south of Troup, Meriwether, Spalding, Lamar, Monroe and Bigg, and in and west of Houston, Pulaski, Wilcox, Ben Hill, Coffee and Ware, on the one hand, and, on the other, points in AL, AR, KY, MS, MO, KS, OK, LA, TN, and TX.

MC 150674 (Sub-1F), filed October 21, 1980. Applicant: IMR TRANSPORTATION, INC., P.O. Box 573, Casa Grande, AZ 85222. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S., under continuing contract(s) with International Metal Recycling Corp., of Casa Grande, AZ.

MC 150784 (Sub-1F), filed October 18, 1980. Applicant: JEFFREY & JON TRUCKING CO., INC., 3241 Fox St., Philadelphia, PA 19129. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. Transporting *automotive parts, and materials and supplies* used in the manufacture and distribution of automotive parts, between points in the U.S., under continuing contract(s) with Mack Trucks, Inc.

MC 150954 (Sub-2F), filed October 27, 1980. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217. Transporting (1) *dragline, dipper buckets, skidder blades* and (2) *equipment and supplies* used in the manufacture and distribution of the commodities in (1), between Baltimore, MD, and points in Multnomah County, OR, Roosevelt County, MT, Vermillion and Cook Counties, IL, Cuyahoga County, OH, Newton County, MS, Philadelphia County, PA, and Essex County, NJ, on the one hand, and, on the other, points in Roosevelt County, MY, Vermillion County, IL, Newton County, MS and Multnomah County, OR.

MC 151395 (Sub-5F), filed October 22, 1980. Applicant: SNEAKER FREIGHT LINE, INC., 4215 Thurman Rd., P.O. Box 768, Conley, GA 30027. Representative: Archie B. Colbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting (1) *containers, container ends* and *closures* for containers, and tin plate, and (2) *materials, equipment and supplies* used in the manufacture or distribution of the commodities in (1), between points in the U.S., restricted to traffic originating at or destined to a facility of Crown Cork and Seal Company.

MC 151545 (Sub-1F), filed October 20, 1980. Applicant: C. R. JOHNSON, d.b.a. C. R. JOHNSON TRUCKING, 10700 Forest, P.O. Box 3327, Santa Fe Springs, CA 90670. Representative: Milton W. Flack, 8383 Wilhsire Blvd., Suite 900, Beverly Hills, CA 90211. Transporting (1) *food or kindred products*, as described in Item 20 of the Standard Transportation Commodity Code Tariff, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1), between points in CA and NV.

MC 151594 (Sub-1F), filed October 16, 1980. Applicant: SHILOH TRANSPORTATION, INC., 143 Pickwick Rd., Savannah, TN 38372. Representative: Robert L. Baker, Sixth Floor, United American Bank Bldg., Nashville, TN 37219. Over regular routes, transporting *general commodities* (except classes A and B explosives, and household goods as defined by the Commission), (1) between Nashville, TN and Savannah, TN: (a) from Nashville over U.S. Hwy 31 to junction U.S. Hwy 43, then over U.S. Hwy 43, to junction TN Hwy 20, then over TN Hwy 20 to junction unnumbered hwy known as the Summertown Pike, then over said Summertown Pike to junction U.S. Hwy 64, then over U.S. Hwy 64 to Savannah, and return over the same route, serving all intermediate points in Hardin and Wayne Counties, TN and serving all points in Hardin and Wayne Counties, TN, and Deerfield, TN as off-route points; (b) from Nashville over Interstate Hwy 65 to junction TN Hwy 99, then over TN Hwy 99 to junction U.S. Hwy 31, then over U.S. Hwy 31 to junction U.S. Hwy 43, then over U.S. Hwy 43 to junction U.S. Hwy 64, then over U.S. Hwy 64 to Savannah, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; (c) from Nashville over TN Hwy 100 to junction TN Hwy 69, then over TN Hwy 69 to junction TN Hwy 114, then over TN Hwy 114 to junction TN Hwy 128, then over TN Hwy to Savannah, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; and (d) from Nashville over Interstate Hwy 40 to junction TN Hwy 22, then over TN Hwy 22 to junction U.S. Hwy 64 then over U.S. Hwy 64 to Savannah, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; (2) Between Memphis and Selmer, TN, over U.S. Hwy 64, serving all intermediate points in McNairy County, TN, and serving points in McNairy County as off-route points; (3) between Nashville, TN and Selmer, TN: (a) from Nashville over Interstate Hwy 40 to junction U.S. Hwy 45, then over U.S. Hwy 45 to Selmer, and return over the same route, serving all intermediate points in McNairy County, TN, and serving all points in McNairy

County as off-route points; (b) from Nashville over TN Hwy 100 to junction U.S. Hwy 45, then over U.S. Hwy 45 to Selmer, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; (4) between Selmer and Savannah, TN: (a) over U.S. Hwy 64, serving all intermediate points, and serving all points in hardin and McNairy Counties, TN as off-route points; (b) from Selmer over U.S. Hwy 45 to junction U.S. Hwy 72, then over U.S. Hwy 72 to junction MS Hwy 25, then over MS Hwy 25 to the MS–TN State line, then over TN Hwy 57 to junction TN Hwy 128, then over TN Hwy 128 to Savannah, and return over the same route, serving all intermediate points; (5) between Memphis and Savannah, TN: from Memphis over U.S. Hwy 72 to junction U.S. Hwy 45, then over U.S. Hwy 45 to junction MS Hwy 2, then over MS Hwy 2 to the MS–TN State line, then over TN Hwy Hwy 22 to junction U.S. Hwy 64, then over U.S. Hwy 64 to Savannah, and return over the same route, serving all intermediate points in Hardin and McNairy Counties, TN; (6) between Nashville and Waynesboro, TN: (a) from Nashville over TN Hwy 100 to junction TN Hwy 13, then over TN Hwy 13 to Waynesboro, and return over the same route, serving all intermediate points in Wayne County, TN and serving all points in Wayne County as off-route points; (b) from Nashville over Interstate Hwy 40 to junction TN Hwy 13, then over TN Hwy 13 to Waynesboro, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; (7) between Savannah, TN, and the Yellow Creek State Inland Port Authority and Industrial Park, MS: from Savannah over TN Hwy 128 to junction TN Hwy 57, then over TN Hwy 57 to the TN–MS State line, then over MS Hwy 25 to the Yellow Creek State Inland Port Authority and Industrial Park, and return over the same route, serving all intermediate points, and serving the Yellow Creek Nuclear Plant as an off-route point.

Volume No. OP3–067

Decided: November 4, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 2304 (Sub-40F), filed October 28, 1980. Applicant: THE KAPLAN TRUCKING COMPANY, a corporation, 6600 Bessemer Ave., Cleveland, OH 44127. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. Transporting (1) *foodstuffs* and (2) *materials and supplies* used in the manufacture, sales and distribution of foodstuffs, between Hoopeston and Princeville, IL, Mayville, WI, and Turkey, NC, on the one hand, and, on the other, points in MN, IA, MO, AR, LA, MS, AL, GA, FL, SC, NC, TN, VA, KY, WV, IN, IL, MI, OH, PA, MD, DE, NJ, NY, CT, RI, MA, NH, VT, and ME.

MC 52464 (Sub-14F), filed October 17, 1980. Applicant: EVANS TRUCKING CO., a corporation, 2773 Darlington Rd., Beaver Falls, PA 15010. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transporting *primary and fabricated metal products* (except ordnance), between points in CT, IN, MD, NJ, NY, OH, PA, and WV.

MC 60014 (Sub-194F), filed October 26, 1980. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transporting *aluminum and aluminum articles*, between the facilities of Martin Marietta Aluminum, Inc., at Lewisport, KY, The Dallas, OR, Cliffs, WA, and Torrance, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 60014 (Sub-195F), filed October 28, 1980. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transporting *metal articles*, from the facilities of Feralloy Corp., at Birmingham, AL, to those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 94265 (Sub-367F), filed October 27, 1980. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. 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. (except AK and HI), restricted to the transportation of traffic from or to the facilities of SCM Corporation.

MC 109265 (Sub-28F), filed October 20, 1980. Applicant: W. L. MEAD, INC., P.O. Box 31, Norwalk, OH 44857. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. Transporting *non-exempt food or kindred products*, and (2) *chemicals or allied products* between points in Lake McHenry, Kane, DeKalb, Du Page, Cook, Kendall, and Will Counties, IL, and Lake and Porter Counties, IN, on the one hand, and, on the other, points in MD, NJ, NY, PA, VA, WV, and DC.

MC 112595 (Sub-95F), filed October 27, 1980. Applicant: FORD BROTHERS, INC., Box 727, Ironton, OH 45638. Representative: James W. Muldoon, 50 W. Broad St., Columbus, OH 43215. Transporting *commodities in bulk*, between points in KY, OH, MI, VA and WV.

MC 117765 (Sub-303F), filed October 28, 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 *flour* (except in bulk), from points in Blaine County, OK to points in TX.

MC 118535 (Sub-161F), filed October 27, 1980. Applicant: TIONA TRUCK LINE, INC., 102 West Ohio, Butler, MO 64730. Representative: Jim Tiona, Jr., (same address as applicant). Transporting *non-ferrous metals and scrap, plastic and rubber scrap, junk batteries, burned-out battery plates, drosses and residues*, between points in Carroll County, IL, on the one hand, and, on the other, points in AR, AZ, CO, IA, IN, KS, KY, LA, MI, MN, MO, MS, ND, NE, NM, OH, OK, SD, TN, TX, WI, and WY.

MC 123294 (Sub-88F), filed October 20, 1980. Applicant: WARSAW TRUCKING CO., INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting *animal and poultry feed and feed ingredients, premixes, and feed preservatives*, from Pittsfield, IL, to those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 136234 (Sub-5F), filed October 20, 1980. Applicant: BURKHART ENTERPRISES, INC., P.O. Box 6131, Knoxville, TN 37914. Representative: Jess D. Campbell, 205 Clinch Ave., Knoxville, TN 37902. Transporting *salt and salt products*, from points in Knox and Loudon Counties, TN, on the one hand, and, on the other, points in TN, VA, NC, SC, GA, and KY.

MC 136315 (Sub-136F), filed October 27, 1980. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205. Transporting *primary metal products*, between points in Orange County, TX, on the one hand, and, on the other, points in Orleans Parish, LA.

MC 138635 (Sub-51F), filed October 27, 1980. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC 28052. Representative: W. C. Sutton (same address as applicant). Transporting (1) *automotive parts* and (2) *equipment, supplies and material*

used in the manufacture of automotive parts, between points in the U.S. (except AK and HI).

MC 143394 (Sub-36F), filed October 21, 1980. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Road, P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop, (same address as applicant). 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 the use of special equipment), between points in the U.S., under continuing contract(s) with Streamline Shippers Association, Inc., of Los Angeles, CA.

MC 144034 (Sub-3F), filed October 20, 1980. Applicant: PAUL M. PUCKETT, 603 North Walnut St., Pana, IL 62557. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. Transporting *aluminum greenhouses*, and *materials, supplies, and tools* used in the manufacture, distribution and construction of aluminum greenhouses, between points in the U.S., under a continuing contract(s) with National Greenhouse Company, of Pana, IL.

MC 144184 (Sub-4F), filed October 27, 1980. Applicant: R. T. PUGH MOTOR TRANSPORTATION, INC., 233 Whiley Ave., Lancaster, OH 43130. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. Transporting *commodities in bulk* between points in the U.S., under continuing contract(s) with Anchor Hocking Corporation, of Lancaster, OH.

MC 148314 (Sub-5F), filed October 31, 1980. Applicant: INTER-FREIGHT TRANSPORTATION, INC., 655 East 114th St., Chicago, IL 60628. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. Transporting (1) *fireplace logs* and (2) *materials, equipment and supplies* used in the manufacture and distribution of fireplace logs, between points in Trumbull County, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP4–118

Decided: November 5, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones. Member Carleton not participating.

MC 119496 (Sub-19F), filed October 21, 1980. Applicant: THE JAMES GIBBONS COMPANY, a corporation, P.O. Box 253, Annapolis Junction, MD 20701. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. Transporting (1) *plastic containers* and (2) *materials, equipment and supplies* used in the manufacture of commodities in (1) above, between points in Anne Arundel County, MD and Columbia County, PA, on the one hand, and, on the other, points in DE, MD, NC, NJ, NY, OH, PA, VA, WV and DC.

MC 144696 (Sub-7F), filed October 20, 1980. Applicant: MEEUWSEN PRODUCE, INC., 9525 Ransom St., Zeeland, MI 49464. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. Transporting *pet foods*, and *materials and supplies* used in the manufacture of pet foods, between points in the U.S., under continuing contract(s) with Benco Pet Foods, Inc., of Zanesville, OH.

MC 145637 (Sub-4F), filed October 28, 1980. Applicant: B & B EXPRESS, INC., P.O. Box 5552, Station B, Greenville SC 29608. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., restricted to traffic originating at or destined to the facilities of Fiber and Plastics Co., a Division of Allied Chemical Co.

MC 146457 (Sub-3F), filed October 20, 1980. Applicant: PAISLEY TRUCKING, INC., P.O. Box 208, Durango, IA 52309. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *malt beverages*, from the vacilities of Joseph S. Pickett & Sons, Inc., at Dubuque, IA (a) to the facilities of Berk Distributing Co., at Chicago, IL, Associated Beverage, at Lockport, IL, and Gorski Distributing Co., at Lemont, IL, and (b) to East St. Louis, IL, and points in MO, and (2) *empty cans and lids*, from the facilities of Chicago National Can, at Chicago, IL to the facilities of Joseph S. Pickett & Sons, Inc., at Dubuque, IA.

MC 147316 (Sub-1F), filed October 21, 1980. Applicant: CRESTON TRANSPORTATION, INCORPORATED, East Highway 34, Creston, IA 50801. Representative: David L. Charles, 2600 Ruan Center, Des Moines, IA 50309. Transporting *general commodities*, between points in NE, KS, MO, IL, MN, OK, and TX, on the one hand, and, on the other, points in IA. Condition: The certificate to be issued in this proceeding to the extent it authorizes the transportation of dangerous commodities shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 148736 (Sub-2F), filed October 17, 1980. Applicant: A & W CONTRACT CARRIERS, INC., Hwy 51 S at Downs Circle, Pineville, NC 28134. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Bldg., Charlotte, NC 28204. Transporting *bottled water*, between points in the U.S., under continung contract(s) with Carolina Mountain Spring Water Company, Inc., of Cashiers, NC.

MC 150806 (Sub-2F), filed October 28, 1980. Applicant: WECO, INC. 500 Scott St., P.O. Box 5128, Kansas City, KS 66119. Representative: Erle W. Francis, 719 Capitol Federal Bldg., Topeka, KS 66603. Transporting *newspaper supplements, magazines, printed matter and catalogs*, between points in the U.S., under continuing contract(s) with Henry Wurst, Inc., of Kansas City, MO.

Volume No. OP4–119

Decided: November 5, 1980

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 64806 (Sub-16F), filed September 25, 1980, previously noticed in the **Federal Register** of October 14, 1980. Applicant: R. P. THOMAS TRUCKING COMPANY, INC., 807 W. Fayette St., Martinsville, VA 24112. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Transporting (1) *containers*, and (2) *materials, supplies, and equipment* used in the manufacture, sale, and distribution of containers, between points in Vigo County, IN, and Monmouth County, NJ, on the one hand, and, on the other, points in NC, SC, and VA.

Note.—The purpose of this republication is to correctly describe the commodity description.

MC 119366 (Sub-4F), filed October 10, 1980, previously noticed in the **Federal Register** issue of October 23, 1980, and republished this issue. 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), and frozen foods, between Detroit MI, on the one hand, and, on the other, points in MI.

Note.—The purpose of this republication is to correctly state the commodity description.

By the Commission.

Agatha L. Mergenovich

Secretary.

[FR Doc. 80-35627 Filed 11-13-80; 8:45 am]

BILLING CODE 7020-02-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 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.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) [formerly section 210 of the Interstate Commerce Act.]

In the absence of legally sufficient petitions for intervention, filed on or before December 15, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices on or before December 15, 1980, 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. 365

Decided: October 31, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 119634 (Sub-47F) filed, March 17, 1980, previously noticed in the **Federal Register** on June 24, 1980. Applicant: DICK IRVIN, INC., Hwy. 2 West, P.O. Box F, Shelby, MT 59474. Representative: Joe Gerbase, 100 Transwestern Bldg., Billings, MT 59101. Transporting *cement*, between points in MT, on the one hand, and, on the other, points in WY and ND.

Note.—This republication corrects the commodity description inasmuch as the deletion of "in bags".

Volume No. 366

Decided: October 31, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

MC 109124 (Sub-106F) filed, April 10, 1980, previously noticed in the **Federal Register** issue of July 10, 1980. Applicant: SENTLE TRUCKING CORPORATION, P.O. Box 7850, Toledo, OH 43619. Representative: James M. Burtch, 100 East Broad St., Columbus, OH 43215. Transporting (1) *lime, limestone, and limestone products*, and (2) *materials, supplies and equipment* used in the manufacture of the commodities in (1) above, between Huron, OH, and points in IL, IN, KY, MI, PA, and WV.

Note.—This republication corrects the commodity description.

MC 146264 (Sub-2F) filed, February 8, 1980. Applicant: J. HOWARD AND DORIS M. JONES, d.b.a., RFP TRANSPORT, P.O. Box 1697, Pendleton, OR 97801. Representative: J. Howard Jones, Route 2, Box 90, Pendleton, OR 97801. Transporting *lumber*, from the facilities of Tru Stud, Inc., at North Powder, OR, to points in WA, CA, MT, ID, NV, UT, WY, OK, CO, AZ, NM, and TX.

MC 150724 (Sub-2F) filed, December 31, 1979, (Republication). Applicant: DONALD SANTISI TRUCKING COMPANY, a Corporation, 1024 North Main Street, Niles, OH 44446. Representative: Paul F. Beery, 275 E. State Street, Columbus, OH 43215. Transporting *plasticizers* (except in bulk), from Cleveland, OH to points in AZ, CA, NV, OR, TX, and WA.

Note.—This republication broadens the application by changing from contract to common as published in MC 143218 (Sub-8F) on March 27, 1980.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-35625 Filed 11-13-80; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the Federal Register on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed on or before December 29, 1980 (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verfied 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. OP3-064

Decided: October 31, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill. Member Fortier not participating.

MC 45875 (Sub-11F), filed October 17, 1980. Applicant: AIR FREIGHT SPECIALISTS, INC., 333 North 25th Street, Milwaukee, WI 53233. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Transporting *shipments* weighing 100 pounds or less, if transported in a motor vehicle in which no package exceeds 100 pounds, between points in the U.S.

Volume No. OP3-066

Decided: November 3, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill

MC 73165 (Sub-530F), filed October 20, 1980. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd St., Birmingham, AL 35222. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between points in LeFlore and Pushmataha Counties, OK, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 130805 (Sub-1F), filed October 20, 1980. Applicant: COLLINS MOVING SYSTEMS, INC., 904 West Morgan St., Kokomo, IN 46901. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1112, Washington, DC 20036. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 133485 (Sub-32F), filed October 24, 1980. Applicant: INTERNATIONAL ARMORED SERVICE, INC., 34 Dike Street, Providence, RI 02909. Representative: Morris J. Levin, 1050 Seventeenth Street, NW., Suite 701, Washington, DC 20036. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, except in emergency situation, between points in the U.S.

Volume No. OP3-068

Decided: November 4, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 127834 (Sub-126F), filed October 18, 1980. Applicant: CHEROKEE HAULING & RIGGING, INC., Highway 85—East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *general commodities*, between Sexton, Spiceland, New Lisbon and Milton, IN, Davis City and Giles, IA, Garvin and Burchard, MN, Albany Junction, Worth and Helena, MO, and Cottonport, Rosewood, Legonier, Jenkins and Clifton, LA, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service. 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.

MC 127834 (Sub-127F), filed October 18, 1980. Applicant: CHEROKEE HAULING & RIGGING, INC., Highway 85—East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *general commodities*, between Thurman, NY, Belspur, FL, Dent and Bridgetown, OH, Farmer, SD, Kiamichi and Moyers, OK, Kurth, WI,

and Troy Grove, IL, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service. 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.

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b) (1) that the named corporation intends to provide or to use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524 (b).

1. Parent corporation: ACF Industries, Incorporated, 750 Third Avenue, New York, New York 10017.

2. Wholly-owned subsidiaries which will participate in the operations, and addresses of their respective principal offices are:

Corning Distribution Company, 830 Meredith Way, Sparks, Nevada 89431.
Corning Distribution Company, Highway 67, Corning, Arkansas 72422.
Carter Automotive Products Corp., 600 Coolidge Road, Lafayette, Tennessee 37083.
CDC Parts Distribution Center, 8015 Dixie Road, Brampton, Ontario, Canada 16T4B2.
Carter Carburetor Division, ACF Canada, Limited, 109 East Drive, Bramalea, Ontario, Canada L6T1B6.
Corning Distribution Company, 320 Hughes Street, Houston, Texas 77023.
Carter Precision Parts, Inc., 6393 East Washington Blvd., City of Commerce, California 90040.
Carter Precision Parts, Inc., 320 Hughes Street, Houston, Texas 77023.
Carter Carburetor Division, ACF Industries, Inc., 2840 N. Spring, 9315 Olive Street, 9666 Olive Street, 3637 St. Louis Avenue, 1528 Page Industrial Court, St. Louis, Missouri.

1. Parent Corporation is: Acco World Corporation, 770 S. Acco Plaza, Wheeling, Illinois 60090.

2. Wholly owned subsidiaries which will participate in the operations are:

Acco International Inc., 770 S. Acco Plaza, Wheeling, Illinois 60090.
Acco Canadian Company Ltd., 501 McNicoll Avenue, Willowdale, Ontario, Canada M2H2E2.
Polyblend Corporation, 3300 S. Shield St., Chicago, Illinois 60616.

1. Parent corporation and address of principal office: The Bendix Corporation, 20650 Civic Center Drive, Southfield, Michigan 48037.

2. Wholly Owned Subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) Bass and Company, Inc., P.O. Box 553, Hopkinsville, Kentucky 42240.
(b) Bendix Autolite Corporation, P.O. Box 880, Fostoria, Ohio 44830.
(c) Bendix Automotive of Canada, Ltd., 945 Prince Road, Walkerville P.O. Box 2400, Windsor, Ontario, N8Y 4S3, Canada.
(i) Aviation Electric Limited, P.O. Box 2140 St. Laurent, Montreal, Quebec, H4L 4X8, Canada.
(d) Bendix Field Engineering Corporation, 9250, Route 108, Columbia, Maryland 21045.
(e) Bendix Forest Products Corporation, P.O. Box 3498, San Francisco, CA 94119.
(i) Amador Central Railroad Company, Martell, CA 95654.
(ii) Bendix Forest Products Corporation (Alabama), P.O. Box 905, Selma, Alabama 36701.
(iii) Bendix Forest Products Corporation of Florida, P.O. Box 21310, Fort Lauderdale, Florida.
(iv) Bendix Forest Products Corporation of Oregon, P.O. Box 369, Prineville, Oregon.
(v) Caradco Corporation, P.O. Box 920, Rantoul, Illinois 61866.
(vi) Modern Materials Corporation, Suite 3000 South Unit, Clausen Building, 16000 W. Nine Mile Road, Southfield, MI 48075.
(f) Bendix Heavy Vehicle Systems, Ltd., P.O. Box 5710, 1005 Wilton Grove Road, London, Ontario, N6A 45C, Canada.
(g) Bendix Machine Tool Corporation, 11449 Timken Avenue, Warren, Michigan 48089.
(i) BMT Engineering Corporation, 11440 Timken Avenue, Warren, Michigan, 48089.
(ii) Drillunit, Inc., 11450 Stephens Drive, Warren, Michigan 48089.
(h) Bendix Products Corporation, c/o The Bendix Corporation, 401 North Bendix Drive, P.O. Box 4001, South Bend, Indiana 46620.
(i) Bendix Space Technology & Navigation, Inc., c/o The Bendix Corporation, Guidance and Systems Division, Teterboro, New Jersey 07608.
(j) Bendix Technology, Inc., c/o The Bendix Corporation, Guidance Systems Division, Teterboro, New Jersey 07608.
(k) Bendix Wind Power Products Company, Aircraft Service Center, Bldg. 401, Grant City Airport, Moses Lake, Washington 98837.
(l) Continental Controls Corporation, 11661 Sorrento Valley Road, San Diego, California 92121.
(m) Courter, Inc., 375 North Lake Road, Boyne City, Michigan 49712.
(n) Fram Corporation, 105 Pawtucket Avenue, East Providence, Rhode Island 02916.
(i) Fram Canada Limited, 305 Romeo Street, P.O. Box 550, Stratford, Ontario, N5A GV4, Canada.
(a) Canadian Fram Limited, 540 Park Avenue East, P.O. Box 2014, Chatham, Ontario, N7M 5M7, Canada.
(b) Superior Machine & Tool (Chatham) Ltd., 277 William Street, Chatham, Ontario, Canada.
(o) Texas Pipe Bending Company, P.O. Box 5188, Houston, Texas 77012.
(p) Toledo Stamping & Manufacturing Company, P.O. Box 596, Toledo, Ohio 43693.
(q) United Geophysical Corporation, 2650 East Foothill Boulevard, Pasadena, California 91109.
(i) United Geophysical Company of America, 2650 East Foothill Boulevard, Pasadena, California 91109.
(r) The Warner & Swasey Company, 11000 Cedar Avenue, Cleveland, Ohio 44106.
(i) Midwest Machine & Tool Co., 15593 Brookpark Road, Cleveland, Ohio 44142.
(ii) The G. A. Gray Company, 3611 Woodburn Avenue, Cincinnati, Ohio 45207.
(111) The Warner & Swasey Textile Machine Company, Route 1, Bessemer City, North Carolina 28016.

1. Parent corporation and address of principal offices: E. I. du Pont de Nemours and Company, 1007 Market Street, Wilmington, Delaware 19898.

2. Wholly-owned subsidiaries which will participate in the operations, and addresses of their respective principal offices:

(a) Remington Arms Company, Inc., 939 Barnum Avenue, Bridgeport, Conn. 06602.
(b) Remington Arms of Canada Limited, 172 Sheldon Drive, Cambridge, Ontario, NIR 6T3.
(ç) Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, N.Y. 11530.
(d) Endo Pan American Corporation, 1000 Stewart Avenue, Garden City, N.Y. 11530.
(e) Endo Drugs (Canada) Ltd., d.b.a. Endo Laboratories, 7000 Park Avenue, Room 407, Montreal, Quebec, HcN 1X1.
(f) Endo Inc., P.O. Box 12, Manati, Puerto Rico 00701.
(g) Endo Pharmaceuticals, Inc., Highway 686, Km. 2.3, P.O. Box 363, Manati, Puerto Rico 00701.

1. Parent corporation and address of principal office: Esmark, Inc., 55 East Monroe Street, Chicago, Illinois 60603.

2. Wholly-owned subsidiaries which will participate in the operations and address of their respective principal offices.

Swift & Company, 115 West Jackson Boulevard, Chicago, Illinois 60604.
Swift Independent Packing Company, 115 West Jackson Boulevard, Chicago, Illinois 60604.
International Playtex, Inc., 700 Fairfield Avenue, Stamford, Connecticut 06902.
Estech General Chemicals Corporation, 30 North La Salle Street, Chicago, Illinois 60602.
Estech Specialty Chemicals Corporation, 30 North La Salle Street, Chicago, Illinois 60602.
STP Corporation, 1400 West Commercial Boulevard, Ft. Lauderdale, Florida 33310.
International Jensen Incorporated, 4136 North United Parkway, Schiller Park, Illinois 60176.
Danskin, Inc., 1114 Avenue of the Americas, New York, New York 11036.
Danskin Florida, Inc., 1114 Avenue of the Americas, New York, New York 10036.
Danskin Texas, Inc., 1114 Avenue of the Americas, New York, New York 10036.
Pennaco Hosiery, Inc., 350 Fifth Avenue, New York, New York 10001.

Virginia Maid Hosiery Mills, Inc., 28 South Jefferson Avenue, Pulaski, Virginia 24301.
Playtex Export Corporation, Playtex Park, Dover, Delaware 19901.
Milky Way Products Company, Playtex Park, Dover, Delaware 19901.
BG Marketing Corp., Playtex Park, Dover, Delaware 19901.
Mayfield Laboratories, Inc., Playtex Park, Dover, Delaware 19901.
Tailby-Nason Company, Inc., Playtex Park, Dover, Delaware 19901.

1. Parent Corporation: Ford Motor company, The American Road, Dearborn, MI 48126.

2. Wholly-owned subsidiaries which will participate in the operations:

Ensite Limited, Windsor, Ontario, Canada.
Ford Aerospace & Communications Corp., 20th Flr., 300 Rennaissance Center, Detroit, MI.
General Services Division—Transportation, Ford Motor Credit Company building, The American Road, Dearborn, MI.
Electrical & Electronics Division-Transportation, P.O. Box 412, Ypsilanti, MI 48197.

1. Parent Corporation and Address of Principal Office: Glenmore Distilleries Company, P.O. Box 900, Louisville, Kentucky 40201.

2. Wholly Owned Subsidiaries which will Participate in the Operations, and Address of their Respective Principal Offices:

(a) Bourbon Cooperage Company, P.O. Box 485, Lebanon, Kentucky 40033.
(b) Glenmore International, Inc., P.O. Box 900, Louisville, Kentucky 40201.
(c) Foreign Vintages, Inc., 333 Jericho Turnpike, Jericho, New York 11753.
(d) Mr. Boston Distiller Corporation, 1010 Massachusetts Avenue, Boston, Massachusetts 02118.
(e) The Viking Distillery, Inc., 1101 E. Broad Avenue, Albany, Georgia 31701.
(f) Ben-Burk Corporation, 1010 Massachusetts Avenue, Boston, Massachusetts 02118.
(g) Mint Springs Distillery Company, P.O. Box 900, Louisville, Kentucky 40201.
(h) Yellowstone, Inc., 3000 Seventh Street Road, Louisville, Kentucky 40216.

1. Parent corporation and address of principal office: The Lamson & Sessions Co., 2000 Bond Court/1300 East Ninth Street, Cleveland, Ohio 44114.

2. Wholly owned subsidiaries which will participate in the operations and address of their respective principal offices:

(a) Expert Automation, Inc., 40675 Mound Road, Sterling Heights, Michigan 48078.
(b) Lamson & Sessions of Canada Limited, 20 Rangemore Road, Toronto, Ontario, Canada M8Z 5H7.
(c) Valley-Todeco, Inc., 12975 Bradley Avenue, Sylmar, California 91342.
(d) Zimmer Manufacturing Industries, Inc., 12601 Marlin Avenue, Detroit, Michigan 48239.
(e) The Youngstown Steel Door Company, 2000 Bond Court/1300 East Ninth Street, Cleveland, Ohio 44114.
(i) Camel Company Limited, 332 So. Michigan Avenue, Chicago, Illinois 60604.
(ii) RPC Corporation, U.S. Highway 501 So., Roxboro, North Carolina 27573.
(f) United-American Car Co., 1870 The Exchange, Suite 260, Atlanta, Georgia 30339.
(g) Midsco, Incorporated, 14600 Detroit Avenue, Suite 800, Lakewood, Ohio 44107.
(h) Midland Steel Products Co., 10615 Madison Avenue, Cleveland, Ohio 44102.
(i) Permold Corp., P.O. Box P, 820 W. Liberty Street, Medina, Ohio 44256.
(j) Slagle Manufacturing Corporation, 907 North Wheeling, Tulsa, Oklahoma 74110.
(i) Slagle Tube Bundle Corporation, 909 North Wheeling, Tulsa, Oklahoma 74110.

1. Parent corporation and address of principal office: Saco Steel Company, Saco Industrial Park, Lund Road, Saco, Maine 04072.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices: H & M Trucking Company, Saco Industrial Park, Lund Road, Saco, Maine 04072

1. Parent corporation: Wetterau Incorporated, 8920 Pershall Road, Hazelwood, Missouri.

2. Wholly-owned subsidiaries and divisions:

Wetterau Food Services, Hazelwood Division, Hazelwood, Missouri.
Wetterau Food Services, Mexico Division, Mexico, Missouri.
Wetterau Food Services, Scott City Division, Scott City, Missouri.
Wetterau Food Services, Bloomington Division, Bloomington, Indiana.
Wetterau Food Services, Greenville Division, Greenville, Kentucky.
Wetterau Food Services, Charleston Division, Charleston, South Carolina.
Wetterau Food Services, Keene Division, Keene, New Hampshire.
W. T. Sistrunk & Co., Lexington Division, Lexington, Kentucky.
G. H. Delp Co., Reading Division, Temple, Pennsylvania.
G. H. Delp Co., Bellmawr Division, Bellmawr, New Jersey.
G. H. Delp Co., Schuylkill Haven Division, Schuylkill Haven, Pennsylvania.
Wetterau General Merchandising, Charleston Division, Charleston, South Carolina.
Wetterau General Merchandising, Desloge Division, Desloge, Missouri.
Consolidated Toy Company, Hazelwood, Missouri.
Toy City Toy Stores, Chattanooga, Tennessee.
Toy City Toy Stores, Cincinnati, Ohio.
Toy City Toy Stores, Kansas City, Missouri.
Toy City Toy Stores, Little Rock, Arkansas.
Toy City Toy Stores, Memphis, Tennessee.
Toy City Toy Stores, Minneapolis, Minnesota.
Toy City Toy Stores, Mission, Kansas.
Toy City Toy Stores, Omaha, Nebraska.
Toy City Toy Stores, Tulsa, Oklahoma.
Toy City Toy Stores, Wichita, Kansas.
Toy City Toy Stores, Oklahoma City, Oklahoma.
Wetterau Bakery Products Division, Hazelwood, Missouri.
Wetterau Bakery Products Division, Atlanta, Georgia.
Wetterau Development and Construction Company, Hazelwood, Missouri.
Wetterau Printing Division, Hazelwood, Missouri.
Milliken, Tomlinson Company, Portland Division, Portland, Maine.
Milliken, Tomlinson Company, Presque Isle Division, Presque Isle, Maine.
Wetterau Purchasing Group of Salinas, Salinas, California.
Wetterau Information Services Center, Florissant, Missouri.

1. Parent Corporation: Wyle Laboratories with its principal office located at 128 Maryland Street, El Segundo, California 90245.

2. The divisions of the parent corporation and/or wholly owned subsidiaries which will participate in the operation and the addresses of their respective offices are:

(a) Wyle Distribution Group—Los Angeles, 124 Maryland Street, El Segundo, California 90245.
(b) Wyle Distribution Group—Seattle, 1750 132nd Avenue, N.E., Bellevue, Washington 98005.
(c) Wyle Distribution Group—Phoenix, 8155 North 24th Avenue, Phoenix, Arizona 85017.
(d) Wyle Distribution Group—San Diego, 9525 Chesapeake Drive, San Diego, California 92123.
(e) Wyle Distribution Group—Irvine, 17872 Cowan Avenue, Irvine, California 92714.

(f) Burton Electrical Engineering, 111 Maryland and 121 Maryland Street, El Segundo, California 90245.
(g) Electronic Enclosures, 225 South Aviation Boulevard, El Segundo, California 90245.
(h) Electronic Enclosures, 6995 Airport Highway Lane, Pennsauken, New Jersey 08109.
(i) Wyle Data Services, Inc., 15302 Bolsa Chica Avenue, Huntington Beach, California 92649.
(j) Wyle Distribution Group—Denver, 6777 East 50th Street, Commerce City, Colorado 80222.
(k) Wyle Distribution Group—Santa Clara, 3000 Bowers Avenue, Santa Clara, California 95051.
(l) Lewis Machine Company, 3441 East 76th Street, Cleveland, Ohio 44127.
(m) Lewis Machine Company, 3442 East 78th Street, Cleveland, Ohio 44127.
(n) Pal-Vin Machine Company, 1415–1423 and Rear 1425, East 40th Street, Cleveland, Ohio 44103.
(o) Wyle Laboratories, 3200 Magruder Boulevard, Hampton, Virginia 23666.
(p) Wyle Laboratories, 1841 Hillside Drive, Norco, California 91760.
(q) Wyle Laboratories, 7800 Governors Drive, West, Huntsville, Alabama 35807.
(r) Wyle Laboratories, 4620 Edison Street, Colorado Springs, Colorado 80915.
(s) Redwing Carriers, Inc., 8515 Palm River Road, Tampa, Florida 33601.
(t) Burton Electrical Engineering, 122 Lomita Street, El Segundo, California 90245.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-35621 Filed 11-13-80; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, N.W., Washington, D.C. 20013.

Signed at Washington, D.C., this 5th day of November 1980.

Glenn M. Zech,
Acting Director, Office of Program Services.

Applications Received During the Week Ending November 8, 1980

Name of applicant and location of enterprise	Principal product or activity
Janoush Marine, Inc., Rosedale, Mississippi.	Manufacture inland river towboats and repairing towboats and barges.

[FR Doc. 80-35346 Filed 11-13-80; 8:45 am]
BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Special Notice of Change in Beginning Dates of Extended Benefit Periods in States of Tennessee, Illinois, and Washington

Notices were previously published in the **Federal Register** announcing the beginning of Extended Benefit Periods on July 6, 1980, in Tennessee, and on June 22, 1980, in Illinois and Washington. This notice announces a change in the beginning dates of the Extended Benefit Periods in these three States. Because of a recomputation of the rates of insured unemployment in these States required by a judicial decision, it has been determined that in Tennessee the Extended Benefit Period began one week earlier, on June 29, 1980; in Illinois the Extended Benefit Period began one week later, on June 29, 1980; and in Washington, the Extended Benefit Period began two weeks later, on July 6, 1980. The amended Extended Benefit Periods continued without interruption through the week beginning July 20, 1980, when a national Extended Benefit Period began in all States.

Background

Extended Benefits are payable only during an Extended Benefit Period, which is triggered on in a State, or nationally in all States, when the rate of insured unemployment in the State (or in all States) reaches the trigger levels set in the Federal-State Extended Unemployment Compensation Act of 1970 (Pub. L. 91-373, Title II; 26 U.S.C. 3304 note). Regulations implementing the Act appear in 20 CFR Part 615, and prescribe the method of calculating the insured unemployment rates that trigger the Extended Benefit Period on and off.

Prior to February 3, 1980, the regulations provided that insured

unemployment rates were to be calculated by including claims for Extended Benefits and State additional benefits as well as claims for regular benefits in the calculation. Effective on February 3, 1980, the regulations were amended (see 45 FR 797 and 1015) to exclude claims for Extended Benefits and State additional benefits from the calculation. The earlier notices announcing the beginning of Extended Benefit Periods in Tennessee, Illinois, and Washington, were based on the amended regulations. Had the regulations not been amended, the Extended Benefit Periods in those States would have begun on June 29, 1980, in the case of Tennessee and Illinois, and on July 6, 1980, in the case of Washington.

In a suit brought by the AFL–CIO and others, contesting the validity of the change in the regulations, the United States District Court for the District of Columbia held that the amended regulations were invalid, and in effect restored the regulations as they read prior to the amendment made earlier this year. *AFL–CIO* v. *Marshall*, No. 80–1360 (D.D.C., August 7, 1980). As a result it is necessary to issue this notice announcing a change in the beginning dates of the previously announced Extended Benefit Periods in Tennessee, Illinois, and Washington.

Redetermination of "on" Indicators

The heads of the employment security agencies of the States of Tennessee, Illinois, and Washington, upon being advised of the ruling of the United States District Court for the District of Columbia and of the reinstatement of the regulations as they read prior to amendment, have recalculated the insured unemployment rates in those States for the weeks beginning subsequent to February 2, 1980, in accordance with the State law and 20 CFR 615.12(e), and have determined that Extended Benefit Periods triggered "on" and in the States of Illinois and Tennessee beginning on June 29, 1980, and in the State of Washington, beginning on July 6, 1980.

Information for Claimants

In the cases of the States of Illinois and Washington, the redeterminations of the beginning dates of the Extended Benefit Periods in force in these States have the effect of establishing overpayments. Under the invalid regulations, the beginning date of the Extended Benefit Period in each State was determined to be June 22, 1980, whereas in Illinois it has not been determined to be June 29, 1980, and in Washington it has now been determined to be July 6, 1980. This means that individuals in Illinois who claimed and received Extended Benefits for the week beginning June 22, 1980, have received a payment of Extended Benefits to which they were not entitled, and individuals in Washington, who claimed and received Extended Benefits for weeks of unemployment beginning June 22 and June 29, 1980, have received payments of Extended Benefits to which they were not entitled. Under 20 CFR 615.8(a)(7), the provisions of the State unemployment compensation laws of Illinois and Washington relating to overpayments, and the recovery thereof, are applicable with respect to these overpayments.

In the case of Tennessee, the beginning date of the Extended Benefit Period was determined under the invalid regulation to be July 6, 1980, whereas it should have been determined to be June 29, 1980. This means that individuals who were otherwise eligible for extended benefits for the week beginning June 29, 1980, in Tennessee are now entitled to file claims for them.

The employment security agency of each State has been notified of its responsibility to identify individuals who have received Extended Benefit overpayments and individuals who have been erroneously denied or are now eligible for benefits and to notify them of their rights. There should also be widespread publicity in each State with respect to the change in the beginning date of the Extended Benefit Period, and the effect of the change on individual rights.

Individuals who wish to inquire about their rights under this program should contact the nearest employment office or unemployment compensation claims office in their locality.

Signed at Washington, D.C. on November 4, 1980.

Charles B. Knapp,

Acting Assistant Secretary for Employment and Training.

[FR Doc. 80-35580 Filed 11-13-80; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-80-146-C]

Peabody Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Peabody Coal Company, Camp No. 1, P.O. Box 350, Morganfield, Kentucky 42437, has filed a petition to modify the application of 30 CFR 75.303 (preshift examination) to its mine located in Union County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns a request by the petitioner to monitor the air passing the old South Seals at a point outby the present seals due to two massive roof falls which prohibit the physical examination of these two seals.

2. The seals are located approximately 1,200 feet from the main track entry in an area of the mine developed about seven years ago. The roof in this area is badly deteriorated; additional roof support has been added in the area of these seals with very little satisfactory results toward stabilizing the roof.

3. Because of these adverse conditions, rehabilitation of these areas would expose miners to hazardous roof conditions which would result in a diminution of safety for the miners affected.

4. As an alternate method, petitioner proposes to monitor the air passing these seals outby the present seals until such a time that a new set of seals approximately 1,000 feet outby the present seals can be constructed.

5. If the alternate method outlined above is allowed, petitioner states that any new developments or increased methane readings will be reported immediately to MSHA, as no appreciable amounts of methane have been detected from the sealed area previously.

For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before December 15, 1980. Copies of the petition are available for inspection at that address.

Dated: November 5, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-35583 Filed 11-13-80; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Wyoming State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes

procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under the delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On May 3, 1974, notice was published in the **Federal Register** (39 FR 15394) of the approval of the Wyoming Plan and the adoption of Subpart BB to Part 1952 containing the decision.

The Wyoming plan, under Section 27–11–105 of the Wyoming Occupational Health and Safety Act provides for the adoption of State standards which are at least as effective as those which are presently or will, in the future, be promulgated under Section 6 of the Occupational Safety and Health Act of 1970. The Public Hearing was held on May 2, 1980 and the Vertical Rules and Regulations Governing Anchor Testers were promulgated by the Wyoming Occupational Health and Safety Commission per Section 27–11–105 of the Wyoming Occupational Health and Safety Act 1957 as amended 1973.

2. *Decision.* As a State-initiated change, pursuant to Subpart E of Part 1953, the standard has been reviewed in the context of the whole plan and has been determined to have no adverse impact on the "at least as effective as" status of the State program.

3. *Location of supplements for inspection and copying.* A copy of the letter, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 1554, Federal Building, 1961 Stout Street, Denver, Colorado 80294; the Occupational Health and Safety Department, 200 East Eighth Avenue, Cheyenne, Wyoming 82002; and the Technical Data Center, Room N2439R, 200 Constitution Ave., N.W., Washington, D.C. 20210.

4. *Public participation.* Under § 1953.2(c) of 29 CFR Part 1953, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Wyoming State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The standards were adopted in accordance with the procedural requirements of State law, which included public comments, and further public participation would be unnecessary.

This decision is effective November 14, 1980.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Denver, Colorado, this 9th day of June, 1980.

H. C. Borchelt,

Assistant Regional Administrator.

[FR Doc. 80–35592 Filed 11–13–80; 8:45 am]

BILLING CODE 4510–26–M

[V–80–5]

Block 259/260 Joint Venture

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTIONS: (1) Notice of application for variance and interim order; (2) Grant of interim order.

SUMMARY: This notice announces the application of Block 259/260 Joint Venture, for variance and interim order pending a decision on the application for variance from the standard prescribed in 29 CFR 1910.66(b)(3), concerning the design requirements of powered platforms for exterior building maintenance.

It also announces the granting of an interim order until a decision is rendered on the application for variance.

DATES: The effective date of the interim order is November 14, 1980. The last date for interested persons to submit comments is December 15, 1980. The last date for affected employers and employees to request a hearing on the application is December 15, 1980.

ADDRESSES: Send comments or requests for a hearing to: Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, Third St. & Constitution Ave., N.W., Room N3662, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Mr. James J. Concannon, Director, Office of Variance Determination at the above address, Telephone: 202–523–7144.

of the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 555 Griffin Square Building—Room 602, Dallas, Texas 75202.

U.S. Department of Labor, Occupational Safety and Health Administration, 1100 #505 NASA Road I, Houston, Texas 77058.

Notice of Application

Notice is hereby given that Block 259/260 Joint Venture, 1100 Louisiana Street, Houston, Texas 77002, has made application pursuant to section 6(d) of the Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance from the standard prescribed in 29 CFR 1910.66(b)(3) and powered platforms for exterior maintenance—design requirements.

The address of the place of employment that will be affected by the application is as follows: 1100 Louisiana Street, Houston, Texas 77002.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.66(b)(3) which states that all new powered platforms for exterior building maintenance shall meet the requirement of Part II and III of ANSI A120.1–1970. The ANSI standard requires that the design of the building or structure face in conjunction with the design of the building contact member on the working platform shall provide continuous contact of the working platform with the building or structure in order to absorb wind forces and horizontal components of dead and live loads on the working platform.

The face of the building shall be provided with continuous T-rails, indented mullions, or equivalent guides which will positively engage building contact members on the working platform. On buildings where the working platform has a rise of less than 130 feet, guides providing positive engagement are not required.

The applicant contends that its design does not allow for continuous vertical mullions and, therefore, does not provide continuous T-rails or indented mullions required by ANSI A120.1–1980, since the building height is approximately 700 feet. The applicant proposes to use an intermittent tie-in-system using suspension rope restraints

at every third floor to restrict the horizontal movement, and to require that powered platforms used in the building be equipped with building face rollers. The applicant contends that this would provide a suspension rope restraint device at a maximum vertical distance of forty foot intervals in the areas served. The applicant states that the tie-in device would consist of an anchor secured to the concrete building column and projecting out to the face of granite cladding. A quick connect, quick disconnect attachment will be used to attach the suspension rope restraints to the tie-in anchor fastener. The applicant contends that the lower wing of the building is less than 130 feet high and, therefore, does not require the guides.

The applicant also contends that its alternative method of securing the powered platform, as described above, is as safe and healthful as the requirements of the standard from which a variance is sought.

All interested persons, including employers and employees who believe they would be affected by the grant or denial of the application for variance are invited to sumbit written data, views, and arguments relating to the pertinent application no later than December 15, 1980. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than December 15, 1980, in conformance with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Variance Determination at the above address.

Grant of Interim Order

The applicant also requested an interim order to be effective until a decision is made on the application for variance.

It has been determined that an interim order from 29 CFR 1910.66(b)(3) shall be issued. Therefore, it is ordered, pursuant to the authority in section (6)(d) of the Occupational Safety and Health Act of 1970, in 29 CFR 1905.11(c) and in Secretary of Labor's Order No. 8–76 (41 FR 25059) that Block 259/260 Joint Venture is hereby subject to the following conditions in lieu of complying with 29 CFR 1910.66(b)(3) of the Occupational Safety and Health Standards:

1. The employer shall assure that all procedures required for the proper functioning of the intermittent stabilization system are carried out, in particular the requirement for connecting the lanyards attached to the suspension ropes to the building anchors during the descent of the platform.

2. The platform shall be no greater than 32 feet in length nor 3 feet in width.

3. The weight of the platform (no load) shall be no less than 1500 pounds.

4. The platform shall have openings or gaps to facilitate upward air flow.

5. The suspension rope angulation shall be designed into the suspension system and the tie-in lanyard so tha the platform shall exert a minimum pressure of approximately 10 pounds against the face of the building.

6. The anchors in the face of the building shall be spaced vertically a maximum distance of 43 feet apart.

7. The powered platform shall not be operated when the wind velocity is 25 miles per hour or greater.

8. Operators shall be provided with full-body harnesses, which include leg straps, connected to a lanyard of no greater than 3 feet in length. This lanyard shall, in turn, be connected by means of an automatic locking rope grab to a horizontal wire rope fastened in a taut manner across the rear of the platform. The ends of this wire rope shall be secured to structural members of the platform, and the mid-point of the rope secured to the rear guardrail. This system, consisting of the harness, the lanyard, the anchorage points, and any additional hardware involved, shall at a minimum be capable of withstanding a static load of 5,000 pounds.

9. The platform shall be provided with a sensing device that will interrupt its power supply in the event that the platform contacts the tie-in lanyard assembly, to prevent further ascent and ensure that the lanyard assembly can be disengaged from the building anchor.

10. The intermittent stabilization system including its building anchor, shall have a factor of safety of 4 against failure.

11. Operators shall have knowledge of and training in the operation of the intermittent stabilization system.

12. The employer shall comply with all provisions in this interim order and, in addition, shall not be relieved from compliance with all other applicable provisions of 29 CFR 1910.66.

Block 259/260 Joint Venture shall give notice of this grant of interim order to employees affected thereby by the same means required to be used to inform them of the application for variance. This interim order shall become effective November 14, 1980. The Assistant Secretary may revoke this interim order at any time if the applicant does not comply with any requirement of the interim order or the relevant standards; or if other information indicates that revocation of the interim order is warranted. Unless revoked, the interim order will remain in effect until a decision is made on the application for variance.

Signed at Washington, D.C. this 7th day of November, 1980.

Eula Bingham,

Assistant Secretary of Labor.

[FR Doc. 80-35589 Filed 11-13-80; 8:45 am]

BILLING CODE 4510-26-M

[V-80-4]

U.I.D.C. of Texas, Inc.

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: (1) Notice of application for variance and interim order; (2) Grant of interim order.

SUMMARY: This notice announces the application of U.I.D.C. of Texas, Inc., for variance and interim order pending a decision on the application for variance from the standard prescribed in 29 CFR 1910.66(b)(3), concerning the design requirements of powered platforms for exterior building maintenance.
It also announces the granting of an interim order until a decision is rendered on the application for variance.

DATES: The effective date of the interim order is November 14, 1980. The last date for interested persons to submit comments is December 15, 1980. The last date for affected employers and employees to request a hearing on the application is December 15, 1980.

ADDRESSES: Send comments or requests for a hearing to: Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, Third St. & Constitution Ave., N.W., Room N3662, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Mr. James J. Concannon, Director, Office of Variance Determination, at the above address, Telephone: 202–523–7144.

U.S. Department of Labor, Occupational Safety and Health Administration, 555 Griffin Square Building—Room 602, Dallas, Texas 75202.

U.S. Department of Labor, Occupational Safety and Health Administration, 1100 #505 NASA Road I, Houston, Texas 77058.

Notice of Application

Notice is hereby given that U.I.D.C. of Texas, Inc., 1021 Main Street, Suite 1220, Houston, Texas 77002, has made application pursuant to section (6)(d) of the Occupational Safety and Health Act

of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance from the standard prescribed in 29 CFR 1910.66(b)(3) powered platforms for exterior maintenance—design requirements.

The address of the place of employment that will be affected by the application is as follows: First City Tower, 1001 Fannin (Block 135), Houston, Texas 77002.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.66(b)(3) which states that all new powered platforms for exterior building maintenance shall meet the requirement of Part II and III of ANSI A120.1–1970. The ANSI standard requires that the design of the building or structure face in conjunction with the design of the building contact member on the working platform shall provide continuous contact of the working platform with the building or structure in order to absorb wind forces and horizontal components of dead and live loads on the working platform.

The face of the building shall be provided with continuous T-rails, indented mullions, or equivalent guides which will positively engage building contact members on the working platform. On buildings where the working platform has a rise of less than 130 feet, guides providing positive engagement are not required.

The applicant contends that its design does not allow for continuous vertical mullions and, therefore, does not provide continous T-rails or indented mullions required by ANSI A120.1–1980, since the building height is approximately 700 feet. The applicant proposes to use an intermittent tie-in system using suspension rope restraints at every third floor to restrict the horizontal movement, and to require that powered platforms used on the building be equipped with building face rollers. The applicant contends that this would provide a suspension rope restraint device at a maximum vertical distance of forty foot intervals in the areas served. The applicant states that the tie-in device would consist of an anchor secured to the building facade. A quick connect, quick disconnect attachment will be used to attach the suspension rope restraints to the tie-in anchor fastner.

The applicant also contends that its alternative method of securing the powered platform, as described above, is as safe and healthful as the requirements of the standard from which a variance is sought.

All interested persons, including employers and employees who believe they would be affected by the grant or denial of the application for variance are invited to submit written data, views, and arguments relating to the pertinent application no later than December 15, 1980. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than December 15, 1980, in conformance with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Variance Determination at the above address.

Grant of Interim Order

The applicant also requested an interim order to be effective until a decision is made on the application for variance.

It has been determined that an interim order from 29 CFR 1910.66(b)(3) shall be issued. Therefore, it is ordered, pursuant to the authority in section (6)(d) of the Occupational Safety and Health Act of 1970, in 29 CFR 1905.11(c) and in Secretary of Labor's Order No. 8–76 (41 FR 25059) that U.I.D.C. of Texas, Inc. is hereby subject to the following conditions in lieu of complying with 29 CFR 1910.66(b)(3) of the Occupational Safety and Health Standards:

1. The employer shall assure that all procedures required for the proper functioning of the intermittent stabilization system are carried out, in particular the requirement for connecting the lanyards attached to the suspension ropes to the building anchors during the descent of the platform.

2. The platform shall be no greater than 32 feet in length nor 3 feet in width.

3. The weight of the platform (no load) shall be no less than 1500 pounds.

4. The platform shall have openings or gaps to facilitate upward air flow.

5. The suspension rope angulation shall be designed into the suspension system and the tie-in lanyard so that the platform shall exert a minimum pressure of approximately 10 pounds against the face of the building.

6. The anchors in the face of the building shall be spaced vertically a maximum distance of 43 feet apart.

7. The powered platform shall not be operated when the wind velocity is 25 miles per hour or greater.

8. Operators shall be provided with full-body harnesses, which include leg straps, connected to a lanyard of no greater than 3 feet in length. This lanyard shall, in turn, be connected by means of an automatic locking rope grab to a horizontal wire rope fastened in a taut manner across the rear of the platform. The ends of this wire rope shall be secured to structural members of the platform, and the mid-point of the rope secured to the rear guardrail. This system, consisting of the harness, the lanyard, the anchorage points, and any additional hardware involved, shall at a minimum be capable of withstanding a static load of 5,000 pounds.

9. The platform shall be provided with a sensing device that will interrupt its power supply in the event that the platform contacts the tie-in lanyard assembly, to prevent further ascent and ensure that the lanyard assembly can be disengaged from the building anchor.

10. The intermittent stabilization system including its building anchor, shall have a factor of safety of 4 against failure.

11. Operators shall have knowledge of and training in the operation of the intermittent stabilization system.

12. The employer shall comply with all provisions in this interim order and, in addition, shall not be relieved from compliance with all other applicable provisions of 29 CFR 1910.66.

U.I.D.C. of Texas, Inc. shall give notice of this grant of interim order to employees affected thereby by the same means required to be used to inform them of the application for variance. This interim order shall become effective November 14, 1980. The Assistant Secretary may revoke this interim order at any time if the applicant does not comply with any requirement of the interim order or the relevant standards; or if other information indicates that revocation of the interim order is warranted. Unless revoked, the interim order will remain in effect until a decision is made on the application for variance.

Signed at Washington, D.C. this 7th day of November, 1980.

Eula Bingham,

Assistant Secretary of Labor.

[FR Doc. 80–35590 Filed 11–13–80; 8:45 am]

BILLING CODE 4510–26–M

[V-80-3]

United States Metals Refining Co.; Grant of Variance

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Grant of Variance.

SUMMARY: OSHA has granted the United States Metals Refining Company application for a temporary variance from the standards prescribed in 29 CFR 1910.1018(g)(1)(i) concerning the utilization of engineering and work practice controls for limiting exposure to inorganic arsenic.

DATES: The effective date of the interim order is November 14, 1980. The last date for interested persons to submit comments is December 15, 1980. The last date for affected employers and employees to request a hearing on the application is December 15, 1980.

ADDRESS: Send comments or requests for a hearing to: Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Ave., N.W., Room N-3662, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Mr. James J. Concannon, Director, Office of Variance Determination, at the above address, telephone: (202) 523-7144, of the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 1515 Broadway (1 Astor Plaza), Room 3445, New York, New York 10036.

U.S. Department of Labor, Occupational Safety and Health Administration, Building T3, Belle Mead GSA Depot, Belle Mead, New Jersey 08502.

I. Background

On December 21, 1979, the United States Metals Refining Co., 400 Middlesex Avenue, Carteret, New Jersey 17008 made application pursuant to section 6(b)(6)(A) of the Occupational Safety and Health Act of 1970 (84 Stat. 1594, 29 U.S.C. 655) and 29 CFR 1905.10 for a temporary variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.1018(g)(1)(I) which require that engineering and work practice controls be utilized where feasible, to control exposure to inorganic arsenic.

An interim order was granted on May 29, 1980 (45 FR 37559, June 3, 1980). However, due to a strike of its bargaining unit employees which occurred on July 1, 1980, neither the work on the Sample Finishing Trailer in the Inventory Control Department nor the work on the Dore Furnace Charging Area in the Precious Metals Department could be completed.

The strike was terminated on October 6, 1980, and the Company will continue the work in the two aforementioned areas by November 1, 1980. They have, of course, scheduled new completion dates from those in the interim order and have requested that OSHA grant a temporary variance based upon these amended dates.

The address of the place of employment that will be affected by application is as follows: 400 Middlesex Avenue, Carteret, New Jersey 07008.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is unable to comply with the requirements of § 1910.1018(g)(1)(i) by the date required by the standard.

The applicant states that the two segments of his operation that cannot meet the timetable required by the standard, for reasons to be delineated below, are the Sample Finishig Trailer in the Inventory Control Department and the Dore Furnace Charging Area in the Precious Metals Department.

The Sampling Finishing Trailer is used for blending, screening, and crushing samples as a control for sampling related to the slimes operation (dust residues containing arsenic). The applicant had originally intended to consolidate all sampling operations but, due to a variety of reasons, has decided against it. Engineering improvements are presently being carried out and will include the installation of a small bag house and accompanying ventilation equipment in the trailer. Completion is set for December 1, 1980.

The applicant states that in the interim, employees will were appropriate (powered air-purifying) respirators and will continue to utilize protective clothing and remain in the medical surveillance program.

The Dore Furnace is used for treating the slimes to recover any precious metals. The applicant states that the initial dust recovery system which was proposed was not considered adequate for all anticipated needs and, therefore, a new engineering study was initiated. A new dust/fume collecting system consisting of new hoods, additional ducting, and the expansion of an existing baghouse will be installed by February 1, 1981, to control fugitive emissions from the furances during charging and tapping. The applicant states that in the interim, the employees will wear appropriate (powered air-purifying) respirators and protective clothing, and continue in the medical surveillance program.

In both instances noted above, the use of powered air-purifying respirators of the type cited in the inorganic arsenic standard as approved for use in the presence of up to 10,000 micrograms of inorganic arsenic (as AS) per cubic meter of air (10,000 $\mu g/m^3$), provides adequate protection for the employees. The actual exposure of these employees, as determined by the Belle Mead Area Office, was far below the approved level of these respirators.

The OSHA Belle Mead (New Jersey) Area Office is aware of the request made by United States Metals Refining Co. and, based upon their direct knowledge of the company and the situation, is in agreement with the granting of this order and with its terms.

II. Order

It appears from the application for a temporary variance and interim order that, as required by section 6(b)(6)(A) of the Act, United States Metals Refining Co., is unable to comply with the requirements of 29 CFR 1910.1018(g)(1)(i) by the date required by the standard. It appears that the applicant is taking all available steps to safeguard its employees during the time needed to come into compliance with the standard. It further appears that the variance is necessary to prevent undue hardship to the applicant and its employees.

Therefore it is ordered, pursuant to the authority in section 6(b)(6)(A) of the Occupational Safety and Health Act of 1970, in 29 CFR 1905.10(c) and in Secretary of Labor's Order No. 8-76 (41 FR 25059), that United States Metals Refining Co. be, and it is hereby, authorized to conduct its sampling and recovery operations prior to coming into compliance with the requirements of 29 CFR 1910.1018(g)(1)(i), by complying with the following:

1. Each employee in the Sample Finishing Trailer and in the Dore Furnace Charging Area shall be provided with, and required to wear, powered air-purifying respirators approved for use in atomspheres containing not more than 10,000 micrograms of inorganic arsenic per cubic meter of air (10,000 $\mu g.m^3$).

2. Each of the above noted employees will also continue to be provided with appropriate protective equipment and to

be included in the medical surveillance program.

United States Metal Refining Co. shall give notice of this interim order to employees affected thereby by the same means required to be used to inform them of the application for a variance.

This Order shall remain in effect as follows:

For the Sample Finishing Trailer until December 1, 1980; and for the Dore Furnace Charing Area until February 1, 1981.

Signed at Washington, D.C. this 7th day of November, 1980.

Eula Bingham,

Assistant Secretary of Labor.

[FR Doc. 80-35591 Filed 11-13-80; 8:45 am]

BILLING CODE 4510-26-M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 80-88; Exemption Application No. D-1666]

Exemption from the Prohibitions for Certain Transactions Involving the Consolidated Pension Plan Located in Dallas, Tex.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption would exempt the sale for cash of property and improvements (the Property) by Penrod Drilling Company (the Employer), a party in interest, to the Consolidated Pension Plan (the Plan) and subsequent leaseback to the Employer.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, (202) 523-8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On September 16, 1980, notice was published in the **Federal Register** (45 FR 61403) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a), 406 (b)(1) and (b)(2) and 407(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for transactions described in an application filed by the Employer and the Plan trustees. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of the notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of the Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of sections 406(a), 406 (b)(1) and (b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale of the Property by the Employer to the Plan provided the price paid is no more than the fair market value on the date of sale, and to the subsequent leaseback of the Property to the Employer provided the lease payments are not less than fair market rental value.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 6th day of November 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-35324 Filed 11-13-80; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-1809]

Proposed Exemption for Certain Transactions

Involving the Keebler Retirement Plan for Salaried and Certain Hourly Paid Employees of Keebler Company Located in Elmhurst, Ill.

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Departmen[t]

of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain sanctions imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt (1) the contribution of two improved parcels of real property (the Properties) to the Keebler Retirement Plan for Salaried and Certain Hourly Paid Employees (the Plan) by the Keebler Company (the Employer), a party in interest with respect to the Plan; (2) a lease of the Properties by the Plan to the Employer; and (3) a guarantee by the Employer to the Plan with respect to future disposition of the Properities by the Plan. The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan, the Plan, the Employer, and other persons participating in the transactions.

DATES: Written comments and requests for a public hearing must be received by the Department on or before December 19, 1980.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D–1809. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. David Stander of the Department, telephone (202) 523–8882. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a), 406(b)(1), 406(b)(2), and 407(a) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a defined benefit pension plan and has been determined by the Internal Revenue Service to meet the requirements of section 401(a) of the Code. As of February 1, 1979, the Plan had approximately 3,150 participants. As of December 31, 1978 the Plan had net assets of approximately $21,065,000. The trust which funds the Plan is divided into three subfunds. A subfund in the amount of approximately $11,000,000 is managed by Kemper Financial Services, Inc.; a subfund in the amount of approximately $10,000,000 is managed by M. D. Sass, Investment Advisors; and the remaining subfund in the amount of approximately $400,000 is managed by the Northern Trust Company (Northern). Northern maintains custodial responsibility for all the assets of the Plan. Northern maintains a banking relationship with the Employer.

2. The Employer is in the business of producing and marketing various food products. As of December 29, 1979, the Employer had a net worth of approximately $75,500,000. In 1979, the Employer had net income of approximately $13,000,000.

3. The Properties are improved by warehouses and office and distribution facilities and are located in Grand Prairie, Texas (the Texas Property) and Versailles, Kentucky (the Kentucky Property). The Texas Property is a 3.610 acre tract of land is located at 1302 Avenue "R", Great Southwest Industrial District (Great Southwest), Grand Prairie, Texas. The Kentucky Property is approximately three acres of land and is described as lot #4, unit 9, in the Central Kentucky Development Company Subdivision of Versailles, Kentucky. The applicant represents that the Properties are highly marketable because they are both located in viable trade areas and are suitable for a variety of uses.

4. The Employer seeks to contribute the Properties to the Plan, lease back the Properties, and take federal income tax deductions for such contributions pursuant to section 404 of the Code. The contribution of the Properties would not exceed the maximum deduction of the Employer is entitled to pursuant to the Code. The deductions taken pursuant to the contributions will not exceed the appraised fair market value of the Properties. The Properties will be contributed free and clear of any mortgages, liens, or encumbrances. The investment by the Plan in the Properties is consistent with the Plan's diversification and investment policy.

5. A complete appraisal by an independent, MAI appraiser, M. P. Christensen (Christensen), located in Dallas, Texas, determined that the Texas Property, as of December 4, 1979, had a fair market value of $810,000 and a fair market rental value of $72,900 per year. A complete appraisal by an independent appraiser, John F. Girsch, S.I.R., located in Hillside, Illinois, determined that the Kentucky Property, as of August 15, 1980, had a fair market value of $800,000, and a fair market rental value of $72,000 per year. The total fair market value of the Properties will comprise approximately six percent (6%) of the Plan's net assets.

6. After the contribution of the Properties, the Plan intends to lease each Property to the Employer. The leases, except for the rental amounts to be received, contain similar terms. Both leases are for an initial term of five years and provide the lessee an option to renew the leases for two additional terms of five years each. The initial rental payable to the Plan with respect to each Property will be equal to its appraised fair market rental value. Both leases are "absolute net" and the Plan as lessor will not be required to provide any services or incur any expenses with respect to its holding of the Properties. The Employer as lessee will maintain insurance coverage on the Properties. Both leases provide that, if, upon the default by the lessee of any of its obligations pursuant to a lease, the Plan as lessor may, upon ten days written notice, terminate the lease.

7. The applicant represents that if the Plan decided to dispose of a Property the prospects for a quick sale would be good. Christensen represents that there is a very strong demand for industrial property in Great Southwest. The Employer guarantees that upon the sale of a Property to a bona fide purchaser for a purchase price (Purchase Price) which is less than the fair market value of the Property when originally contributed to the Plan, the Employer will contribute to the Plan an amount equal to the difference between the Purchase Price and the fair market value of the Property when originally contributed to the Plan.

8. The Chicago Title and Trust Company (Chicago) will enter into a subtrust agreement with Northern, and will serve as the trustee with respect to

the Properties. Chicago is independent of the Employer, has reviewed the appraisals of the Properties and the leases, and represents that the contribution of the Properties and the subsequent leasing of the Properties is in the best interests of the Plan. Chicago will have exclusive authority to hold, manage, and perform any act necessary or appropriate to protect the Plan with respect to the Properties. Chicago will make an annual determination whether the retention of the Properties remains in the best interests of the Plan and its participants. Chicago will ensure that upon the end of the fifth and tenth year of the leases that the rental will be adjusted to reflect the fair market rental value of the Property. In no event will the adjusted rental be less than the rental being received by the Plan in the preceding five (5) year term.

9. Both Properties will initially provide an annual rate of return equal to approximately nine (9) percent of their appraised value. The rates of return are expected to increase as rental payments are adjusted every five years to reflect the fair market rental value of the Properties. The applicant estimates that the average annual return to the Plan from the Properties over the terms of the leases will be at least 11.7%.

10. In summary, the appliant represents that the proposed transactions satisfy the statutory criteria of section 408(a) of the Act because (a) the fair market values of the Properties and the initial rentals to be received pursuant to the leases have been determined pursuant to complete appraisals by independent appraisers; (b) the Properties will be contributed free and clear of any liens, mortgages or other encumbrances; (c) the Properties are located in viable trade areas, are suitable for a variety of uses, and would be highly marketable if they were to be sold; (d) the Employer guarantees that upon the sale of a Property to a bona fide purchaser for a Purchase Price which is less than the fair market value of the Property when originally contributed to the Plan, the Employer will contribute to the Plan an amount equal to the difference between the Purchase Price and the fair market value of the Property when originally contributed to the Plan; (e) the investment in the Properties is consistent with the Plan's diversification and investment policy; (f) after contribution the Properties will comprise approximately six percent (6%) of the Plan's assets; (g) the rental received by the Plan will be adjusted every five years to reflect the fair market rental value of the Properties; (h) an independent party, Chicago, has reviewed the appraisals of the Property and the leases and represents that the contribution of the Properties and the subsequent leasing of the Properties is in the best interests of the Plan; (i) Chicago will maintain complete fiduciary responsibility with respect to the Properties and will completely monitor the terms of the leases; and (j) Chicago will make an annual determination whether the retention of the Properties is in the best interests of the Plan.

Notice to Interested Persons

Notice will be provided to participants and beneficiaries of the Plan within five (5) business days after the date of the publication of the notice of pendency in the **Federal Register**. Such notice will include a copy of the notice of pendency as published in the **Federal Register** and a statement informing interested persons of their right to comment or request a hearing the pending exemption within the period set forth in the notice of pendency.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a), 406(b)(1), 406(b)(2), and 407(a) of the Act and the sanctions resulting from the application of section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to (1) the contribution of the Properties by the Employer to the Plan; (2) the lease of the Properties by the Plan to the Employer; and (3) a guarantee by the Employer to the Plan with respect to the future disposition of the Properties by the Plan.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 6th day of November 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-35325 Filed 11-13-80; 8:45 am]

BILLING CODE 4510-29-M

[Exemption Application Nos. D-2007 and D-2008]

Withdrawal of Proposed Exemption Involving the St. Paul Electrical Construction Pension Fund and the St. Paul Electrical Workers Vacation Fund

In 45 FR 64769 of the **Federal Register**, dated September 30, 1980, the Department of Labor (the Department) published a notice of pendency of a proposed exemption from the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974. The notice of pendency concerned an application filed by the Secretary of the Board of Trustees of the St. Paul Electrical Construction Pension Fund and the St. Paul Electrical Workers Vacation Fund.

By letter dated October 28, 1980, the applicant's representative notified the Department that the applicant no longer sought an exemption for the transaction described in the above cited notice. Accordingly, the representative requested that the application for exemption be withdrawn from consideration by the Department.

Signed at Washington, D.C. this 6th day of November 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-35326 Filed 11-13-80; 8:45 am]

BILLING CODE 4510-29-M

Proposed Class Exemption for Guaranteed Investment Contract Separate Accounts; Hearing

By notice published in the **Federal Register** on August 1, 1980 (45 FR 51303) the Department of Labor (the Department) proposed a class exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 and from certain taxes imposed by The Internal Revenue Code of 1954. The proposed exemption would apply to certain transactions engaged in by life insurance company separate accounts that are maintained in connection with contracts issued by life insurance companies under which the insurance company guarantees repayment of funds deposited by plans together with a stated rate of interest for a specified period.

A hearing on the proposed class exemption has been requested. Accordingly, a public hearing will be held on December 8, 1980 beginning at 9:30 a.m. in Room N-5437A and B of the Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. Any interested person who wishes to be assured of the opportunity to present oral comments at the hearing should submit by 3:30 p.m., December 1, 1980: (1) A written request to be heard, and (2) an outline (preferably five copies) of the topics to be discussed, indicating the time to be allocated to each topic. The request to be heard and accompanying outline should be submitted to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application D-780 Hearing. Individuals who did not file written comments regarding the proposed class exemption may nonetheless request to make oral comments at the hearing.

The Department will prepare an agenda indicating the order of presentation of oral comments and the time allotted to each person making oral comments. In the absence of special circumstances, each commentator will be allotted 10 minutes in which to complete his presentation. Information about the agenda may be obtained on or after December 4, 1980, by telephoning William A. Schmidt, Plan Benefits Security Division, Office of the Solicitor, (202) 523-8610 (not a toll free number). Individuals not listed in the agenda will be allowed to make oral comments at the hearing to the extent time permits. Those individuals who make oral comments should be prepared to answer questions regarding their comments.

A written record of the hearing will be made.

Signed at Washington, D.C., this 6th day of November, 1980..

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-35246 Filed 11-13-80; 11:30 am]

BILLING CODE 4510-29-M

Office of the Secretary

[TA-W-11,073]

Henry S. Levy & Son, Inc., Brooklyn, New York; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 29, 1980 in response to a worker petition received on September 10, 1980 which was filed on behalf of workers at Henry S. Levy & Son, Inc., Brooklyn, New York. The workers at Henry S. Levy & Son, Inc. bake bread and rolls.

During the course of the investigation, it was established that all workers of Henry S. Levy & Son, Inc. were separated from employment in May, 1979. Section 223(b) of the Trade Act of 1974 states that no certification under this section may apply to any worker whose last total or partial separation from the firm or appropriate subdivision of the firm occurred more than one year prior to the date of the petition.

The date of the petition in this case is September 6, 1980 and, thus, workers terminated prior to September 6, 1979 are not eligible for program benefits under Title II, Chapter 2, Subchapter B of the Trade Act of 1974. The investigation is therefore terminated.

Signed at Washington, D.C. this 6th day of November 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-35162 Filed 11-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9399]

Michigan Plating and Stamping Division, Gulf and Western Manufacturing Co., Grand Rapids, Mich.; Termination of Investigation; Correction

In FR Doc. 80-29091 appearing on page 62588 in the **Federal Register** of September 19, 1980 the second paragraph, third line, should be corrected to read "(TA-W-9673)."

Signed at Washington, D.C. this 3rd day of November 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-35163 Filed 11-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,096]

Wallace Murray Corp., Richmond Gear Division, Richmond, Ind.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 29, 1980 in response to a worker petition received on September 22, 1980 which was filed by the International Association of Machinists and Aerospace Workers on behalf of workers and former workers

producing gears at the Richmond Gear Division of Wallace Murray Corporation, Richmond, Indiana (TA-W-11,096).

On August 15, 1980 a petition was filed on behalf of the same group of workers (TA-W-10,380).

Since the identical group of workers is the subject of the ongoing investigation TA-W-10,380, a new investigation would serve no purpose. Consequently, the investigation has been terminated. Signed at Washington, D.C. this 3rd day of November 1980.

Harold A. Bratt,

Acting, Director Office of Trade Adjustment Assistance.

[FR Doc. 80-35164 Filed 11-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9139, 9139A]

Walworth Co., Columbus, Ohio, Greensburg, PA; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance; Correction

In FR Doc. 80-30862 appearing on page 65700 in the **Federal Register** October 3, 1980 the third column, paragraphs 6 and 7, on page 65703 should be corrected to read as follows:

"TA-W-9139; Walworth Company, Columbus, Ohio

A certification was issued covering all workers of the firm separated on or after December 1, 1979.

"TA-W-9139A; Walworth Company, Greensburg, Pennsylvania

A certification was issued covering all workers of the firm separated on or after November 1, 1979."

Signed at Washington, D.C. this 3rd day of November 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 35165 Filed 11-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10, 386]

Wolff Shoe Manufacturing Co., Union, Mo.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on August 25, 1980 in response to a petition which was filed on behalf of workers at Wolff Shoe Manufacturing Company, Union, Missouri.

U.S. imports of women's nonrubber footwear, except athletic, increased absolutely and relative to domestic production in 1979 compared with 1978.

A survey of the manufacturer which provides contract work to Wolff Shoe Manufacturing Company revealed that the manufacturer ceased contracting with the subject firm in September 1980. The manufacturer stated that the company increased its purchases of imported shoes in August-September 1980 compared with the same period of 1979.

According to the manufacturer, declining sales combined with continued and increased company imports have eliminated the need for further contracts with Wolff Shoe Manufacturing Company.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's shoes produced at Wolff Shoe Manufacturing Company, Union, Missouri contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Wolff Shoe Manufacturing Company, Union, Missouri who became totally or partially separated from employment on or after August 12, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 22nd day of October 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-35166 Filed 11-13-80; 8:45 am]

BILLING CODE 4510-28-M

Airco Industrial Gases, et al.; Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number of proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 24, 1980.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 24, 1980.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of October 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Airco Industrial Gases (workers)	Butler, PA	10-20-80	10-15-80	TA-W-11,408	Industrial gases.
Gardner Denver Cooper Ind. (workers)	Reed City, MI	10-20-80	10-11-80	TA-W-11,409	Pneumatic wire wrap tools—wire wrap bits.
Hercules, Inc. (UPIU)	Covington, VA	10-20-80	10-13-80	TA-W-11,410	Polypropylene film used for packaging.
Joseph Dyson & Sons, Inc. (company)	Painesville, OH	10-20-80	10-13-80	TA-W-11,411	Forged fasteners.
Monsanto Company, Springfield Plant (workers).	Indian Orchard, MA	10-20-80	10-9-80	TA-W-11,412	Plastic and resins.
N. L. Fasteners (USWA)	Statesville, NC	10-20-80	10-16-80	TA-W-11,413	Screws, fasteners, bolts, and nuts.
Northern Tube Div. (workers)	Pinconning, MI	10-20-80	10-1-80	TA-W-11,414	Customized fabricated tubing.
Vogue Rattan Mfg. Co., Inc. (teamsters)	Lexington, KY	10-20-80	10-9-80	TA-W-11,415	Rattan furniture.
Wyandotte Indus. (workers)	Waterville, ME	10-20-80	10-15-80	TA-W-11,416	High quality camel hair cashmere.
A & A Mfg. (workers)	Springfield, MO	10-20-80	10-15-80	TA-W-11,417	Men's jeans, jackets, vests.
Bird & Son, Inc. (workers)	Lewiston, ME	10-20-80	10-7-80	TA-W-11,418	Shoe boxes.
CM American, Div. of Columbus McKinnon Corp. (UAW).	McKees Rocks, PA	10-20-80	10-13-80	TA-W-11,419	Forgings, ratchets, load bindings.
Federal-Mogul Corp. & Transmission, Products Group (FMWA).	Greenville, MI	10-20-80	10-15-80	TA-W-11,420	Engine bearings.
GAF Corporation (workers)	Beaverton, OR	10-20-80	10-15-80	TA-W-11,421	View master, pana vue.
GTE Sylvania (IUE)	Batavia, NY	10-17-80	10-14-80	TA-W-11,422	Hi Fi, Stereo, TV's.
Garden State Motors, Inc. (workers)	Pennsauken, NJ	10-20-80	10-6-80	TA-W-11,423	Manufacturing auto and truck engines.
Life Savers, Inc. (workers)	Canajoharie, NY	10-20-80	10-10-80	TA-W-11,424	Gum and Candy.
Permold Corp. (AIW)	Medina, OH	10-20-80	10-16-80	TA-W-11,425	Aluminum castings.
Walworth Company (USWA)	Greensburg, PA	10-14-80	10-7-80	TA-W-11,426	Industrial valves.
Bethlehem Steel Corp. (workers)	Seattle, WA	10-17-80	10-14-80	TA-W-11,427	Steel products.
CAM—2 (workers)	Detroit, MI	10-17-80	10-10-80	TA-W-11,428	Order and repair center sold gasoline.
CAM—2 (workers)	Southfield, MI	10-17-80	10-10-80	TA-W-11,429	Order and repair center sold gasoline.
Chatham Dresses Co. (ILGWU)	Garden City, GA	10-17-80	10-14-80	TA-W-11,430	Dresses and pant suits.
Cheraw Mfg. Co. (ILGWU)	Cheraw, SC	10-17-80	10-14-80	TA-W-11,431	Dresses and pant suits.
Chesterfield (ILGWU)	Chesterfield, SC	10-17-80	10-14-80	TA-W-11,432	Dresses and pant suits.
Detroit Gasket (UAW)	Alpena, MA	10-17-80	10-8-80	TA-W-11,433	Molded carpet assemblies for interior trim assembly.
Paragon Woven Label Co., Inc. (workers)	Haskell, NJ	10-17-80	10-10-80	TA-W-11,434	Woven labels for the garment industry.
Rotary Lift Co. (company)	Madison, IN	10-17-80	10-13-80	TA-W-11,435	Manufactures and distributes auto lifts.
Waterboro Dress (ILGWU)	Waterboro, SC	10-17-80	10-14-80	TA-W-11,436	Dresses and pant suits.
Carpenter Steel Div. (workers)	Bridgeport, CT	10-17-80	10-14-80	TA-W-11,437	Specialty steel.
General Electric Co., Wiring Device, Business Dept. (IUE).	Providence, RI	10-20-80	10-15-80	TA-W-11,438	Wiring devices.
John Deere Component Parts Co. (UAW)	Waterloo, IA	10-17-80	10-13-80	TA-W-11,439	Components for large tractors.
John Deere Engine Works (UAW)	Waterloo, IA	10-17-80	10-13-80	TA-W-11,440	Engines, engine component parts.
John Deere Foundary (UAW)	East Moline, IL	10-17-80	10-13-80	TA-W-11,441	Iron castings.
John Deere Tractor Works (UAW)	Waterloo, IA	10-17-80	10-13-80	TA-W-11,442	Machines and assembly parts for tractors.
Massey-Ferguson, Inc., Tractor Div., Perkins Engines, Inc. (company).	Wayne, MI	9-18-80	9-15-80	TA-W-11,443	Diesel engines.
Ranco Controls Div. (workers)	Columbus, OH	10-20-80	10-16-80	TA-W-11,444	Electrical mechanical devices.
Thomson Steel Co. (USW)	Franklin Park, IL	10-20-80	10-17-80	TA-W-11,445	Cold rolled steel, tempered steel.
Vulcan Corporation (ACTWU)	Blancester, OH	10-20-80	10-17-80	TA-W-11,446	Sample orders only, no production orders.
John Deere Dubuque Works (UAW)	Dubuque, IA	10-17-80	10-13-80	TA-W-11,447	Machined, fabricated, and assembled farm tractors.
Bertsch & Co. (workers)	Cambridge City, IN	10-21-80	10-17-80	TA-W-11,448	Iron castings.
Chrysler Credit Corp. (company)	Troy, MI, Tower Drive	10-20-80	10-10-80	TA-W-11,449	Promotion, sale, and administration of automotive credit.
Chrysler Credit Corp. (company)	Charleston, WV	10-20-80	10-10-80	TA-W-11,450	Promotion, sale, and administration of automotive credit.
Chrysler Credit Corp. (company)	Greensboro, NC	10-20-80	10-10-80	TA-W-11,451	Promotion, sale, and administration of automotive credit.
Chrysler Credit Corp. (company)	Hartsdale, NY	10-20-80	10-10-80	TA-W-11,452	Promotion, sale, and administration of automotive credit.
Chrysler Credit Corp. (company)	Falmouth, ME	10-20-80	10-10-80	TA-W-11,453	Promotion, sale, and administration of automotive credit.
Chrysler Credit Corp. (company)	Jacksonville, FL	10-20-80	10-10-80	TA-W-11,454	Promotion, sale, and administration of automotive credit.
Chrysler Credit Corp. (company)	Orlando, FL	10-20-80	10-10-80	TA-W-11,455	Promotion, sale, and administration of automotive credit.
Chrysler Credit Corp. (company)	Tallahassee, FL	10-20-80	10-10-80	TA-W-11,456	Promotion, sale, and administration of automotive credit.
Chrysler Credit Corp. (company)	Southfield, MI	10-20-80	10-10-80	TA-W-11,457	Promotion, sale, and administration of automotive credit.
Chrysler Credit Corp. (company)	Toledo, OH	10-20-80	10-10-80	TA-W-11,458	Promotion, sale, and administration of automotive credit.
Chrysler Credit Corp. (company)	Marquette, MI	10-20-80	10-10-80	TA-W-11,459	Promotion, sale, and administration of automotive credit.
Chrysler Credit Corp. (company)	Edina, MN	10-20-80	10-10-80	TA-W-11,460	Promotion, sale, and administration of automotive credit.
Chrysler Credit Corp. (company)	Fort Wayne, IN	10-20-80	10-10-80	TA-W-11,461	Promotion, sale, and administration of automotive credit.
Chrysler Credit Corp. (company)	Mobile, AL	10-20-80	10-10-80	TA-W-11,462	Promotion, sale, and administration of automotive credit.
Chrysler Credit Corp. (company)	Huntsville, AL	10-20-80	10-10-80	TA-W-11,463	Promotion, sale, and administration of automotive credit.
Chrysler Credit Corp. (company)	Baton Rouge, LA	10-20-80	10-10-80	TA-W-11,464	Promotion, sale, and administration of automotive credit.
Chrysler Credit Corp. (company)	Knoxville, TN	10-20-80	10-10-80	TA-W-11,465	Promotion, sale, and administration of automotive credit.
Chrysler Credit Corp. (company)	Oklahoma City, OK	10-20-80	10-10-80	TA-W-11,466	Promotion, sale, and administration of automotive credit.
Chrysler Credit Corp. (company)	El Paso, TX	10-20-80	10-10-80	TA-W-11,467	Promotion, sale, and administration of automotive credit.
Chrysler Credit Corp. (company)	Portland, OR	10-20-80	10-10-80	TA-W-11,468	Promotion, sale, and administration of automotive credit.
Chrysler Credit Corp. (company)	Spokane, WA	10-20-80	10-10-80	TA-W-11,469	Promotion, sale, and administration of automotive credit.
Chrysler Credit Corp. (company)	Boise, ID	10-20-80	10-10-80	TA-W-11,470	Promotion, sale, and administration of automotive credit.
Chrysler Credit Corp. (company)	Kansas City, MO	10-20-80	10-10-80	TA-W-11,471	Promotion, sale, and administration of automotive credit.
Chrysler Credit Corp. (company)	Englewood, CO	10-20-80	10-10-80	TA-W-11,472	Promotion, sale, and administration of automotive credit.

Appendix—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Chrysler Credit Corp. (company)	Cape Girardeau, MO	10-20-80	10-10-80	TA-W-11,473	Promotion, sale, and administration of automotive credit.
Penn State Textile Mfg. (ACTWU)	Clifton Heights, PA	10-21-80	10-20-80	TA-W-11,474	Uniforms and aprons.
Singer Mfg. & M. Richard Singer Co. (ACTWU)	Philadelphia, PA	10-21-80	10-20-80	TA-W-11,475	Men's pants and jackets.
TRW Cinch (workers)	Chicago, IL	10-21-80	10-15-80	TA-W-11,476	Electrical devices.
Butte, Anaconda & Pacific Railway (UTU 887)	Anaconda, MT	10-15-80	10-3-80	TA-W-11,477	Haul copper bodies for Anaconda.
Dayton-Walther Corp. (Muncie Div.) (USWA)	Muncie, IN	10-22-80	10-20-80	TA-W-11,478	Truck wheels, tandem castings, assemblies.
Endicott Johnson (workers)	Forest City, PA	10-20-80	10-13-80	TA-W-11,479	Produce shoes.
Hoover Universal Inc. (company)	Charlotte, MI	10-22-80	10-20-80	TA-W-11,480	Aluminum parts.
Messenger Cedar Products (workers)	Elma, WA	10-22-80	10-13-80	TA-W-11,481	Shakes, shingles.
Mica Products Corp. of America (company)	Wingdale, NY	10-22-80	10-21-80	TA-W-11,482	Architectural woodwork.
Miami Menstogs Inc. (company)	Hialeah, FL	10-20-80	10-9-80	TA-W-11,483	Men's shirts.
National Fiber Glass Corp. (workers)	Yonkers, NY	10-22-80	10-16-80	TA-W-11,484	Fiber glass.
Nissan Tile Distrib. Corp. (workers)	Bayside, NY	10-22-80	9-9-80	TA-W-11,485	Tiles.
Parco Inc. (workers)	Marlette, MI	10-22-80	10-15-80	TA-W-11,486	Brake lines.
Sparatan Die Co. (IDSC)	Lansing, MI	10-22-80	10-17-80	TA-W-11,487	Dies.
Vicky Sportswear (workers)	McAdoo, PA	10-22-80	10-14-80	TA-W-11,488	Blouses.
A & A Mfg. (workers)	Aurora, MO	10-20-80	10-15-80	TA-W-11,489	Men's jeans, jackets, vests.
General Electnc Co. Wiring Device Dept. (IUE).	Middletown, RI	10-20-80	10-15-80	TA-W-11,490	Wiring devices.
Joseph M. Herman (workers)	Scarborough, ME	10-20-80	9-8-80	TA-W-11,491	Footwear.
Kooling Products Co., Inc. (workers)	Mt. Clemens, MI	8-11-80	8-7-80	TA-W-11,492	Install air-conditioning units on new cars.
Look Top Leather LTD (workers)	New York, NY	10-2-80	9-12-80	TA-W-11,493	Men's and womens' leather jackets.
RCA Consumer Electronics (workers)	Indianapolis, IN	10-23-80	10-21-80	TA-W-11,494	Component parts for TV.
Supreme Cedar Products Inc. (workers)	Concrete, WA	10-22-80	10-14-80	TA-W-11,495	Red cedar shades, shingles.
White Motor Corp. White Truck Group (workers).	Eastlake, OH	10-20-80	10-16-80	TA-W-11,496	Engineering and administrative.

[FR Doc. 80-35584 Filed 11-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,368]

Allied Chemical Corp., Semet Solvay Division, Ashland, Kentucky; Negative Determination Regarding Eligibility to Apply For Worker Adjustment Assistance: Correction

In FR Doc. 80-30862 appearing on page 65700 in **Federal Register** of October 3, 1980, the TA-W-number in Allied Chemical Corporation, Ashland, Kentucky appearing on page 65703 should be corrected to read TA-W-10,638.

Signed at Washington, D.C. this 3rd day of November 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-35585 Filed 11-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9026; 9246-48; 9250-51; 9253; 10,733; 10,735; 10,743-44; 10,748; 10,757; 10,761; 10,763; 10,766; 10,771-72; 10,775; 10,778; 10,781; 10,797; 10,799; 10,801-14; 10,818-44; 10,846-48]

General Motors Corp., Detroit, Michigan; Amended Certification of Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor issued Certifications of Eligibility to Apply for Adjustment Assistance on October 10, 1980, applicable to all workers of certain designated support facilities of General Motors Corporation, Detroit, Michigan. The Certifications were published in the **Federal Register** on October 21, 1980, (45 FR 69600).

State employment security officials advised the Department of several layoffs at the General Motors Proving Grounds in Mesa, Arizona, TA-W-10,733, immediately before its June 1, 1980 impact date. On the basis of additional information from General Motors, the Office of Trade Adjustment Assistance, on its own motion reviewed the certification. The additional information showed several layoffs occurring just prior to the June 1, 1980 impact date. These layoff were not covered by the original impact date set in the certification for workers at the General Motor Proving Ground, Mesa, Arizona.

The intent of the certification is to cover all workers at General Motors Proving Grounds in Mesa, Arizona who were affected by the decline in production of import impacted GM vehicles. The Notice of Certifications, therefore, is amended to include a new impact date of May 1, 1980 for workers at the General Motors Proving Grounds in Mesa, Arizona.

The certification applicable to TA-W-10,733 is hereby amended and issued as follows:

"All workers of General Motors Corporation's General Motors Proving Grounds, Mesa, Arizona, who became totally or partially separated from employment on or after May 1, 1980 and before November 1, 1980 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 7th day of November 1980.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 80-35586 Filed 11-13-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,928]

Vassar Manufacturing Co., Vassar, Michigan; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 22, 1980 in response to a worker petition received on September 11, 1980 which was filed on behalf of workers and former workers producing automotive stampings at Vassar Manufacturing Company, Vassar, Michigan.

On September 8, 1980, an investigation (TA-W-10,583) was initiated on behalf of the same group of workers as (TA-W-10,983).

Since the identical group of workers is the subject of the ongoing investigation (TA-W-10,583) a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C., this 6th day of November 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-35587 Filed 11-13-80; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Humanities Panel; Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Public Law 92-463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, NW., Washington, DC 20506:

Date: December 1-2, 1980
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134
Program: This meeting will review applications submitted for the Research Resources Program: Literature projects Division of Research Programs, for projects beginning after March 1, 1981

Date: December 2-3, 1980
Time: 9:00 a.m. to 5:30 p.m.
Room: 807
Program: This meeting will review applications submitted for Pilot grants, Division of Education, for projects beginning after April 1, 1981

Date: December 4-5, 1980
Time: 9:00 a.m. to 5:30 p.m.
Room: 807
Program: This meeting will review applications submitted for Pilot grants, Division of Education, for projects beginning after April 1, 1981

Date: December 4-5, 1980
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134
Program: This meeting will review applications submitted for the research Resources Program: Arts, Architecture, and Music projects, Division of Research Programs for projects beginning after March 1, 1981.

Date: December 4-5, 1980
Time: 9:00 a.m. to 5:30 p.m.
Room: 911
Program: This meeting will review applications submitted for Special Projects, Division of Special Programs, for projects beginning after March 1, 1981.

Date: December 4-5, 1980
Time: 9:00 a.m. to 5:30 p.m.
Room: 1023
Program: This meeting will review applications submitted for Elementary and Secondary Education, Division of Education Programs, for projects beginning after April 1, 1981.

Date: December 8-9, 1980
Time: 9:00 a.m. to 5:30 p.m.
Room: 1023
Program: This meeting will review applications submitted for Elementary and Secondary Education, Division of Education Programs, for projects beginning after April 1, 1981.

Date: December 11-12, 1980
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134
Program: This meeting will review applications submitted for the Research Resources Program: World Cultures and Thought projects, Division of Research Programs, for projects beginning after March 1, 1981.

Date: December 11-12, 1980
Time: 9:00 a.m. to 5:30 p.m.
Room: 1023
Program: This meeting will review applications submitted for Program Development, Division of Special Programs for projects beginning after March 1, 1981.

Date: December 16, 1980
Time: 9:00 a.m. to 5:30 p.m.
Room: 314
Program: This meeting will review applications for Summer Stipend in Art History, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1981.

Date: December 18, 1980
Time: 9:00 a.m. to 5:30 p.m.
Room: 1023
Program: This meeting will review applications submitted by state humanities committees, Division of State programs, for activities beginning after March 1, 1981.

The proposed meeting is for the purpose of Panel reviews, discussions, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose,

(1) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) information the disclosure of which would significantly frustrate implimentation of proposed agency action;

pursuant to authority granted by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 274-0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 80-35633 Filed 11-13-80; 8:45 am]

BILLING CODE 7536-01-M

Music Panel (Orchestra Section); Meeting; Amended Notice

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Music Panel (Orchestra Section) to the National Council on the Arts will be held on November 17-19, 1980 from 9:00 a.m.-5:30 p.m. and November 20, 1980, from 9:00 a.m.-4:00 p.m. in room 1426, Columbia Plaza Office Complex, 2401 E St., N.W., Washington, D.C.

A portion of this meeting will be open to the public on November 20, 1980, from 2:00 p.m.-4:00 p.m. for the discussion of Guidelines.

The remaining sessions of this meeting on November 17-19, 1980, from 9:00 a.m.-5:30 p.m., and November 20, 1980, from 9:00 a.m.-2:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

Dated: November 7, 1980.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 80-35553 Filed 11-13-80; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-348]

Alabama Power Co., (Joseph M. Farley Nuclear Plant, Unit No. 1); Order for Modification of License

I. Alabama Power Company (the licensee) is the holder of Facility

Operating License No. NPF–2, which authorizes the operation of the Joseph M. Farley Nuclear Plant, Unit No. 1 at steady state reactor power levels not in excess of 2652 megawatts thermal (rated power). The facility consists of a pressurized water reactor located at the licensee's site near the City of Dothan, Alabama.

II. On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 (copies attached) "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC–4), which relate to environmental qualifications of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG–0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79–01B[1] and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG–0588."

The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed that "In order to leave no room for doubt on this issue, the staff is to prepare additional Technical Specifications for all operating plants which codify the documentation requirement paragraph of the Guidelines (paragraph 8.0)." The staff was directed to add these documentation requirements to each license after they were approved by the Commission.

The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III. The Commission has approved the Technical Specification provisions set forth in Section IV below which specify documentation requirements and which specifically impose on the licensee the requirement of the Commission's May 23, 1980 Memorandum and Order that by no later than June 30, 1982 all safety-related electrical equipment shall be qualified to the DOR Guidelines or NUREG–0588.

The information developed during the Commission review of the UCS Petition emphasizes the importance of prompt completion of the upgrading of environmental qualification of safety-related electrical equipment to conform to the DOR Guidelines or NUREG–0588 and of adequate documentation of equipment qualifications. The deadlines set forth in the Commission's Memorandum and Order dated May 23, 1980, assure that such upgrading will be accomplished promptly. In order to assure prompt completion of necessary qualification work or replacement of unqualified components, if necessary, in conformance with the requirements of the Commission's Memorandum and Order dated May 23, 1980, and to provide complete and adequate documentation as promptly as possible, such upgrading and documentation work must commence immediately. Therefore, I have concluded that the public health, safety and interest require this Order for Modification of License to be effective immediately.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50: *It is ordered*, That effective immediately Facility Operating License No. NPF–2 is hereby amended to add the following provisions to the Appendix A Technical Specifications.

(a) "By no later than June 30, 1982, all safety-related electrical equipment in the facility shall be qualified in accordance with the provisions of: Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines); or, NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979. Copies of these documents are attached to Order for Modification of License No. NPF–2 dated October 24, 1980.

(b) "By no later than December 1, 1980, complete and auditible records must be available and maintained at a central location which describe the environmental qualification method used for all safety-related electrical equipment in sufficient detail to document the degree of compliance with the DOR Guidelines or NUREG–0588. Thereafter, such records should be updated and maintained current as equipment is replaced, further tested, or otherwise further qualified."

To effectuate the foregoing, appropriate pages for incorporation into the Technical Specifications are attached to this Order.

V. The licensee or any person whose interest may be affected by this Order may request a hearing on or before December 4, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to George F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW, Washington, D.C. 20036, attorney for the licensee.

If a hearing is held concerning this Order, the issues to be considered at the hearing shall be:

a. whether the licensee should be required to have the environmental qualification records referred to in Section IV, above, available at a central location by no later than December 1, 1980; and

[1] Bulletin 79–01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79–01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

b. whether all safety-related electrical equipment should be qualified as required in Section IV, above, by no later than June 30, 1982.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective Date: October 24, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 80-35439 Filed 11-13-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-313]

Arkansas Power & Light Co. (Arkansas Nuclear One, Unit No. 1); Order for Modification of License

I. The Arkansas Power & Light Company (licensee) is the holder of Facility Operating License No. DPR-51, which authorizes the operation of the Arkansas Nuclear One, Unit No. 1 at steady state reactor power levels not in excess of 2568 megawatts thermal (rated power). The facility consists of a pressurized water reactor located at the licensee's site in Pope County, Arkansas.

II. On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition of Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regardng the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 (copies attached) "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC-4), which relate to environmental qualifications of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B [1] and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588."

The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed that, "In order to leave no room for doubt on this issue, the staff is to prepare additional Technical Specifications for all operating plants which codify the documentation requirement paragraph of the Guidelines (paragraph 8.0)." The staff was directed to add these documentation requirements to each license after they were approved by the Commission.

The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III. The Commission has approved the Technical Specification provisions set forth in Section IV below which specify documentation requirements and which specifically impose on the licensee the requirement of the Commission's May 23, 1980 Memorandum and Order that by no later than June 30, 1982 all safety-related electrical equipment shall be qualified to the DOR Guidelines or NUREG-0588.

[1] Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

The information developed during the Commission review of the UCS Petition emphasizes the importance of prompt completion of the upgrading of environmental qualification of safety-related electrical equipment to conform to the DOR Guidelines or NUREG-0588 and of adequate documentation of equipment qualifications. The deadlines set forth in the Commission's Memorandum and Order dated May 23, 1980, assure that such upgrading will be accomplished promptly. In order to assure prompt completion of necessary qualification work or replacement of unqualified components, if necessary, in conformance with the requirements of the Commission's Memorandum and Order dated May 23, 1980, and to provide complete and adequate documentation as promptly as possible, such upgrading and documentation work must commence immediately. Therefore, I have concluded that the public health, safety and interest require this Order for Modification of License to be effective immediately.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50: *It is ordered,* That effective immediately Facility Operating License No. DPR-51 is hereby amended to add the following provisions to the Appendix A Technical Specifications.

(a) "By no later than June 30, 1982, all safety-related electrical equipment in the facility shall be qualified in accordance with the provisions of: Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines); or, NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979. Copies of these documents are attached to Order for Modification of License DPR-51 dated October 24, 1980.

(b) "By no later than December 1, 1980, complete and auditible records must be available and maintained at a central location which describe the environmental qualification method used for all safety-related electrical equipment in sufficient detail to document the degree of compliance with the DOR Guidelines or NUREG-0588. Thereafter, such records should be updated and maintained current as equipment is replaced, further tested, or otherwise further qualified."

To effectuate the foregoing, appropriate pages for incorporation into the Technical Specifications are attached to this Order.

V. The licensee or any person whose interest may be affected by this Order may request a hearing on or before December 4, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Nicholas S. Reynolds, Debevoise & Liberman, 1200 17th Street, Washington, D.C. 20036, attorney for the licensee.

If a hearing is held concerning this Order, the issues to be considered at the hearing shall be:

a. whether the licensee should be required to have the environmental qualification records referred to in Section IV, above, available at a central location by no later than December 1, 1980; and

b. whether all safety-related electrical equipment should be qualified as required in Section IV, above, by no later than June 30, 1982.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings in the Order.

For the Nuclear Regulatory Commission.

Effective Date: October 24, 1980, Bethesda, Maryland.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 80-35440 Filed 11-13-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-368]

Arkansas Power and Light Co., (Arkansas Nuclear One—Unit 2); Order for Modification of License

I. Arkansas Power and Light Company (licensee) is the holder of License No. NPF-6, which authorizes the operation of the Arkansas Nuclear One—Unit 2 nuclear power plant at steady state reactor power levels not in excess of 2815 megawatts thermal (rated power). The facility consists of a Pressurized Water Reactor located at the licensee's site in Pope County, Arkansas.

II. On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 (copies attached) "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC–4), which relate to environmental qualifications of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG–0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79–01B [1] and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG–0588."

The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed that, "In order to leave no room for doubt on this issue, the staff is to prepare additional Technical Specifications for all operating plants which codify the documentation requirement paragraph of the Guidelines (paragraph 8.0)." The staff was directed to add these documentation requirements to each license after they were approved by the Commission.

The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from obligation to modify or replace inadequate equipment promptly."

III. The Commission has approved the Technical Specification provisions set forth in Section IV below which specify documentation requirements and which specifically impose on the licensee the requirement of the Commission's May 23, 1980 Memorandum and Order that by no later than June 30, 1982 all safety-related electrical equipment shall be qualified to the DOR Guidelines or NUREG–0588.

The information developed during the Commission review of the UCS Petition emphasizes the importance of prompt completion of the upgrading of environmental qualification of safety-related electrical equipment to conform to the DOR Guidelines or NUREG–0588 and of adequate documentation of equipment qualifications. The deadlines set forth in the Commission's Memorandum and Order dated May 23, 1980, assure that such upgrading will be accomplished promptly. In order to assure prompt completion of necessary qualification work or replacement of unqualified components, if necessary, in conformance with the requirements of the Commission's Memorandum and Order dated May 23, 1980, and to provide complete and adequate documentation as promptly as possible, such upgrading and documentation work must commence immediately. Therefore, I have concluded that the public health, safety and interest require this Order for Modification of License to be effective immediately.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is ordered*, That effective immediately Facility Operating License No. NPF–6 is hereby amended to add the following provisions to the Appendix A Technical Specifications.

(a) "By no later than June 30, 1982, all safety-related electrical equipment in the facility shall be qualified in accordance with the provisions of: Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines); or,

[1] Bulletin 79–01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79–01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979. Copies of these documents are attached to Order for Modification of License No. NPF–6 dated October 24, 1980.

(b) "By no later than December 1, 1980, complete and auditable records must be available and maintained at a central location which describe the environmental qualification method used for all safety-related electrical equipment in sufficient detail to document the degree of compliance with the DOR Guidelines or NUREG–0588. Thereafter, such records should be updated and maintained current as equipment is replaced, further tested, or otherwise further qualified."

To effectuate the foregoing, appropriate pages for incorporation into the Technical Specifications are attached to this Order.

V. The licensee or any person whose interest may be affected by this Order may request a hearing on or before December 4, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Nick Reynolds, Esq., DeBevoise & Liberman, 1200 Seventeenth Street NW., Washington, D.C. 20036, attorney for the licensee.

If a hearing is held concerning this Order, the issues to be considered at the hearing shall be:

a. whether the licensee should be required to have the environmental qualification records referred to in Section IV, above, available at a central location by no later than December 1, 1980; and

b. whether all safety-related electrical equipment should be qualified as required in Section IV, above, by no later than June 30, 1982.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective date: October 24, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 80-35441 Filed 11-13-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 50-318]

Baltimore Gas and Electric Co. (Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2); Order for Modification of Licenses

I. Baltimore Gas and Electric Company (licensee) is the holder of License Nos. DPR–53 and DPR–69 which authorize the operation of the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2 at steady state reactor power levels not in excess of 2,700 megawatts thermal (rated power). The facilities consist of two Pressurized Water Reactors located at the licensee's site in Calvert County, Maryland.

II. On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 (copies attached) "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC–4), which relate to environmental qualifications of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG–0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79–01B[1] and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG–0588."

The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide by-monthly progress reports to the Commission.

The Commission further directed that, "In order to leave no room for doubt on this issue, the staff is to prepare additional Technical Specifications for all operating plants which codify the documentation requirement paragraph of the Guidelines (paragraph 8.0)." The staff was directed to add these documentation requirements to each license after they were approved by the Commission.

The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III. The Commission has approved the Technical Specification provisions set forth in Section IV below which specify documentation requirements and which specifically impose on the licensee the requirement of the Commission's May 23, 1980 Memorandum and Order that by no later than June 30, 1982 all safety-related electrical equipment shall be qualified to the DOR Guidelines or NUREG–0588.

The information developed during the Commission review of the UCS Petition emphasizes the importance of prompt completion of the upgrading of environmental qualification of safety-related electrical equipment to conform to the DOR Guidelines or NUREG–0588 and of adequate documentation of equipment qualifications. The deadlines set forth in the Commission's Memorandum and Order dated May 23, 1980, assure that such upgrading will be accomplished promptly. In order to assure prompt completion of necessary qualification work or replacement of unqualified components, if necessary, in

[1] Bulletin 79–01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79–01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

conformance with the requirements of the Commission's Memorandum and Order dated May 23, 1980, and to provide complete and adequate documentation as promptly as possible, such upgrading and documentation work must commence immediately. Therefore, I have concluded that the public health, safety and interest require this Order for Modification of License to be effective immediately.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is ordered,* That effective immediately Facility Operating License Nos. DPR–53 and DPR–69 are hereby amended to add the following provisions to the Appendix A Technical Specifications.

(a) "By no later than June 30, 1982, all safety-related electrical equipment in the facility shall be qualified in accordance with the provisions of: Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines); or, NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979. Copies of these documents are attached to Order for Modification of Licenses DPR–53 and DPR–69 dated October 24, 1980.

(b) "By no later than December 1, 1980, complete and auditable records must be available and maintained at a central location which describe the environmental qualification method used for all safety-related electrical equipment in sufficient detail to document the degree of compliance with the DOR Guidelines or NUREG–0588. Thereafter, such records should be updated and maintained current as equipment is replaced, further tested, or otherwise further qualified."

To effectuate the foregoing, appropriate pages for incorporation into the Technical Specifications are attached to this Order.

V. The licensee or any person whose interest may be affected by this Order may request a hearing on or before December 4, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to George F. Trowbridge, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036, attorney for the licensee.

If a hearing is held concerning this Order, the issues to be considered at the hearing shall be:

a. whether the license should be required to have the environmental qualification records referred to in Section IV, above, available at a central location by no later than December 1, 1980; and

b. whether all safety-related electrical equipment should be qualified as required in Section IV, above, by no later than June 30, 1982.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective date: October 24, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 80-35442 Filed 11-13-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-293]

Boston Edison Co. (Pilgrim Nuclear Power Station, Unit 1); Order for Modification of License

I. The Boston Edison Company (licensee), is the holder of Facility Operating License No. DPR–35 which authorizes the operation of the Pilgrim Nuclear Power Station, Unit 1, at steady state reactor power levels not in excess of 1,998 megawatts thermal (rated power). The facility consists of a boiling water reactor located at the licensee's site near Plymouth, Massachusetts.

II. On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 (copies attached) "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC–4), which relate to environmental qualifications of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG–0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79–01B [1] and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG–0588."

The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed that, "In order to leave no room for doubt on this issue, the staff is to prepare additional Technical Specifications for all operating plants which codify the documentation requirement paragraph of the Guidelines (paragraph 8.0)." The staff was directed to add these documentation requirements to each license after they were approved by the Commission.

The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III. The Commission has approved the Technical Specification provisions set

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[1] Bulletin 79–01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79–01B was requested from these licensees by a series by letters and meetings during the months of February and March, 1980.

forth in Section IV below which specify documentation requirements and which specifically impose on the licensee the requirement of the Commission's May 23, 1980 Memorandum and Order that by no later than June 30, 1982 all safety-related electrical equipment shall be qualified to the DOR Guidelines or NUREG–0588.

The information developed during the Commission review of the UCS Petition emphasizes the importance of prompt completion of the upgrading of environmental qualification of safety-related electrical equipment to conform to the DOR Guidelines or NUREG–0588 and of adequate documentation of equipment qualifications. The deadlines set forth in the Commission's Memorandum and Order dated May 23, 1980, assure that such upgrading will be accomplished promptly. In order to assure prompt completion of necessary qualification work or replacement of unqualified components, if necessary, in conformance with the requirements of the Commission's Memorandum and Order dated May 23, 1980, and to provide complete and adequate documentation as promptly as possible, such upgrading and documentation work must commence immediately. Therefore, I have concluded that the public health, safety and interest require this Order for Modification of License to be effective immediately.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50: *It is ordered.* That effective immediately Facility Operating License No. DPR–35 is hereby amended to add the following provisions to the Appendix A Technical Specifications.

(a) "By no later than June 30, 1982, all safety-related electrical equipment in the facility shall be qualified in accordance with the provisions of: Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines); or, NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979. Copies of these documents are attached to Order for Modification of License No. DPR–35 dated October 24, 1980.

(b) "By no later than December 1, 1980, complete and auditible records must be available and maintained at a central location which describe the envorinmental qualification method used for all safety-related electrical equipment in sufficient detail to document the degree of compliance with the DOR Guidelines or NUREG–0588. Thereafter, such records should be updated and maintained current as equipment is replaced, further tested, or otherwise further qualified."

To effectuate the foregoing, appropriate pages for incorporation into the Technical Specifications are attached to this Order.

V. The licensee or any person whose interest may be affected by this Order may request a hearing on or before December 4, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Ropes and Gray, 225 Franklin Street, Boston, Massachusetts 01581, attorney for the licensee.

If a hearing is held concerning this Order, the issues to be considered at the hearing shall be:

a. whether the licensee should be required to have the environmental qualification records referred to in Section IV, above, available at a central location by no later than December 1, 1980; and

b. whether all safety-related electrical equipment should be qualified as required in Section IV, above, by no later than June 30, 1982.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

For the Nuclear Regulatory Commission.

Effective Date: October 24, 1980, Bethesda, Maryland.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 80–35443 Filed 11–13–80; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–325]

Carolina Power & Light Co. (Brunswick Steam Electric Plant, Unit 1); Order for Modification of License

I. The Carolina Power & Light Company (licensee) is the holder of Facility Operating License No. DPR–71 which authorizes the operation of the Brunswick Steam Electric Plant, Unit 1 at steady state reactor power levels not in excess of 2436 megawatts thermal (rated power). The facility consists of a boiling water reactor located at the licensee's site Brunswick County, North Carolina.

II. On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 (copies attached) "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC–4), which relate to environmental qualifications of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG–0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79–01B [1] and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG–0588."

The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of

[1] Bulletin 79–01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79–01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed that, "In order to leave no room for doubt on this issue, the staff is to prepare additional Technical Specifications for all operating plants which codify the documentation requirement paragraph of the Guidelines (paragraph 8.0)." The staff was directed to ad these documentation requirements to each license after they were approved by the Commission.

The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III. The Commission has approved the Technical Specification provisions set forth in Section IV below which specify documentation requirements and which specifically impose on the licensee the requirement of the Commission's May 23, 1980 Memorandum and Order that by no later than June 30, 1982 all safety-related electrical equipment shall be qualified to the DOR Guidelines or NUREG–0588.

The information developed during the Commission review of the USC Petition emphasizes the importance of prompt completion of the upgrading of environmental qualification of safety-related electrical equipment to conform to the DOR Guidelines or NUREG–0588 and of adequate documentation of equipment qualifications. The deadlines set forth in the Commission's Memorandum and Order dated May 23, 1980, assure that such upgrading will be accomplished promptly. In order to assure prompt completion of necessary qualification work or replacement of unqualified components, if necessary, in conformance with the requirements of the Commission's Memorandum and Order dated May 23, 1980, and to provide complete and adequate documentation as promptly as possible, such upgrading and documentation work must commence immediately. Therefore, I have concluded that the public health, safety and interest require this Order for Modification of License to be effective immediately.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is ordered*, That effective immediately Facility Operating License No. DPR–71 is hereby amended to add the following provisions to the Appendix A Technical Specifications.

(a) "By no later than June 30, 1982, all safety-related electrical equipment in the facility shall be qualified in accordance with the provisions of: Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines); or, NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979. Copies of these documents are attached to Order for Modification of License No. DPR–71 dated October 24, 1980.

(b) "By no later than December 1, 1980, complete and auditible records must be available and maintained at a central location which describe the environmental qualification method used for all safety-related electrical equipment in sufficient detail to document the degree of compliance with the DOR Guidelines or NUREG–0588. Thereafter, such records should be updated and maintained current as equipment is replaced, further tested, or otherwise further qualified."

To effectuate the foregoing, appropriate pages for incorporation into the Technical Specifications are attached to this Order.

V. The licensee or any person whose interest may be affected by this Order may request a hearing on or before December 4, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to George F. Trowbridge, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, N.W., Washington, D.C. 20035, attorney for the licensee.

If a hearing is held concerning this Order, the issues to be considered at the hearing shall be:

a. whether the licensee should be required to have the environmental qualification records referred to in Section IV, above, available at a central location by no later than December 1, 1980; and

b. whether all safety-related electrical equipment should be qualified as required in Section IV, above, by no later than June 30, 1982.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective Date: October 24, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrel G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulations.

[FR Doc. 80–35444 Filed 11–13–80; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–324]

Carolina Power & Light Co., (Brunswick Steam Electric Plant, Unit 2); Order for Modification of License

I. The Carolina Power & Light Company (licensee) is the holder of Facility Operating License No. DPR–62 which authorizes the operation of the Brunswick Steam Electric Plant, Unit 2, at steady state reactor power levels not in excess of 2436 megawatts thermal (rated power). The facility consists of a boiling water reactor located at the licensee's site in Brunswick County, North Carolina.

II. On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 (copies attached) "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC–4), which relate to environmental qualifications of safety-related electrical equipment." The Commission directed,

for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79–01B [1] and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG–0588."

The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed that, "In order to leave no room for doubt on this issue, the staff is to prepare additional Technical Specifications for all operating plants which codify the documentation requirement paragraph of the Guidelines (paragraph 8.0)." The staff was directed to add these documentation requirements to each license after they were approved by the Commission.

The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III. The Commission has approved the Technical Specification provisions set forth in Section IV below which specify documentation requirements and which specifically impose on the licensee the requirement of the Commission's May 23, 1980 Memorandum and Order that by no later than June 30, 1982 all safety-related electrical equipment shall be qualified to the DOR Guidelines or NUREG–0588.

The information developed during the Commission review of the UCS Petition emphasizes the importance of prompt completion of the upgrading of environmental qualification of safety-related electrical equipment to conform to the DOR Guidelines or NUREG–0588 and of adequate documentation of equipment qualifications. The deadlines set forth in the Commission's Memorandum and Order dated May 23, 1980, assure that such upgrading will be accomplished promptly. In order to assure prompt completion of necessary qualification work or replacement of unqualified components, if necessary, in conformance with the requirements of the Commission's Memorandum and Order dated May 23, 1980, and to provide complete and adequate documentation as promptly as possible, such upgrading and documentation work must commence immediately. Therefore, I have concluded that the public health, safety and interest require this Order for Modification of License to be effective immediately.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is Ordered,* That effective immediately Facility Operating License No. DPR–62 is hereby amended to add the following provisions to the Appendix A Technical Specifications.

(a) "By no later than June 30, 1982, all safety-related electrical equipment in the facility shall be qualified in accordance with the provisions of: Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines); or, NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979. Copies of these documents are attached to Order for Modification of License No. DPR–62 dated October 24, 1980.

(b) "By no later than December 1, 1980, complete and auditable records must be available and maintained at a central location which describe the environmental qualification method used for all safety-related electrical equipment in sufficient detail to document the degree of compliance with the DOR Guidelines or NUREG–0588. Thereafter, such records should be updated and maintained current as equipment is replaced, further tested, or otherwise further qualified."

To effectuate the foregoing, appropriate pages for incorporation into the Technical Specifications are attached to this Order.

V. The licensee or any person whose interest may be affected by this Order may request a hearing on or before December 4, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to George F. Trowbridge, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, N.W., Washington, D.C. 20035, attorney for the licensee.

If a hearing is held concerning this Order, the issues to be considered at the hearing shall be:

a. whether the licensee should be required to have the environmental qualification records referred to in Section IV, above, available at a central location by no later than December 1, 1980; and

b. whether all safety-related electrical equipment should be qualified as required in Section IV, above, by no later than June 30, 1982.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective Date: October 24, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing Office of Nuclear Reactor Regulation.

[FR Doc. 80-35445 Filed 11-13-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-261]

Carolina Power and Light Co. (H. B. Robinson Steam Electric Plant, Unit No. 2); Order for Modification of License

I. Carolina Power and Light Company (the licensee) is the holder of Facility Operating License No. DPR–23, which authorizes the operation of the H. B. Robinson Steam Electric Plant, Unit No. 2 at steady state reactor power levels not in excess of 2300 megawatts thermal (rated power). The facility consists of a presurized water reactor located at the licensee's site in Darlington County, South Carolina.

II. On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated

[1] Bulletin 79–01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79–01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 (copies attached) "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC–4), which relate to environmental qualifications of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG–0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79–01B [1] and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG–0588."

The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed that, "In order to leave no room for doubt on this issue, the staff is to prepare additional Technical Specifications for all operating plants which codify the documentation requirement paragraph of the Guidelines (paragraph 8.0)." The staff was directed to add these documentation requirements to each license after they were approved by the Commission.

The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III. The Commission has approved the Technical Specification provisions set forth in Section IV below which specify documentation requirements and which specifically impose on the licensee the requirement of the Commission's May 23, 1980 Memorandum and Order that by no later than June 30, 1982 all safety-related electrical equipment shall be qualified to the DOR Guidelines or NUREG–0588.

The information developed during the Commission review of the UCS Petition emphasizes the importance of prompt completion of the upgrading of environmental qualification of safety-related electrical equipment to conform to the DOR Guidelines or NUREG–0588 and of adequate documentation of equipment qualifications. The deadlines set forth in the Commission's Memorandum and Order dated May 23, 1980, assure that such upgrading will be accomplished promptly. In order to assure prompt completion of necessary qualification work or replacement of unqualified components, if necessary, in conformance with the requirements of the Commission's Memorandum and Order dated May 23, 1980, and to provide complete and adequate documentation as promptly as possible, such upgrading and documentation work must commence immediately. Therefore, I have concluded that the public health, safety and interest require this Order for Modification of License to be effective immediately.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is ordered,* That effective immediately Facility Operating License No. DPR–23 is hereby amended to add the following provisions to the Appendix A Technical Specifications.

(a) "By no later than June 30, 1982, all safety-related electrical equipment in the facility shall be qualified in accordance with the provisions of: Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines); or, NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979. Copies of these documents are attached to Order for Modification of License No. DPR–23 dated October 24, 1980.

(b) "By no later than December 1, 1980, complete and auditible records must be available and maintained at a central location which describe the environmental qualification method used for all safety-related electrical equipment in sufficient detail to document the degree of compliance with the DOR Guidelines or NUREG–0588. Thereafter, such records should be updated and maintained current as equipment is replaced, further tested, or otherwise further qualified."

To effectuate the foregoing, appropriate pages for incorporation into the Technical Specifications are attached to this Order.

V. The licensee or any person whose interest may be affected by this Order may request a hearing on or before December 4, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to George F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036, attorney for the licensee.

If a hearing is held concerning this Order, the issues to be considered at the hearing shall be:

a. Whether the licensee should be required to have the environmental qualification records referred to in Section IV, above, available at a central location by no later than December 1, 1980; and

b. Whether all safety-related electrical equipment should be qualified as required in Section IV, above, by no later than June 30, 1982.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective Date: October 24, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 80-35446 Filed 11-13-80; 8:45 am]

BILLING CODE 7590-01-M

[1] Bulletin 79–01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79–01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

[Docket No. 50-237]

Commonwealth Edison Co., Dresden Nuclear Power Station, Unit No. 2; Order for Modification of License

I. Commonwealth Edison Company (the licensee) is the holder of Provisional Operating License No. DPR-19, which authorizes the operation of the Dresden Nuclear Power Station, Unit No. 2 at steady state reactor power levels not in excess of 2527 megawatts thermal (rated power). The facility consists of a boiling water reactor located at the licensee's site in Grundy County, Illinois.

II. On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 (copies attached) "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC-4), which relate to environmental qualifications of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B [1] and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588."

The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed that, "In order to leave no room for doubt on this issue, the staff is to prepare additional Technical Specifications for all operating plants which codify the documentation requirement paragraph of the Guidelines (paragraph 8.0)." The staff was directed to add these documentation requirements to each license after they were approved by the Commission.

The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III. The Commission has approved the Technical Specification provisions set forth in Section IV below which specify documentation requirements and which specifically impose on the licensee the requirement of the Commission's May 23, 1980 Memorandum and Order that by no later than June 30, 1982 all safety-related electrical equipment shall be qualified to the DOR Guidelines or NUREG-0588.

The information developed during the Commission review of the UCS Petition emphasizes the importance of prompt completion of the upgrading of environmental qualification of safety-related electrical equipment to conform to the DOR Guidelines or NUREG-0588 and of adequate documenation of equipment qualifications. The deadlines set forth in the Commission's Memorandum and Order dated May 23, 1980, assure that such upgrading will be accomplished promptly. In order to assure prompt completion of necessary qualification work or replacement of unqualified components, if necessary, in conformance with the requirements of the Commission's Memorandum and Order dated May 23, 1980, and to provide complete and adequate documentation as promptly as possible, such upgrading and documentation work must commence immediately. Therefore, I have concluded that the public health, safety and interest require this Order for Modification of License to be effective immediately.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is ordered,* That effective immediately Provisional Operating License No. DPR-19 is hereby amended to add the following provisions to the Appendix A Technical Specifications.

(a) "By no later than June 30, 1982, all safety-related electrical equipment in the facility shall be qualified in accordance with the provisions of: Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines); or, NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979. Copies of these documents are attached to Order for Modification of License No. DPR-19 dated October 24, 1980.

(b) "By no later than December 1, 1980, complete and auditable records must be available and maintained at a central location which describe the environmental qualification method used for all safety-related electrical equipment in sufficient detail to document the degree of compliance with the DOR Guidelines or NUREG-0588. Thereafter, such records should be updated and maintained current as equipment is replaced, further tested, or otherwise further qualified."

To effectuate the foregoing, appropriate pages for incorporation into the Technical Specifications are attached to this Order.

V. The licensee or any person whose interest may be affected by this Order may request a hearing on or before December 4, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Isham, Lincoln & Beale, Counselors at Law, One First National

[1] Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1930.

Plaza, 42nd Floor, Chicago, Illinois, attorney for the licensee.

If a hearing is held concerning this Order, the issues to be considered at the hearing shall be:

a. Whether the licensee should be required to have the environmental qualification records referred to in Section IV, above, available at a central location by no later than December 1, 1980; and

b. Whether all safety-related electrical equipment should be qualified as required in Section IV, above, by no later than June 30, 1982.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective Date: October 24, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 80-35447 Filed 11-13-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-295]

Commonwealth Edison Co. (Zion Station, Unit No. 1); Order for Modification of License

I. Commonwealth Edison Company (the licensee) is the holder of Facility Operating License No. DPR-39, which authorizes the operation of the Zion Station, Unit No. 1 at steady state reactor power levels not in excess of 3250 megawatts thermal (rated power). The facility consists of a pressurized water reactor located at the licensee's site in Zion, Illinois.

II. On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. USC filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 (copies attached) "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC-4), which relate to environmental qualifications of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B[1] and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588."

The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed that, "In order to leave no room for doubt on this issue, the staff is to prepare additional Technical Specifications for all operating plants which codify the documentation requirement paragraph of the Guidelines (paragraph 8.0)." The staff was directed to add these documentation requirements to each license after they were approved by the Commission.

The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III. The Commission has approved the Technical Specification provisions set forth in Section IV below which specify documentation requirements and which specifically impose on the licensee the requirement of the Commission's May 23, 1980 Memorandum and Order that by no later than June 30, 1982 all safety-related electrical equipment shall be qualified to the DOR Guidelines or NUREG-0588.

The information developed during the Commission review of the UCS Petition emphasizes the importance of prompt completion of the upgrading of environmental qualification of safety-related electrical equipment to conform to the DOR Guidelines or NUREG-0588 and of adequate documentation of equipment qualifications. The deadlines set forth in the Commission's Memorandum and Order dated May 23, 1980, assure that such upgrading will be accomplished promptly. In order to assure prompt completion of necessary qualification work or replacement of unqualified components, if necessary, in conformance with the requirements of the Commission's Memorandum and Order dated May 23, 1980, and to provide complete and adequate documentation as promptly as possible, such upgrading and documentation work must commence immediately. Therefore, I have concluded that the public health, safety and interest require this Order for Modification of License to be effective immediately.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is Ordered*, That effective immediately Facility Operating License No. DPR-39 is hereby amended to add the following provisions to the Appendix A Technical Specifications.

(a) "By no later than June 30, 1982, all safety-related electrical equipment in the facility shall be qualified in accordance with the provisions of: Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines); or, NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979. Copies of these documents are attached to Order for Modification of License No. DPR-39 dated October 24, 1980.

(b) "By no later than December 1, 1980, complete and auditible records must be available and maintained at a central location which describe the environmental qualification method used for all safety-related electrical equipment in sufficient detail to document the degree of compliance with the DOR Guidelines or NUREG-0588.

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[1] Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

Thereafter, such records should be updated and maintained current as equipment is replaced, further tested, or otherwise further qualified."

To effectuate the foregoing, appropriate pages for incorporation into the Technical Specifications are attached to this Order.

V. The licensee or any person whose interest may be affected by this Order may request a hearing on or before December 4, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Phillip P. Steptoe, Esquire, Isham, Lincoln and Beale, Suite 4200, Firest National Plaza, Chicago, Illinois 60603, attorney for the licensee.

If a hearing is held concerning this Order, the issues to be considered at the hearing shall be:

a. Whether the licensee should be required to have the environmental qualification records referred to in Section IV, above, available at a central location by no later than December 1, 1980; and

b. Whether all safety-related electrical equipment should be qualified as required in Section IV, above, by no later than June 30, 1982.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective Date: October 24, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 80-35448 Filed 11-13-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-304]

Commonwealth Edison Co. (Zion Station, Unit No. 2); Order for Modification of License

I. Commonwealth Edison Company (the licensee) is the holder of Facility Operating License No. DPR-48, which authorizes the operation of the Zion Station, Unit No. 2 at steady state reactor power levels not in excess of 3250 megawatts thermal (rated power). The facility consists of a pressurized water reactor located at the licensee's site in Zion, Illinois.

II. On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 (copies attached) "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC-4), which relate to environmental qualifications of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B [1] and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588." The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of imcomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed that, "In order to leave no room for doubt on this issue, the staff is to prepare additional Technical Specifications for all operating plants which codify the documentation requirement paragraph of the Guidelines (paragraph 8.0)." The staff was directed to add these documentation requirements to each license after they were approved by the Commission.

The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III. The Commission has approved the Technical Specification provisions set forth in Section IV below which specify documentation requirements and which specifically impose on the licensee the requirement of the Commission's May 23, 1980 Memorandum and Order that by no later than June 30, 1982 all safety-related electrical equipment shall be qualified to the DOR Guidelines or NUREG-0588.

The information developed during the Commission review of the UCS Petition emphasizes the importance of prompt completion of the upgrading of environmental qualification of safety-related electrical equipment to conform to the DOR Guidelines or NUREG-0588 and of adequate documentation of equipment qualifications. The deadlines set forth in the Commission's Memorandum and Order dated May 23, 1980, assure that such upgrading will be accomplished promptly. In order to assure prompt completion of necessary qualification work or replacement of unqualified components, if necessary, in conformance with the requirements of the Commission's Memorandum and Order dated May 23, 1980, and to provide complete and adequate documentation as promptly as possible, such upgrading and documentation work must commence immediately. Therefore, I have concluded that the public health, safety and interest require this Order for Modification of License to be effective immediately.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is ordered*, That effective immediately Facility Operating License No. DPR-48 is hereby amended to add the following provisions to the Appendix A Technical Specifications.

[1] Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

(a) "By no later than June 30, 1982, all safety-related electrical equipment in the facility shall be qualified in accordance with the provisions of: Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines); or, NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979. Copies of these documents are attached to Order for Modification of License No. DPR–48 dated October 24, 1980.

(b) "By no later than December 1, 1980, complete and auditible records must be available and maintained at a central location which describe the environmental qualification method used for all safety-related electrical equipment in sufficient detail to document the degree of compliance with the DOR Guidelines or NUREG–0588. Thereafter, such records should be updated and maintained current as equipment is replaced, further tested, or otherwise further qualified."

To effectuate the foregoing, appropriate pages for incorporation into the Technical Specifications are attached to this Order.

V. The licensee or any person whose interest may be affected by this Order may request a hearing on or before December 4, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Phillip P. Steptoe, Esquire, Isham, Lincoln and Beale, Suite 4200, First National Plaza, Chicago, Illinois 60603, attorney for the licensee.

If a hearing is held concerning this Order, the issues to be considered at the hearing shall be:

a. Whether the licensee should be required to have the environmental qualification records referred to in Section IV, above, available at a central location by no later than December 1, 1980; and

b. Whether all safety-related electrical equipment should be qualified as required in Section IV, above, by no later than June 30, 1982.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effectice Date: October 24, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 80-35449 Filed 11-13-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-249]

Commonwealth Edison Co. (Dresden Nuclear Power Station, Unit 3); Order for Modification of License

I. The Commonwealth Edison Company (the licensee) is the holder of Facility Operating License No. DPR–25 which authorizes the operation of the Dresden Nuclear Power Station, Unit No. 3, at steady state reactor power levels not in excess of 2,527 megawatts thermal (rated power). The facility consists of a pressurized water reactor located at the licensee's site near Morris, Illinois.

II. On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 (copies attached) "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC–4), which relate to environmental qualifications of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG–0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79–01B[1] and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG–0588."

The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed that, "In order to leave no room for doubt on this issue, the staff is to prepare additional Technical Specifications for all operating plants which codify the documentation requirement paragraph of the Guidelines (paragraph 8.0)." The staff was directed to add these documentation requirements to each license after they were approved by the Commission.

The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III. The Commission has approved the Technical Specification provisions set forth in Section IV below which specify documentation requirements and which specifically impose on the licensee the requirement of the Commission's May 23, 1980 Memorandum and Order that by no later than June 30, 1982 all safety-related electrical equipment shall be qualified to the DOR Guidelines or NUREG–0588.

The information developed during the Commission review of the UCS Petition emphasizes the importance of prompt completion of the upgrading of environmental qualification of safety-related electrical equipment to conform to the DOR Guidelines or NUREG–0588 and of adequate documentation of equipment qualifications. The deadlines set forth in the Commission's

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[1] Bulletin 79–01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79–01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

Memorandum and Order dated May 23, 1980, assure that such upgrading will be accomplished promptly. In order to assure prompt completion of necessary qualification work or replacement of unqualified components, if necessary, in conformance with the requirements of the Commission's Memorandum and Order dated May 23, 1980, and to provide complete and adequate documentation as promptly as possible, such upgrading and documentation work must commence immediately. Therefore, I have concluded that the public health, safety and interest require this Order for Modification of License to be effective immediately.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is ordered*, That effective immediately Facility Operating License No. DPR–25 is hereby amended to add the following provisions to the Appendix A Technical Specifications.

(a) "By no later than June 30, 1982, all safety-related electrical equipment in the facility shall be qualified in accordance with the provisions of: Division of Operating Reactors "Guidelines for Evaluating Environmental Qualifications of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines); or, NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979. Copies of these documents are attached to Order for Modification of License No. DPR–25 dated October 24, 1980.

(b) "By no later than December 1, 1980, complete and auditible records must be available and maintained at a central location which describe the environmental qualification method used for all safety-related electrical equipment in sufficient detail to document the degree of compliance with the DOR Guidelines or NUREG–0588. Thereafter, such records should be updated and maintained current as equipment is replaced, further tested, or otherwise further qualified."

To effectuate the foregoing, appropriate pages for incorporation into the Technical Specifications are attached to this Order.

V. The licensee or any person whose interest may be affected by this Order may request a hearing on or before December 4, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Isham, Lincoln & Beale, Counselors at Law, One First National Plaza, 42nd Floor, Chicago, Illinois 60603, attorneys for the licensee.

If a hearing is held concerning this Order, the issues to be considered at the hearing shall be:

a. Whether the licensee should be required to have the environmental qualification records referred to in Section IV, above, available at a central location by no later than December 1, 1980; and

b. Whether all safety-related electrical equipment should be qualified as required in Section IV, above, by no later than June 30, 1982.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective date: October 24, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 80-35450 Filed 11-13-80; 8:45 am]

BILLING CODE 7590-01-M

Docket No. 50-254

Commonwealth Edison Co. and Iowa-Illinois Gas & Electric Co. (Quad Cities Nuclear Power Station, Unit 1); Order for Modification of License

I. The Commonwealth Edison Company, et al (licensee) is the holder of Facility Operating License No. DPR–29 which authorizes the operation of the Quad Cities Nuclear Power Station, Unit 1, at steady state reactor power levels not in excess of 2511 megawatts thermal (rated power). The facility consists of a boiling water reactor located at the licensee's site near Cordova, Illinois.

II. On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 (copies attached) "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC–4), which relate to environmental qualifications of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG–0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79–01B [1] and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG–0588."

The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed that, "In order to leave no room for doubt on this issue, the staff is to prepare additional Technical Specifications for all operating plants which codify the documentation requirement paragraph of the Guidelines (paragraph 8.0)." The staff was directed to add these documentation requirements to each license after they were approved by the Commission.

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[1] Bulletin 79.01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79–01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III. The Commission has approved the Technical Specification provisions set forth in Section IV below which specify documentation requirements and which specifically impose on the licensee the requirement of the Commission's May 23, 1980 Memorandum and Order that by no later than June 30, 1982 all safety-related electrical equipment shall be qualified to the DOR Guidelines or NUREG–0588.

The information developed during the Commission review of the UCS Petition emphasizes the importance of prompt completion of the upgrading of environmental qualification of safety-related electrical equipment to conform to the DOR Guidelines or NUREG–0588 and of adequate documentation of equipment qualifications. The deadlines set forth in the Commission's Memorandum and Order dated May 23, 1980, assure that such upgrading will be accomplished promptly. In order to assure prompt completion of necessary qualification work or replacement of unqualified components, if necessary, in conformance with the requirements of the Commission's Memorandum and Order dated May 23, 1980, and to provide complete and adequate documentation as promptly as possible, such upgrading and documentation work must commence immediately. Therefore, I have concluded that the public health, safety and interest require this Order for Modification of License to be effective immediately.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, *It is ordered*, That effective immediately Facility Operating License No. DPR–29 is hereby amended to add the following provisions to the Appendix A Technical Specifications.

(a) "By no later than June 30, 1982, all safety-related electrical equipment in the facility shall be qualified in accordance with the provisions of: Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines); or, NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979. Copies of these documents are attached to Order for Modification of License No. DPR–29 dated October 24, 1980.

(b) "By no later than December 1, 1980, complete and auditable records must be available and maintained at a central location which describe the environmental qualification method used for all safety-related electrical equipment in sufficient detail to document the degree of compliance with the DOR Guidelines or NUREG–0588. Thereafter, such records should be updated and maintained current as equipment is replace, further tested, or otherwise further qualified."

To effectuate the foregoing, appropriate pages for incorporation into the Technical Specifications are attached to this Order.

V. The licensee or any person whose interest may be affected by this Order may request a hearing on or before December 4, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Isham, Lincoln & Beale, Counselors at Law, One First National Plaza, 42nd Floor, Chicago, Illinois 60603, attorneys for the licensee.

If a hearing is held concerning this Order, the issues to be considered at the hearing shall be:

a. Whether the licensee should be required to have the environmental qualification records referred to in Section IV, above, available at a central location by no later than December 1, 1980; and

b. Whether all safety-related electrical equipment should be qualified as required in Section IV, above, by no later than June 30, 1982.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

For the Nuclear Regulatory Commission.

Effective Date: October 24, 1980, Bethesda, Maryland.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 80-35451 Filed 11-13-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-265]

Commonwealth Edison Co. and Iowa-Illinois Gas & Electric Co. (Quad Cities Nuclear Power Station, Unit 2); Order for Modification of License

I. The Commonwealth Edison Company, et al (licensee) is the holder of Facility Operating License No. DPR–30 which authorizes the operation of the Quad Cities Nuclear Power Station, Unit 2, at steady state reactor power levels not in excess of 2511 megawatts thermal (rated power). The facility consists of a boiling water reactor located at the licensee's site near Cordova, Illinois.

II. On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 (copies attached) "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC–4), which relate to environmental qualifications of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, unless there are sound reasons to the contrary, the 1974 standard in NUREG–0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79–

01B [1] and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG–0588."

The Comission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed that, "In order to leave no room for doubt on this issue, the staff is to prepare additional Technical Specifications for all operating plants which codify the documentation requirement paragraph of the Guidelines (paragraph 8.0)." The staff was directed to add these documentation requirements to each license after they were approved by the Commission.

The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III. The Commission has approved the Technical Specification provisions set forth in Section IV below which specify documentation requirements and which specifically impose on the licensee the requirement of the Commission's May 23, 1980 Memorandum and Order that by no later than June 30, 1982 all safety-related electrical equipment shall be qualified to the DOR Guidelines or NUREG–0588.

The information developed during the Commission review of the UCS Petition emphasizes the importance of prompt completion of the upgrading of environmental qualification of safety-related electrical equipment to conform to the DOR Guidelines or NUREG-0588 and of adequate documentation of equipment qualifications. The deadlines set forth in the Commission's Memorandum and Order dated May 23, 1980, assure that such upgrading will be accomplished promptly. In order to assure prompt completion of necessary qualification work or replacement of unqualified components, if necessary, in conformance with the requirements of the Commission's Memorandum and Order dated May 23, 1980, and to provide compelte and adequate documentation as promptly as possible, such upgrading and documentation work must commence immediately. Therefore, I have concluded that the public health, safety and interest require this Order for Modification of License to be effective immediately.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is Ordered*, That effective immediately Facility Operating License No. DPR–30 is hereby amended to add the following provisions to the Appendix A Technical Specifications.

(a) "By no later than June 30, 1982, all safety-related electrical equipment in the facility shall be qualified in accordance with the provisions of: Division of Operating Reactors "Guidelines for Evaluation Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines); or, NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979. Copies of these documents are attached to Order for Modification of License No. DPR–30 dated October 24, 1980.

(b) "By no later than December 1, 1980, complete and auditable records mbust be available and maintained at a central location which describe the environmental qualification method used for all safety-related electrical equipment in sufficient detail to document the degree of compliance with the DOR Guidelines or NUREG–0588. Thereafter, such records should be updated and maintained current as equipment is replaced, further tested, or otherwise further qualified."

To effectuate the foregoing, appropriate pages for incorporation into the Technical Specifications are attached to this Order.

V. The licensee or any person whose interest may be affected by this Order may request a hearing on or before December 4, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Isham, Lincoln & Beale, Counselors at Law, One First National Plaza, 42nd Floor, Chicago, Illinois 60603, attorneys for the licensee.

If a hearing is held concerning this Order, the issues to be considered at the hearing shall be:

a. Whether the licensee should be required to have the environmental qualification records referred to in Section IV, above, available at a central location by no later than December 1, 1980; and

b. Whether all safety-related electrical equipment should be qualified as required in Section IV, above, by no later than June 30, 1982.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order. 1Effective Date: October 24, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 80-35452 Filed 11-13-80; 8:45 am]

BILLING CODE 7590-01-M

[1] Bulletin 79–01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79–01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

[Docket No. 50–213]

Connecticut Yankee Atomic Power Co., Haddem Neck Plant; Order For Modification of License

I. Connecticut Yankee Atomic Power Company (the licensee) is the holder of Facility Operating License No. DPR–61, which authorizes the operation of the Haddem Neck Plant at steady state reactor power levels not in excess of 1825 megawatts thermal (rated power). The facility consists of a pressurized water reactor located at the licensee's site in Middlesex County, Connecticut.

II. On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: Fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions., UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff

documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 (copies attached) "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC–4), which relate to environmental qualifications of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG–0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79–01B [1] and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG–0588."

The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed that, "In order to leave no room for doubt on this issue, the staff is to prepare additional Technical Specifications for all operating plants which codify the documentation requirement paragraph of the Guidelines (paragraph 8.0)." The staff was directed to add these documentation requirements to each license after they were approved by the Commission.

The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III. The Commission has approved the Technical Specification provisions set forth in Section IV below which specify documentation requirements and which specifically impose on the licensee the requirement of the Commission's May 23, 1980 Memorandum and Order that by no later than June 30, 1982 all safety-related electrical equipment shall be qualified to the DOR Guidelines or NUREG–0588.

The information developed during the Commission review of the UCS Petition emphasizes the importance of prompt completion of the upgrading of environmental qualification of safety-related electrical equipment to conform to the DOR Guidelines or NUREG–0588 and of adequate documentation of equipment qualifications. The deadlines set forth in the Commission's Memorandum and Order dated May 23, 1980, assure that such upgrading will be accomplished promptly. In order to assure prompt completion of necessary qualification work or replacement of unqualified components, if necessary, in conformance with the requirements of the Commission's Memorandum and Order dated May 23, 1980, and to provide complete and adequate documentation as promptly as possible, such upgrading and documentation work must commence immediately. Therefore, I have concluded that the public health, safety and interest require this Order for Modification of License to be effective immediately.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is ordered,* That effective immediately Facility Operating License No. DPR–61 is hereby amended to add the following provisions to the Appendix A Technical Specifications.

(a) "By no later than June 30, 1982, all safety-related electrical equipment in the facility shall be qualified in accordance with the provisions of: Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines); or, NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979. Copies of these documents are attached to Order for Modification of License No. DPR–61 dated October 24, 1980.

(b) "By no later than December 1, 1980, complete and auditible records must be available and maintained at a central location which describe the environmental qualification method used for all safety-related electrical equipment in sufficient detail to document the degree of compliance with the DOR Guidelines or NUREG–0588. Thereafter, such records should be updated and maintained current as equipment is replaced, further tested, or otherwise further qualified."

To effectuate the foregoing, appropriate pages for incorporation into the Technical Specifications are attached to this Order.

V. The licensee or any person whose interest may be affected by this Order may request a hearing on or before December 4, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Day, Berry & Howard, Counselors at Law, One Constitution Plaza, Hartford, Connecticut 06103, attorney for the licensee.

If a hearing is held concerning this Order, the issues to be considered at the hearing shall be:

a. Whether the licensee should be required to have the environmental qualification records referred to in Section IV, above, available at a central location by no later than December 1, 1980; and

b. Whether all safety-related electrical equipment should be qualified as required in Section IV, above, by no later than June 30, 1982.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

For the Nuclear Regulatory Commission.

Effective Date: October 24, 1980, Bethesda, Maryland.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 80-35453 Filed 11-13-80; 8:45 am]

BILLING CODE 7590-01-M

[1] Bulletin 79–01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79–01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

[Docket No. 50–245]

Connecticut Light and Power, Hartford Electric Light Co., Western Massachusetts Electric Co. and Northeast Nuclear Energy Co., Millstone Nuclear Power Station, Unit No. 1; Order for Modification of License

I. Connecticut Light and Power, Hartford Electrical Light Company, Western Massachusetts Electric Company and Northeast Nuclear Energy Company (the licensees) are the holders of Provisional Operating License No. DPR–21, which authorizes the Millstone Nuclear Power Station, Unit No. 1 at

steady-state reactor power levels not in excess of 2011 megawatts thermal (rated power). The facility consists of a boiling water reactor located at the licensee's site in Waterford, Connecticut.

II. On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 (copies attached) "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC–4), which relate to environmental qualifications of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG–0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79–01B [1] and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG–0588."

The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed that, "In order to leave no room for doubt on this issue, the staff is to prepare additional Technical Specifications for all operating plants which codify the documentation requirement paragraph of the Guidelines (paragraph 8.0)." The staff was directed to add these documentation requirements to each license after they were approved by the Commission.

The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III. The Commission has approved the Technical Specification provisions set forth in Section IV below which specify documentation requirements and which specifically impose on the licensee the requirement of the Commission's May 23, 1980 Memorandum and Order that by no later than June 30, 1982 all safety-related electrical equipment shall be qualified to the DOR Guidelines or NUREG–0588.

The information developed during the Commission review of the UCS Petition emphasizes the importance of prompt completion of the upgrading of environmental qualification of safety-related electrical equipment to conform to the DOR Guidelines or NUREG–0588 and of adequate documentation of equipment qualifications. The deadlines set forth in the Commission's Memorandum and Order dated May 23, 1980, assure that such upgrading will be accomplished promptly. In order to assure prompt completion of necessary qualification work or replacement of unqualified components, if necessary, in conformance with the requirements of the Commission's Memorandum and Order dated May 23, 1980, and to provide complete and adequate documentation as promptly as possible, such upgrading and documentation work must commence immediately. Therefore, I have concluded that the public health, safety and interest require this Order for Modification of License to be effective immediately.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50: *It is ordered*, That effective immediately Provisional Operating License No. DPR–21 is hereby amended to add the following provisions to the Appendix A Technical Specifications.

(a) "By no later than June 30, 1982, all safety-related electrical equipment in the facility shall be qualified in accordance with the provisions of: Division of Operating Reactors 'Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors' (DOR Guidelines); or, NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979. Copies of these documents are attached to Order for Modification of License No. DPR–21 dated October 24, 1980.

(b) "By no later than December 1, 1980, complete and auditible records must be available and maintained at a central location which describe the environmental qualification method used for all safety-related electrical equipment in sufficient detail to document the degree of compliance with the DOR Guidelines or NUREG–0588. Thereafter, such records should be updated and maintained current as equipment is replaced, further tested, or otherwise further qualified."

To effectuate the foregoing, appropriate pages for incorporation into the Technical Specifications are attached to this Order.

V. The licensee or any person whose interest may be affected by this Order may request a hearing on or before December 4, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Day, Berry & Howard, Counselors at Law, One Constitution Plaza, Hartford, Connecticut 06103, attorney for the licensee.

If a hearing is held concerning this Order, the issues to be considered at the hearing shall be:

a. Whether the licensee should be required to have the environmental qualification records referred to in Section IV, above, available at a central location by no later than December 1, 1980; and

b. Whether all safety-related electrical equipment should be qualified as required in Section IV, above, by no later than June 30, 1982.

[1] Bulletin 79–01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79–01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective Date: October 24, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 80-35454 Filed 11-13-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-247]

Consolidated Edison Company of New York, Inc. (Indian Point Station, Unit No. 2); Order for Modification of License

I. Consolidated Edison Company of New York, Inc. (the licensee) is the holder of Facility Operating License No. DPR-26, which authorized the operation of Indian Point Station, Unit No. 2 at steady state reactor power levels not in excess of 2758 megawatts thermal (rated power). The facility consists of a pressurized water reactor located at the licensee's site in Westchester County, New York.

II. On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Envionmental Qualification of Safety-Related Electrical Equipment," December 1979 (copies attached) "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC-4), which relate to environmental qualifications of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B [1] and to complete its review of environmental qualification of safety-related electrical equipment in alloperating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588."

The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed that, "In order to leave no room for doubt on this issue, the staff is to prepare additional Technical Specifications for all operating plants which codify the documentation requirement paragraph of the Guidelines (paragraph 8.0)." The staff was directed to add these documentation requirements to each license after they were approved by the Commission.

The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III. The Commission has approved the Technical Specification provisions set forth in Section IV below which specify documentation requirements and which specifically impose on the licensee the requirement of the Commission's May 23, 1980 Memorandum and Order that by no later than June 30, 1982 all safety-related electrical equipment shall be qualified to the DOR Guidelines or NUREG-0588.

The information developed during the Commission review of the UCS Petition emphasizes the importance of prompt completion of the upgrading of environmental qualification of safety-related electrical equipment to conform to the DOR Guidelines or NUREG-0588 and of adequate documentation of equipment qualifications. The deadlines set forth in the Commission's Memorandum and Order dated May 23, 1980, assure that such upgrading will be accomplished promptly. In order to assure prompt completion of necessary qualification work or replacement of unqualified components, if necessary, in conformance with the requirements of the Commission's Memorandum and Order dated May 23, 1980, and to provide complete and adequate documentation as promptly as possible, such upgrading and documentation work must commence immediately. Therefore, I have concluded that the public health, safety and interest require this Order for Modification of License to be effective immediately.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50: *It is ordered,* That effective immediately Facility Operating License No. DPR-26 is hereby amended to add the following provisions to the Appendix A Technical Specifications.

(a) "By no later than June 30, 1982, all safety-related electrical equipment in the facility shall be qualified in accordance with the provisions of: Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines); or, NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979. Copies of these documents are attached to Order for Modification of License DPR-26 dated October 24, 1980.

(b) "By no later than December 1, 1980, complete and auditible records must be available and maintained at a central location which describe the environmental qualification method used for all safety-related electrical equipment in sufficient detail to document the degree of compliance with the DOR Guidelines or NUREG-0588. Thereafter, such records should be updated and maintained current as equipment is replaced, further tested, or otherwise further qualified."

To effectuate the foregoing, appropriate pages for incorporation into the Technical Specifications are attached to this Order.

V. The licensee or any person whose interest may be affected by this Order may request a hearing on or before December 4, 1980. Any request for a

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[1] Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Brent L. Brandenburg, Consolidated Edison Company of New York, Inc., 4 Irving Place, New York, New York 10019, attorney for the licensee.

If a hearing is held concerning this Order, the issues to be considered at the hearing shall be:

a. whether the licensee should be required to have the environmental qualification records referred to in Section IV, above, available at a central location by no later than December 1, 1980; and

b. whether all safety-related electrical equipment should be qualified as required in Section IV, above, by no later than June 30, 1982.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective Date: October 24, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 80-35455 Filed 11-13-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-155]

Consumers Power Co., Big Rock Point Plant; Order for Modification of License

I. Consumers Power Company (the licensee) is the holder of Facility Operating License No. DPR-6, which authorizes the operation of the Big Rock Point Plant at steady state reactor power levels not in excess of 240 megawatts thermal (rated power). The facility consists of a boiling water reactor located at the licensee's site in Charlevoix, Michigan.

II. On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 (copies attached) "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC-4), which relate to environmental qualifications of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B [1] and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588."

The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed that, "In order to leave no room for doubt on this issue, the staff is to prepare additional Technical Specifications for all operating plants which codify the documentation requirement paragraph of the Guidelines (paragraph 8.0)." The staff was directed to add these documentation requirements to each license after they were approved by the Commission.

The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III. The Commission has approved the Technical Specification provisions set forth in Section IV below which specify documentation requirements and which specifically impose on the licensee the requirement of the Commission's May 23, 1980 Memorandum and Order that by no later than June 30, 1982 all safety-related electrical equipment shall be qualified to the DOR Guidelines or NUREG-0588.

The information developed during the Commission review of the UCS Petition emphasizes the importance of prompt completion of the upgrading of environmental qualification of safety-related electrical equipment to conform to the DOR Guidelines or NUREG-0588 and of adequate documentation of equipment qualifications. The deadlines set forth in the Commission's Memorandum and Order dated May 23, 1980, assure that such upgrading will be accomplished promptly. In order to assure prompt completion of necessary qualification work or replacement of unqualified components, if necessary, in conformance with the requirements of the Commission's Memorandum and Order dated May 23, 1980, and to provide complete and adequate documentation as promptly as possible, such upgrading and documentation work must commence immediately. Therefore, I have concluded that the public health, safety and interest require this Order for Modification of License to be effective immediately.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is Ordered*, That effective immediately Facility Operating License No. DPR-6 is hereby amended to add the following provisions to the Appendix A Technical Specifications.

(a) "By no later than June 30, 1982, all safety-related electrical equipment in the facility shall be qualified in accordance with the provisions of: Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines); or, NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment,"

[1] Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

December 1979. Copies of these documents are attached to Order for Modification of License No. DPR–6 dated October 24, 1980.

(b) "By no later than December 1, 1980, complete and auditible records must be available and maintained at a central location which describe the environmental qualification method used for all safety-related electrical equipment in sufficient detail to document the degree of compliance with the DOR Guidelines or NUREG–0588. Thereafter, such records should be updated and maintained current as equipment is replaced, further tested, or otherwise further qualified."

To effectuate the foregoing, appropriate pages for incorporation into the Technical Specifications are attached to this Order.

V. The licensee or any person whose interest may be affected by this Order may request a hearing on or before December 4, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan, attorney for the licensee.

If a hearing is held concerning this Order, the issues to be considered at the hearing shall be:

a. Whether the licensee should be required to have the environmental qualification records referred to in Section IV, above, available at a central location by no later than December 1, 1980; and

b. Whether all safety-related electrical equipment should be qualified as required in Section IV, above, by no later than June 30, 1982.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective Date: October 24, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 80–35456 Filed 11–13–80; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–255]

Consumers Power Co., Palisades Plant; Order for Modification of License

I. Consumers Power Company (the licensee) is the holder of Provisional Operating License No. DPR–20, which authorizes the operation of the Palisades Plant at steady state reactor power levels not in excess of 2530 megawatts thermal (rated power). The facility consists of a pressurized water reactor located at the licensee's site in Covert Township, Van Buren County, Michigan.

II. On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 (copies attached) "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC–4), which relate to environmental qualifications of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG–0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79–01B [1] and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG–0588."

the Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed that, "In order to leave no room for doubt on this issue, the staff is to prepare additional Technical Specifications for all operating plants which codify the documentation requirement paragraph of the Guidelines (paragraph 8.0)." The staff was directed to add these documentation requirements to each license after they were approved by the Commission.

The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III. The Commission has approved the Technical Specification provisions set forth in Section IV below which specify documentation requirements and which specifically impose on the licensee the requirement of the Commission's May 23, 1980 Memorandum and Order that by no later than June 30, 1982 all safety-related electrical equipment shall be qualified to the DOR Guidelines or NUREG–0588.

The information developed during the Commission review of the UCS Petition emphasizes the importance of prompt completion of the upgrading of environmental qualification of safety-related electrical equipment to conform to the DOR Guidelines or NUREG–0588 and of adequate documentation of equipment qualifications. The deadlines set forth in the Commission's Memorandum and Order dated May 23, 1980, assure that such upgrading will be accomplished promptly. In order to assure prompt completion of necessary qualification work or replacement of unqualified components, if necessary, in conformance with the requirements of the Commission's Memorandum and Order dated May 23, 1980, and to

[1] Bulletin 79–01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79–01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

provide complete and adequate documentation as promptly as possible, such upgrading and documentation work must commence immediately. Therefore, I have concluded that the public health, safety and interest require this Order for Modification of License to be effective immediately.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is ordered,* that effective immediately Provisional Operating License No. DPR–20 is hereby amended to add the following provisions to the Appendix A Technical Specifications.

(a) "By no later than June 30, 1982, all safety-related electrical equipment in the facility shall be qualified in accordance with the provisions of: Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines); or, NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979. Copies of these documents are attached to Order for Modification of License NO. DPR–20 dated October 24, 1980.

(b) "By no later than December 1, 1980, complete and auditable records must be available and maintained at a central location which describe the environmental qualification method used for all safety-related electrical equipment in sufficient detail to document the degree of compliance with the DOR Guidelines or NUREG–0588. Thereafter, such records should be updated and maintained current as equipment is replaced, further tested, or otherwise further qualified."

To effectuate the foregoing, appropriate pages for incorporation into the Technical Specifications are attached to this Order.

V. The licensee or any person whose interest may be affected by this Order may request a hearing on or before December 4, 1980.

Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan, attorney for the licensee.

If a hearing is held concerning this Order, the issues to be considered at the hearing shall be:

a. whether the licensee should be required to have the environmental qualification records referred to in Section IV, above, available at a central location by no later than December 1, 1980; and

b. whether all safety-related electrical equipment should be qualified as required in Section IV, above, by no later than June 30, 1982.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective Date: October 24, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 80-35457 Filed 11-13-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–409]

Dairyland Power Cooperative, LaCrosse Boiling Water Reactor; Order for Modification of License

I. Dairyland Power Cooperative (the licensee) is the holder of Provisional Operating License No. DPR–45 which authorizes the operation of La Crosse Boiling Water at steady-state reactor power levels not in excess of 165 megawatts thermal (rated power). The facility consists of a boiling water reactor located at the licensee's site in Vernon County, Wisconsin.

II. On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 (copies attached) "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC–4), which relate to environmental qualifications of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG–0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79–01B [1] and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG–0588."

The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed that, "In order to leave no room for doubt on this issue, the staff is to prepare additional Technical Specifications for all operating plants which codify the documentation requirement paragraph of the Guidelines (paragraph 8.0)." The staff was directed to add these documentation requirements to each license after they were approved by the Commission.

The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III. The Commission has approved the Technical Specification provisions set forth in Section IV below which specify documentation requirements and which specifically impose on the licensee the

[1] Bulletin 79–01B was not sent to licensees for plants under review as part of the staff's Systemaic Evaluation Program. The information sought by Bulletin 79–01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

requirement of the Commission's May 23, 1980 Memorandum and Order that by no later than June 30, 1982 all safety-related electrical equipment shall be qualified to the DOR Guidelines or NUREG–0588.

The information developed during the Commission review of the UCS Petition emphasizes the importance of prompt completion of the upgrading of environmental qualification of safety-related electrical equipment to conform to the DOR Guidelines or NUREG-0588 and of adequate documentation of equipment qualifications. The deadlines set forth in the Commission's Memorandum and Order dated May 23, 1980, assure that such upgrading will be accomplished promptly. In order to assure prompt completion of necessary qualification work or replacement of unqualified components, if necessary, in conformance with the requirements of the Commission's Memorandum and Order dated May 23, 1980, and to provide complete and adequate documentation as promptly as possible, such upgrading and documentation work must commence immediately. Therefore, I have concluded that the public health, safety and interest require this Order for Modification of License to be effective immediately.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is ordered*, That effective immediately Provisional Operating License No. DPR–45 is hereby amended to add the following provisions to the Appendix A Technical Specifications.

(a) "By no later than June 30, 1982, all safety-related electrical equipment in the facility shall be qualified in accordance with the provisions of: Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines); or, NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979. Copies of these documents are attached to Order for Modification of License No. DPR–45 dated October 24, 1980.

(b) "By no later than December 1, 1980, complete and auditable records must be available and maintained at a central location which describe the environmental qualification method used for all safety-related electrical equipment in sufficient detail to document the degree of compliance with the DOR Guidelines or NUREG–0588. Thereafter, such records should be updated and maintained current as equipment is replaced, further tested, or otherwise further qualified."

To effectuate the foregoing, appropriate pages for incorporation into the Technical Specifications are attached to this Order.

V. The licensee or any person whose interest may be affected by this Order may request a hearing on or before December 4, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to O. S. Heistand, Jr., Esquire, Morgan, Lewis & Bockius, 1800 M Street, NW., Washington, D.C. 20036, attorney for the licensee.

If a hearing is held concerning this Order, the issues to be considered at the hearing shall be:

a. Whether the licensee should be required to have the environmental qualification records referred to in Section IV, above, available at a central location by no later than December 1, 1980; and

b. Whether all safety-related electrical equipment should be qualified as required in Section IV, above, by no later than June 30, 1982.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective Date: October 24, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 80–35458 Filed 11–13–80; 8:45 am]

BILLING CODE 7590–01–M

[Dockets Nos. 50–269, 50–270, and 50–287]

Duke Power Co.; (Oconee Nuclear Station, Units Nos. 1, 2 and 3); Order for Modification of Licenses

I. The Duke Power Company (licensee) is the holder of Facility Operating Licenses Nos. DPR–38, DPR–47 and DPR–55, which authorize the operation of the Oconee Nuclear Station, Units Nos. 1, 2, and 3, at steady state reactor power levels not in excess of 2568 megawatts thermal (rated power) for each unit. The facilities consist of pressurized water reactors located at the licensee's site in Oconee County, South Carolina.

II. On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: Fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 (copies attached) "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC–4), which relate to environmental qualifications of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG–0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79–01B[1] and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG–0588."

The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of

[1] Bulletin 79–01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79–01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed that, "In order to leave no room for doubt on this issue, the staff is to prepare additional Technical Specifications for all operating plants which codify the documentation requirement paragraph of the Guidelines (paragraph 8.0)." The staff was directed to add these documentation requirements to each license after they were approved by the Commission.

The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III. The Commission has approved the Technical Specification provisions set forth in Section IV below which specify documentation requirements and which specifically impose on the licensee the requirement of the Commission's May 23, 1980 Memorandum and Order that by no later than June 30, 1982 all safety-related electrical equipment shall be qualified to the DOR Guidelines or NUREG–0588.

The information developed during the Commission review of the UCS Petition emphasizes the importance of prompt completion of the upgrading of environmental qualification of safety-related electrical equipment to conform to the DOR Guidelines or NUREG–0588 and of adequate documentation of equipment qualifications. The deadlines set forth in the Commission's Memorandum and Order dated May 23, 1980, assure that such upgrading will be accomplished promptly. In order to assure prompt completion of necessary qualification work or replacement of unqualified components, if necessary, in conformance with the requirements of the Commission's Memorandum and Order dated May 23, 1980, and to provide complete and adequate documentation as promptly as possible, such upgrading and documentation work must commence immediately. Therefore, I have concluded that the public health, safety and interest require this Order for Modification of License to be effective immediately.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is Ordered*, That effective immediately Facility Operating Licenses Nos. DPR–38, DPR–47 and DPR–55 are hereby amended to add the following provisions to the Appendix A Technical Specifications.

(a) "By no later than June 30, 1982, all safety-related electrical equipment in the facilities shall be qualified in accordance with the provisions of: Division of Operating Reactors "Guidelines for Evaluating Environmental Qualifications of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines); or, NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979. Copies of these documents are attached to Order for Modification of Licenses DPR–38, DPR–47 and DPR–55 dated October 24, 1980.

(b) "By no later than December 1, 1980, complete and auditible records must be available and maintained at a central location which describe the environmental qualification method used for all safety-related electrical equipment in sufficient detail to document the degree of compliance with the DOR Guidelines or NUREG–0588. Thereafter, such records should be updated and maintained current as equipment is replaced, further tested, or otherwise further qualified."

To effectuate the foregoing, appropriate pages for incorporation into the Technical Specifications are attached to this Order.

V. The licensee or any person whose interest may be affected by this Order may request a hearing on or before December 4, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to William S. Porter, Duke Power Company, P.O. Box 2178, 422 South Church Street, Charlotte, North Carolina 28242, attorney for the licensee.

If a hearing is held concerning this Order, the issues to be considered at the hearing shall be:

a. Whether the licensee should be required to have the environmental qualification records referred to in Section IV, above, available at a central location by no later than December 1, 1980; and

b. Whether all safety-related electrical equipment should be qualified as required in Section IV, above, by no later than June 30, 1982.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective Date: October 24, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 80-35459 Filed 11-13-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-413A, 50-414A]

Duke Power Co., North Carolina Electric Membership Corp. and the Saluda River Electric Cooperative; Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated October 29, 1980, with respect to Catawba Nuclear Station, Units No. 1 and No. 2.

"You have requested our advice pursuant to Section 105(c) of the Atomic Energy Act of 1954, as amended, in connection with the purchase of ownership interests in Duke Power Company's (Duke) Catawba Nuclear Station, Unit 1 by North Carolina Electric Membership Corporation (NCMEC) and the Saluda River Electric Cooperative (Saluda River).

"Duke's participation in the above captioned nuclear units was the subject of an antitrust review conducted by the Department of Justice (Department) in 1973. As a result of that review, the Department recommended that a hearing be held to determine whether Duke's proposed activities under the subject license would create or maintain a situation inconsistent with the antitrust laws. Because Duke was willing to have certain conditions attached to its license for the Catawba plant, the Department recommended that the antitrust proceeding it had initiated be terminated. The sale of 75% ownership in Unit 1 (56.25% to NCMEC, and 18.75% to Saluda River) was the result of the discussions between Duke and the cooperative systems in its service area that occurred after the cessation of those proceedings.

"Our review of the information submitted for antitrust review purposes, including responses to our requests for relevant data from over seventy neighboring electric systems, provides no basis at this time to conclude that the participation in the Catawba Station, Unit 1, by NCMEC and Saluda River would create or maintain a situation inconsistent with the antitrust laws. Accordingly, it is the Department's view that no antitrust hearing is necessary with respect to the subject transfer of ownership interests."

Any person whose interest may be affected by this proceeding may,

pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by December 15, 1980, either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street, NW, Washington, D.C. or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Docketing and Service Branch.

Dated at Bethesda, Md., the 6th day of November, 1980.

For the Nuclear Regulatory Commission.

Jerome Saltzman,

Chief, Utility Finance Branch, Division of Engineering, Office of Nuclear Reactor Regulation.

[FR Doc. 80-35363 Filed 11-13-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co. (Beaver Valley Power Station, Unit No.1); Order for Modification of License

I. Duquesne Light Company (the licensee) is the holder of Facility Operating License No. DPR-66, which authorizes the operation of Beaver Valley Power Station, Unit No. 1 at steady state reactor power levels not in excess of 2652 megawatts thermal (rated power). The facility consists of a pressurized water reactor located at the licensee's site in Beaver County, Pennsylvania.

II. On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: Fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 (copies attached) "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC-4), which relate to environmental qualifications of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B [1] and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by not later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588."

The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed that, "In order to leave no room for doubt on this issue, the staff is to prepare additional Technical Specifications for all operating plants which codify the documentation requirement paragraph of the Guidelines (paragraph 8.0)." The staff was directed to add these documentation requirements to each license after they were approved by the Commission.

The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III. The Commission has approved the Technical Specification provisions set forth in Section IV below which specify documentation requirements and which specifically impose on the licensee the requirement of the Commission's May 23, 1980 Memorandum and Order that by no later than June 30, 1982 all safety-related electrical equipment shall be qualified to the DOR Guidelines or NUREG-0588.

The information developed during the Commission review of the UCS Petition emphasizes the importance of prompt completion of the upgrading of environmental qualification of safety-related electrical equipment to conform to the DOR Guidelines or NUREG-0588 and of adequate documentation of equipment qualifications. The deadlines set forth in the Commission's Memorandum and Order dated May 23, 1980, assure that such upgrading will be accomplished promptly. In order to assure prompt completion of necessary qualification work or replacement of unqualified components, if necessary, in conformance with the requirements of the Commission's Memorandum and Order dated May 23, 1980, and to provide complete and adequate documentation as promptly as possible, such upgrading and documentation work must commence immediately. Therefore, I have concluded that the public health, safety and interest require this Order for Modification of License to be effective immediately.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It Is Ordered*, That effective immediately Facility Operating License No. DPR-66 is hereby amended to add the following provisions to the Appendix A Technical Specifications.

(a) "By no later than June 30, 1982, all safety-related electrical equipment in the facility shall be qualified in accordance with the provisions of: Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines); or, NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979. Copies of these documents are attached to Order for Modification of License No. DPR-66 dated October 24, 1980.

(b) "By no later than December 1, 1980, complete and auditible records must be available and maintained at a central location which describe the environmental qualification method used for all safety-related electrical equipment in sufficient detail to document the degree of compliance with the DOR Guidelines or NUREG-0588. Thereafter, such records should be updated and maintained current as

[1] Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

equipment is replaced, further tested, or otherwise further qualified."

To effectuate the foregoing, appropriate pages for incorporation into the Technical Specifications are attached to this Order.

V. The licensee or any person whose interest may be affected by this Order may request a hearing on or before December 4, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036, attorney for the licensee.

If a hearing is held concerning this Order, the issues to be considered at the hearing shall be:

a. Whether the licensee should be required to have the environmental qualification records referred to in Section IV, above, available at a central location by no later than December 1, 1980; and

b. Whether all safety-related electrical equipment should be qualified as required in Section IV, above, by no later than June 30, 1982.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective Date: October 24, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 80-35460 Filed 11-13-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corp., et al. (Crystal River Unit No. 3 Unclear Generating Plant); Order for Modification of Lincense

I. Florida Power Corpoaration (licensee) and elven other co-owners are the holders of Facility Operating License No. DPR-72, which authorizes the operation of the Crystal River Unit No. 3 Nuclear Generating Plant, at steady state reactor power levels not in excess of 2,452 megawatts thermal (rated power). The facility consists of a pressurized water reactor located at the licensee's site in Citrus County, Florida.

II. On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two area: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertaken certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG-0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 (copies attached) "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR 50, Appendix A General Design Criterion (GDC-4), which relate to environmental qualifications of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary , the 1974 standard in NUREG-0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79-01B [1] and to complete its review of environmetal qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588."

The Commission requested the staff to, "keep the Commission and the public apprised of any futher findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provdide by-monthly progress reports to the Commission.

The Commission further directed that, "in order to leave no room for doubt on this issue, the staff is to prepare additional Technical Specifications for all operating plants which codify the documentation requirement paragraph of the Guidelines (paragrph 8.0)." The staff was directed to add these documentation requirements to each license after they were approved by the Commission.

The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licesee from the obligation to modify or replace inadequate equipment promptly."

III. The Commission has approved the Technical Specification provisions set forth in Section IV below which specify documentation requirements and which specifically impose on the licensee the requirement of the Commission's May 23, 1980 Memorandum and Order that by no later than June 30, 1982 all safety-related electrical equipment shall be qualified to the DOR Guidelines or NUREG-0588.

The information developed during the Commission review of the UCS petition emphasizes the importance of prompt completion of the upgrading of environmental qualification of safety-related electrical equipment to conform to the DOR Guidelines or NUREG-0588 and of adequate documentation of equipment qualifications. The deadlines set forth in the Commission's Memorandum and Order dated May 23, 1980, assure that such upgrading will be accomplished promptly. In order to assure prompt completion of necessary qualification work or replacement of unqualified components, if necessary, in conformance with the requirements of the Commission's Memorandum and Order dated May 23, 1980, and to provide complete and adequate documentation as promptly as possible, such upgrading and documentation work must commence immediately. Therefore, I have concluded that the public health, safety and interest require this Order for Modification of License to be effective immediately.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is ordered*, that effective immediately Facility Operating License No. DPR-72 is hereby amended to add the following provisions to the Appendix A Technical Specifications.

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[1] Bulletin 79-01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79-01B was requested from these licensees by a series of letters and meeting during the months of February and March, 1980.

(a) "By no late than June 30, 1982, all safety-related electrical equipment in the facilty shall be qualified in accordance with the provisions of: Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment of Operating Reactors" (DOR Guidelines); or, NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979. Copies of these documents are attached to Order for Modification of License DPR–72 dated October 24, 1980.

(b) "By no later than December 1, 1980, complete and auditible records must be available and maintained at a central location which describe the environmental qualification method used for all safety-related electrical equipment in sufficient detail to document the degree of compliance with the DOR Guidelines or NUREG–0588. Thereafter, such records should be updated and maintained current as equipment is replaced, further tested, or otherwise further qualified."

To effectuate the foregoing, appropriate pages for incorporation into the Technical Specifications are attached to this Order.

V. The licensee or any person whose interest may be affected by this Order may request a hearing on or before December 4, 1980. Any request for a hearing will not stay the effective date of the Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to S. A. Brandimore, Vice President and General Counsel, P.O. Box 14042, St. Petersburg, Florida 33733, attorney for the licensee.

If a hearing is held concerning this Order, the issues to be considered at the hearing shall be:

a. Whether the licensee should be required to have the environmental qualification records referred to in Section IV, above, available at a central location by no later than December 1, 1980; and

b. Whether all safety-related electrical equipment should be qualified as required in Section IV, above, by no later than June 30, 1982.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective Date: October 24, 1980, Bethesda, Maryland.

For The Nuclear Regulatory Commission.

Darrel G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 80-35461 Filed 11-6-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-335]

Florida Power and Light Co. (St. Lucie Nuclear Power Plant, Unit No. 1); Order for Modification of License

I. Florida Power and Light Company (the licensee) is the holder of License No. DPR–67 which authorizes the operation of St. Lucie Nuclear Power Plant Unit 1 at steady state reactor power levels not in excess of 2560 megawatts thermal (rated power). The facility consists of a Pressurized Water Reactor located at the licensee's site in St. Lucie County, Florida.

II. On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979 (copies attached) "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC–4), which relate to environmental qualifications of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG–0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79–01B [1] and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by not later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG–0588."

The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed that, "In order to leave no room for doubt on this issue, the staff is to prepare additional Technical Specifications for all operating plants which codify the documentation requirement paragraph of the Guidelines (paragraph 8.0)." The staff was directed to add these documentation requirements to each license after they were approved by the Commission.

The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from the obligation to modify or replace inadequate equipment promptly."

III. The Commission has approved the Technical Specification provisions set forth in Section IV below which specify documentation requirements and which specifically impose on the licensee the requirement of the Commission's May 23, 1980 Memorandum and Order that by no later than June 30, 1982 all safety-related electrical equipment shall be qualified to the DOR Guidelines or NUREG–0588.

The information developed during the Commission review of the U.C.S. Petition emphasizes the importance of prompt completion of the upgrading of environmental qualification of safety-related electrical equipment to conform to the DOR Guidelines or NUREG–0588 and of adequate documentation of equipment qualifications. The deadlines set forth in the Commission's Memoradum and Order dated May 23, 1980, assure that such upgrading will be accomplished promptly. In order to

[1] Bulletin 79–01B was not sent to licensees for plants under review as part of the staff's Systemaic Evaluation Program. The information sought by Bulletin 79–01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

assure prompt completion of necessary qualification work or replacement of unqualified components, if necessary, in conformance with the requirements of the Commission's Memorandum and Order dated May 23, 1980, and to provide complete and adequate documentation as promptly as possible, such upgrading and documentation work must commence immediately. Therefore, I have concluded that the public health, safety and interest require this Order for Modification of License to be effective immediately.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is Ordered*, That effective immediately Facility Operating License No. DPR–67 is hereby amended to add the following provisions to the Appendix A Technical Specifications.

(a) "By no later than June 30, 1982, all safety-related electrical equipment in the facility shall be qualified in accordance with the provisions of: Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines); or, NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979. Copies of these documents are attached to Order for Modification of License No. DPR–67 dated October 24, 1980.

(b) "By no later than December 1, 1980, comlete and auditable records must be available and maintained at a central location which describe the environmental qualification method used for all safety-related electrical equipment in sufficient detail to document the degree of compliance with the DOR Guidelines or NUREG–0588. Thereafter, such records should be updated and maintained current as equipment is replaced, further tested, or otherwise further qualified."

To effectuate the foregoing, appropriate pages for incorporation into the Technical Specifications are attached to this Order.

V. The licensee or any person whose interest may be affected by this Order may request a hearing on or before December 4, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Robert Lowenstein, Esq., Newman, Reis and Alexrad, 1025 Connecticut Avenue NW., Washington, D.C. 20036, attorney for the licensee.

If a hearing is held concerning this Order, the issues to be considered at the hearing shall be:

a. Whether the licensee should be required to have the environmental qualification records referred to in Section IV, above, available at a central location by no later than December 1, 1980; and

b. Whether all safety-related electrical equipment should be qualified as required in Section IV, above, by no later than June 30, 1982.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective Date: October 24, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 80–35462 Filed 11–13–80; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–250]

Florida Power and Light Co., Turkey Point Plant, Unit No. 3; Order for Modification of License

I. The Florida Power and Light Company (the licensee) is the holder of Facility Operating License No. DPR–31, which authorizes the operation of the Turkey Point Plant, Unit No. 3 at steady state reactor power levels not in excess of 2200 megawatts thermal (rated power). The facility consists of a pressurized water reactor located at the licensee's site in Dade County near Miami, Florida.

II. On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Commission a "Petition for Emergency and Remedial Relief." The petition sought action in two areas: fire protection for electrical cables, and environmental qualification of electrical components. By Memorandum and Order dated April 13, 1978 (7 NRC 400), the Commission denied certain aspects of the petition and, with respect to other aspects, ordered the NRC staff to take several related actions. UCS filed a Petition for Reconsideration on May 2, 1978. By Memorandum and Order, dated May 23, 1980, the Commission reaffirmed its April 13, 1978 decision regarding the possible shutdown of operating reactors. However, the Commission's May 23, 1980 decision directed licensees and the NRC staff to undertake certain actions.

With respect to environmental qualification of safety-related electrical equipment, the Commission determined that the provisions of the two staff documents—the Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines) and NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety Related Electrical Equipment," December 1979 (copies attached) "form the requirements which licensees and applicants must meet in order to satisfy those aspects of 10 CFR Part 50, Appendix A General Design Criterion (GDC–4), which relate to environmental qualifications of safety-related electrical equipment." The Commission directed, for replacement parts in operating plants, "unless there are sound reasons to the contrary, the 1974 standard in NUREG–0588 will apply." The Commission also directed the staff to complete its review of the information sought from licensees by Bulletin 79–01B [1] and to complete its review of environmental qualification of safety-related electrical equipment in all operating plants, including the publication of Safety Evaluation Reports, by February 1, 1981. The Commission imposed a deadline that, "by no later than June 30, 1982 all safety-related electrical equipment in all operating plants shall be qualified to the DOR Guidelines or NUREG-0588."

The Commission requested the staff to, "keep the Commission and the public apprised of any further findings of incomplete environmental qualification of safety-related electrical equipment, along with corrective actions taken or planned," and requested the staff to provide bi-monthly progress reports to the Commission.

The Commission further directed that, "In order to leave no room for doubt on this issue, the staff is to prepare additional Technical Specifications for all operating plants which codify the documentation requirement paragraph of the Guidelines (paragraph 8.0)." The staff was directed to add these documentation requirements to each license after they were approved by the Commission.

The Commission also pointed out that the various deadlines imposed in its Order, "do not excuse a licensee from

[1] Bulletin 79–01B was not sent to licensees for plants under review as part of the staff's Systematic Evaluation Program. The information sought by Bulletin 79–01B was requested from these licensees by a series of letters and meetings during the months of February and March, 1980.

the obligation to modify or replace inadequate equipment promptly."

III. The Commission has approved the Technical Specification provisions set forth in Section IV below which specify documentation requirements and which specifically impose on the licensee the requirement of the Commission's May 23, 1980 Memorandum and Order that by no later than June 30, 1982 all safety-related electrical equipment shall be qualified to the DOR Guidelines or NUREG–0588.

The information developed during the Commission review of the UCS Petition emphasizes the importance of prompt completion of the upgrading of environmental qualification of safety-related electrical equipment to conform to the DOR Guidelines or NUREG–0588 and of adequate documentation of equipment qualifications. The deadlines set forth in the Commission's Memorandum and Order dated May 23, 1980, assure that such upgrading will be accomplished promptly. In order to assure prompt completion of necessary qualification work or replacement of unqualified components, if necessary, in conformance with the requirements of the Commission's Memorandum and Order dated May 23, 1980, and to provide complete and adequate documentation as promptly as possible, such upgrading and documentation work must commence immediately. Therefore, I have concluded that the public health, safety and interest require this Order for Modification of License to be effective immediately.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is Ordered*, That effective immediately Facility Operating License No. DPR–31 is hereby amended to add the following provisions to the Appendix A Technical Specifications.

(a) "By no later than June 30, 1982, all safety-related electrical equipment in the facility shall be qualified in accordance with the provisions of: Division of Operating Reactors "Guidelines for Evaluating Environmental Qualification of Class IE Electrical Equipment in Operating Reactors" (DOR Guidelines); or, NUREG–0588, "Interim Staff Position on Environmental Qualification of Safety-Related Electrical Equipment," December 1979. Copies of these documents are attached to Order for Modification of License No. DPR–31 dated October 24, 1980.

(b) "By no later than December 1, 1980, complete and auditible records must be available and maintained at a central location which describe the environmental qualification method used for all safety-related electrical equipment in sufficient detail to document the degree of compliance with the DOR Guidelines or NUREG–0588. Thereafter, such records should be updated and maintained current as equipment is replaced, further tested, or otherwise further qualified."

To effectuate the foregoing, appropriate pages for incorporation into the Technical Specifications are attached to this Order.

V. The licensee or any person whose interest may be affected by this Order may request a hearing on or before December 4, 1980. Any request for a hearing will not stay the effective date of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Robert Lowenstein, Esquire, Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, N.W., Suite 1214, Washington, D.C. 20036, attorney for the licensee.

If a hearing is held concerning this Order, the issues to be considered at the hearing shall be:

a. Whether the licensee should be required to have the environmental qualification records referred to in Section IV, above, available at a central location by no later than December 1, 1980; and

b. Whether all safety-related electrical equipment should be qualified as required in Section IV, above, by no later than June 30, 1982.

Operation of the terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Effective Date: October 24, 1980, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 80-35463 Filed 11-13-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-358]

Wm. H. Zimmer Nuclear Power Station, Unit 1, Cincinnati Gas & Electric Co., Columbus & Southern Ohio Electric Co., Dayton Power & Light Co.; Supplementary Antitrust Review of Operating License Application

On May 10, 1975, the Cincinnati Gas and Electric Company (CG&E), Columbus & Southern Ohio Electric Company (C&SOE), and the Dayton Power & Light Company (DPL) tendered their joint application to obtain an operating license for the Wm. H. Zimmer Nuclear Power Station, Unit 1. Antitrust information, dated April 27, 1977, was submitted in accordance with NRC Regulatory Guide 9.3 for evaluation by the NRC staff. Based upon procedures then in effect, the NRC staff conducted an internal review of this information and concluded "that changes in the Applicants' activities occurring since the construction permit antitrust review do not represent significant changes that would now warrant another antitrust review at the operating license stage."

In its evaluation, the staff took note of, among other things, the pending application by the American Electric Power Company, Inc. (AEP) to acquire C&SOE and the Initial Decision of an Administrative Law Judge of the Securities and Exchange Commission (SEC) on July 18, 1973, denying the proposed acquisition, based in part on competitive considerations. The staff also noted the SEC's taking of review of the Initial Decision. The NRC staff was interested in the possible impact of the acquisition on the competitive situation in Ohio, should it be ultimately approved by the SEC. The staff analysis, dated November 28, 1977, is available at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and in the local public document room at Clermont County Library, Third and Broadway Streets, Batavia, Ohio 45103.

Since the completion of the staff's operating license antitrust review for this facility, the SEC has approved the acquisition. American Electric Power Co., Inc., Docket 70–4596, Opinion of the Commission, dated July 21, 1978, and Supplemental Memorandum and Order Approving Acquisition of Common Stock of Columbus and Southern Ohio Electric Company by American Electric Power Company, Inc., dated February 13, 1980.

The staff is reevaluating its earlier finding of "no significant change" under Section 105c(2) of the Atomic Energy Act of 1954, as amended, in light of the acquisition of C&SOE by AEP. The results of this reevaluation will be published in the **Federal Register** and copies sent to the Washington and local public document rooms.

Any person who wishes to express his views regarding the matter covered by this notice should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Utility Finance Branch,

Office of Nuclear Reactor Regulation on or before January 13, 1981.

Dated at Bethesda, Md., this 6th day of November, 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 80-35362 Filed 11-13-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-395]

South Carolina Electric and Gas Co.; Availability of Supplement to the Draft Environmental Statement for Virgil C. Summer Nuclear Station, Unit No. 1

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Supplement to the Draft Environmental Statement (NUREG-0534) has been prepared by the Commission's Office of Nuclear Reactor Regulation. The DES Supplement relates to accident considerations relative to the proposed operation of the Virgil C. Summer Nuclear Station in Fairfield County, South Carolina. Copies are available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and in the Richland County Public Library, 1400 Sumter Street, Columbia, South Carolina 29202. The DES Supplement is also being made available at the State Clearinghouse, Office of the State Auditor, P.O. Box 11333, Columbia, South Carolina and the metropolitan Clearinghouse at Central Midlands Regional Planning Council, 800 Dutch Square Boulevard, Suite 155, Columbia, South Carolina 29210. Requests for copies of the Supplement should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control.

The Applicant's Environmental Report, as supplemented, submitted by South Carolina Electric and Gas Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the **Federal Register** on April 18, 1977 (42 FR 20203).

Pursuant to 10 CFR Part 51, interested persons may submit comments on this Supplement for the Commission's consideration. Federal, State, and specified local agencies are being provided with copies of this Supplement. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Richland Public Library in Columbia, South Carolina. Upon consideration of comments submitted with respect to this Supplement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the **Federal Register.**

Comments on the Supplement to the Draft Environmental Statement from interested persons should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing. Comments are due by December 29, 1980.

Dated at Bethesda, Maryland, this 6th day of November 1980.

A. Schwencer,

Chief Licensing Branch No. 2, Division of Licensing.

[FR Doc. 80-35482 Filed 11-13-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Schedule for Awarding Senior Executive Service Bonuses

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: Notice is hereby given of the schedule for awarding Senior Executive Service bonuses.

DATE: November 14, 1980.

FOR FURTHER INFORMATION CONTACT:

Joseph E. Nordsieck, Career Management Branch, Office of Personnel, Office of Personnel Management, 1900 "E" Street, NW, Washington, DC 20415 (202-632-7484).

SUPPLEMENTARY INFORMATION: Office of Personnel Management guidelines require that each agency publish a notice in the **Federal Register** of the agency's schedule for awarding Senior Executive Service bonuses at least 14 days prior to the date on which the awards will be paid.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Schedule for Awarding Senior Executive Service Bonuses

Office of Personnel Management guidelines require that each agency publish a notice in the **Federal Register** of the agency's schedule for awarding Senior Executive Service bonuses at least 14 days prior to the date on which the awards will be paid. The Office of Personnel Management intends to award Senior Executive Service bonuses for the performance rating cycle of October 1, 1979, through September 30, 1980, with payouts scheduled by December 1, 1980.

[FR Doc. 80-35537 Filed 11-13-80; 8:45 am]

BILLING CODE 6325-01-M

RAILROAD RETIREMENT BOARD

Proclamation Regarding Railroad Unemployment Insurance Account

Pursuant to section 8(a) of the Railroad Unemployment Insurance Act, the Railroad Retirement Board has determined, and hereby proclaims, that the balance to the credit of the railroad unemployment insurance account as of the close of business September 30, 1980, was $45,084,954.86. Based on this balance and pursuant to the table in section 8(a) of the Railroad Unemployment Insurance Act, the contribution rate to finance the railroad unemployment insurance program for calendar year 1981 shall be 8.0 percent.

In witness whereof the members of the Railroad Retirement Board have hereunto set their hands and caused its seal to be affixed.

Done at Chicago, Illinois, this 7th day of November 1980.

William P. Adams,

Chairman.

Earl Oliver,

Member.

C. J. Chamberlain,

Member.

Dated: November 7, 1980.

By the Railroad Retirement Board.

R. F. Butler,

Secretary of the Board.

[FR Doc. 80-35601 Filed 11-13-80; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 21780; 70-5503]

Appalachian Power Co.; Proposed Issuance of Refunding Bonds by County Authority in Connection With Pollution Control Financing

November 7, 1980.

In the matter of Appalachian Power Company, 40 Franklin Road, Roanoke, Virginia 24009 (70-5503).

Notice is hereby given that Appalachian Power Company ("Appalachian"), an electric utility subsidiary of Amercian Electric Power

Company, Inc., a registered holding company, has filed with this Commission a post-effective amendment to its application-declaration in this proceeding pursuant to Sections 9(a), 10, and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44(b)(3) promulgated thereunder regarding the following proposed transaction. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transaction.

By order in this proceeding dated December 10, 1974 (HCAR No. 18703), Appalachian was authorized to enter into an agreement of sale ("Agreement") with the Industrial Development Authority of Russell County, Virginia (the "Authority") concerning the financing of pollution control facilities ("Facilities") at Appalachian's Glen Lyn and Clinch River plants. Under the Agreement the Authority is to issue and sell its pollution control revenue bonds ("Revenue Bonds"), in one or more series, the proceeds from which sales are to be deposited by the Authority with the trustee ("Trustee") under the indenture ("Indenture") entered into between the Authority and Trustee pursuant to which Indenture the Revenue Bonds are issued and secured. The proceeds will then be applied to the payment of the costs of construction of the Facilities, originally estimated at $45,000,000, or, in the case of proceeds from the sale of refunding bonds, to the payment of principal, premium (if any), and interest on Revenue Bonds to be refunded. Appalachian conveyed an undivided interest in a portion of the Facilities to the Authority, which portion the Authority sold to Appalachian under an installment sale arrangement requiring Appalachian to pay as the purchase price semi-annual installments in such an amount (together with other monies held by the Trustee under the Indenture for that purpose) as to enable the Authority to pay, when due, the interest and principal on the Revenue Bonds. Jurisdiction was reserved in the order of December 10, 1974, with respect to the payment of the purchase price of the Facilities by installment payments insofar as such payments were affected by the interest rate or rates of the Revenue Bonds to be issued and sold by the Authority.

By orders dated December 27, 1974, and December 17, 1975 (HCAR Nos. 18736 and 19303), such jurisdiction was released concerning the sales of Revenue Bonds in the principal amounts of $24,000,000 and $17,000,000, respectively, as such sales affected the purchase price to Appalachian. By order dated November 14, 1979 (HCAR No. 21295), jurisdiction was also released concerning the sale of a series of refunding bonds in the aggregate principal amount of $11,000,000, the net proceeds of which were to be used for the refunding at their maturity on December 1, 1979, of $10,500,000 principal amount of Revenue Bonds previously issued by the authority.

By post-effective amendment, it is now stated that the Authority intends to issue and sell in 1980 a series of refunding bonds ("Series D Bonds") in the aggregate principal amount of $6,240,000, the proceeds of which will be used to provide for the principal and interest payments required for the refunding, at their stated maturity on December 1, 1980, of $6,000,000 aggregate amount of Revenue Bonds of the Authority which were issued and sold by the Authority on December 30, 1975. It is contemplated that the Series D Bonds will be issued and sold by the Authority to Manufacturers Hanover Trust Company for cash consideration equal to the principal amount of the Series D Bonds. The Series D Bonds are to mature by their terms on April 1, 1981, and are to bear interest at an annual rate equal from time to time to 70% of the then effective prime commercial loan rate of Manufacturers Hanover Trust Company.

It is further stated that subsequent to the issue and sale of the Series D Bonds, the Authority will issue and sell a series of refunding bonds ("Series E Bonds") in the aggregate principal amount of up to $6,500,000, the proceeds of which will be used to provide for the refunding, at or prior to their stated maturity on April 1, 1981, of the Series D Bonds. The Series E Bonds will be issued pursuant to the Indenture and a Fourth Supplemental Indenture of Trust between the Authority and the Trustee. The Series E Bonds will bear interest semi-annually, will mature at a date or dates not less than five years nor more than 30 years from the date of their issuance, and will not be redeemable at the option of the Authority within 10 years from the date of their issuance except under certain circumstances. The Series E Bonds will be sold by the Authority pursuant to arrangements with an underwriter.

The fees and expenses to be incurred in connection with the proposed transaction will be supplied by further amendment. It is represented that the State Corporation Commission of Virginia has jurisdiction over the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction thereover.

Notice is further given that any interested person may, not later than December 4, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will recieve 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 Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-35605 Filed 11-13-80; 8:45 am]

BILLING CODE 8010-01-M

[File Nos. 2-56919 (22-8919), et al.]

Chrysler Financial Corp.; Application and Opportunity for Hearing

November 10, 1980.

In the matter of Chrysler Financial Corporation: File Nos. 2-56919 (22-8919), 2-57639 (22-9047), 2-41542 (22-6832), 2-43097 (22-7067), 2-49615 (22-7714), 2-56398 (22-8854), 2-59061 (22-9229), 2-59629 (22-9310), 2-58322 (22-9149).

Notice is hereby given that Chrysler Financial Corporation has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission that the successor trusteeship of United States Trust Company of New York ("U.S. Trust") under certain existing

indentures of Chrysler Financial Corporation which are qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify U.S. Trust from acting as Trustee under any such indenture.

Section 310(b) of the Act provides in part that, if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall, within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, that with certain exceptions a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture which any other securities of the same issuer are outstanding. However, under clause (ii) of Subsection (1), there shall be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing, that trusteeship under such qualified indenture and such other indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicant alleges that:

1. Chrysler Financial Corporation, a Michigan corporation, had outstanding on July 31, 1980 the following described securities in the following dates with the following indenture trustees, which were filed under the following file and exhibit numbers and which were declared effective for registration under the Securities Act of 1933 and for qualification under the Trust Indenture Act of 1939 on the following dates, the terms and conditions of each of the said indentures being incorporated herein by reference;

Description	Principal amount	As of date of indenture	Indenture trustee	File and exhibit No.	Effective date
9½% notes due 1983.	$100,000,000	Aug. 15, 1976	Bankers Trust Co.	2-56919, exhibit 2-A.	Aug. 16, 1976.
9% notes due 1986.	125,000,000	Dec. 1, 1976	Irving Trust Co.	2-57639, exhibit 2-A.	Dec. 1, 1976.
8.35% debentures due 1991.	60,000,000	Sept. 1, 1971	Morgan Guranty Trust Co.	2-41542, exhibit 4.A.	Sept. 9, 1971.

2. Each of the above-named indenture trustees has notified Chrysler Financial Corporation of its resignation as indenture trustee under the indenture set forth next to its name above, such resignations to become effective upon acceptance of appointments of successor trustees. Subject to the receipt by Chrysler Financial Corporation of an affirmative order in respect to this application, United States Trust Company of New York ("U.S. Trust") has agreed to act as successor indenture trustee under each of the above-described indentures, to become effective upon execution of appropriate documentation by Chrysler Financial Corporation, U.S. Trust and respective trustees.

3. Each of the indentures described in paragraph 1 above contains the provisions required by Section 310(b) of the Trust Indenture Act of 1939.

4. The terms of the indentures described in paragraph 1 above vary as to interest rates and maturity, and the indenture relating to the 8.35% Debentures Due 1991 provides for a sinking fund, with various redemption prices.

5. The unpaid principal, accrued interest and premiums, if any, on the securities described in paragraphs 1, 6 and 7 hereof are secured by the grant of a security interest in all personal property and fixtures of Chrysler Financial Corporation, a Michigan corporation, Chrysler Credit Corportion, a Delaware corporation, Chrysler Leasing Corporation, a Delaware corporation, and Chrysler Financial Oversees Capital N.V., a Netherlands Antilles corporation, pursuant to a Security Agreement dated as of May 15, 1980 among those corporations and Wilmington Trust Company, a Delaware corporation.

6. The Company had outstanding as of July 31, 1980, $125,000,000 principal amount of 8⅞% Notes Due 1982 which were issued under an indenture dated as of March 15, 1977 between Chrysler Financial Corporation and U.S. Trust, as Indenture Trustee (the "U.S. Trust Indenture"), a copy of which indenture is incorporated herein by reference and was declared effective by the Commission on March 23, 1977, for registration under the Securities Act of 1933 and for the qualification of said indenture under the Trust Indenture Act of 1939.

7. Effective March 26, 1980, pursuant to an Order of the Securities and Exchange Commission, U.S. Trust became Successor Trustee under the following described trust indentures hereinafter referred to collectively as "Successor Indentures":

Description, Principal Amount, File and Exhibit No.

7.70% Debentures Due 1992, $60,000,000, 2-43097—Exhibit 4-A.
Medium-Term Notes Due From 9 Months to 5 Years From Date of Issue, $33,800, 2-49615—Exhibit 2-A.
10% Notes Due 1981, $125,000,000, 2-56398—Exhibit 2-A.
Medium-Term Notes Due From 9 Months to 5 Years From Date of Issue, $9,459,000, 2-59061—Exhibit 2-A.
8⅞% Notes Due 1984, $50,000,000, 2-59629—Exhibit 2-A.

8. The terms of the U.S. Trust Indenture and the Successor Indentures vary from the Indentures described in paragraph 1 hereof as to interest rates and maturity, and, with one exception, do not provide for a sinking fund as does the indenture relating to the 8.35% Debentures Due 1991.

9. Under the terms of the U.S. Trust Indenture and the indentures described in paragraphs 1 and 7 hereof, each ranks equally, *pari passu*, with the other senior debt of Chrysler Financial Corporation.

10. Each of the indentures described in paragraphs 1 and 7 hereof and the U.S. Trust Indenture provided that any event of default or any event which with notice of lapse of time or both would constitute such an event of default, under any obligations for borrowed money of Chrysler Financial Corporation which results in the indebtedness becoming due prior to its stated maturity constitutes an event of default thereunder, and the Trustee under each such indenture has the right to declare all of the securities outstanding thereunder due and payable immediately.

11. For this reason, if Chrysler Financial Corporation should default on its obligations under the U.S. Trust Indenture and should the Trustee accelerate payment of the indebtedness thereunder, there would exist an event of default under all of the indentures described in paragraphs 1 and 7 above and the Trustee under each could accelerate payment of the indebtedness thereunder. Conversely, if Chrysler Financial Corporation should default on

its obligations under any one of the indentures described in paragraphs 1 and 7, above, and should the Trustee accelerate payment of the indebtedness thereunder, there would exist an event of default under all of the other indentures and the U.S. Trust Indenture, and the Trustee under each could accelerate payment of the indebtedness thereunder.

12. Because of the cross-default provisions described in paragraphs 10 and 11 above, should an event of default occur under any one of the indentures, including the U.S. Trust Indenture and should the Trustee accelerate payment thereunder, this would constitute a default under the provisions of each of the other indentures, including the U.S. Trust Indenture, and the Trustee under each could accelerate payment of the indebtedness thereunder.

13. Each of the indentures requires the Trustee to use the same degree of care and skill in the exercise of its right and powers as a prudent man under the circumstances. Further, the Trustee is not relieved from liability for its own negligent action, negligent failure to act or its own willful misconduct. Thus, there cannot realistically be either a race of diligence or a studied delay which, in any case, might result in holders of any one issue of securities being favored or prejudiced as against holders of the other issue of securities.

14. The Chairman of the Board of U.S. Trust is Tom Killefer, a member of the Board of Directors of Chrysler Corporation which owns all the issued and outstanding stock of Chrysler Financial Corporation. Prior to joining U.S. Trust, Mr. Killefer was an officer of Chrysler Corporation and a member of the Board of Directors of Chrysler Financial Corporation. As of July 31, 1980, the outstanding balances owned to U.S. Trust by Chrysler Corporation was $1.8 million and by Chrysler Financial Corporation was $4.9 million. The loan from U.S. Trust to Chrysler Financial ranks *pari passu* with the debt described in paragraph 1 hereof.

15. Such differences as exist between the U.S. Trust Indenture, the Successor Indentures and the other indentures and the facts set forth in paragraph 14 above are not so likely to involve the U.S. Trust in a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the U.S. Trust from acting as indenture trustee under each of the other indentures.

Chrysler Financial Corporation has waived notice of hearing, any right to a hearing in connection with matters referred to in the application, and any and all right to specify procedures under the Rules of Practice of the Commission with respect to the application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than December 1, 1980, submit to the Commission his views or any substantial facts bearing on this application or the desirability of a hearing hereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reasons for such requests, and the issue of fact and law raised by the application which he desires to controvert. Persons who request the hearing or advice as to whether the hearing is ordered will receive all notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after such date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-35607 Filed 11-13-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11435, 812-4403]

Investors Mutual Inc. et al.; Filing of Application

November 7, 1980.

In the matter of Investors Mutual, Inc., Investors Stock Fund, Inc., Investors Selective Fund, Inc., Investors Variable Payment Fund, Inc., IDS New Dimensions Fund, Inc., IDS Progressive Fund, Inc., IDS Growth Fund, Inc., IDS Bond Fund, Inc., IDS Cash Management Fund, Inc., IDS Tax-Exempt Bond Fund, Inc., IDS High Yield Tax-Exempt Fund, Inc., IDS Tax-Free Money Fund, Inc., 100 Roanoke Building, Minneapolis, Minnesota 55402, and Investors Diversified Services, Inc., IDS Tower Minneapolis, Minnesota 55402 (812-4403).

Notice is hereby given that Investors Mutual, Inc. ("Mutual"), Investors Stock Fund, Inc. ("Stock"), Investors Variable Payment Fund, Inc. ("Variable"), Investors Selective Fund, Inc. ("Selective"), IDS New Dimensions Fund, Inc. ("New Dimensions"), IDS Progressive Fund, Inc. ("Progressive"), IDS Growth Fund, Inc. ("Growth"), IDS Cash Management Fund, Inc. ("Cash Management"), IDS Tax-Exempt Bond Fund, Inc. ("Tax-Exempt"), IDS Bond Fund, Inc. ("Bond"), IDS High Yield Tax-Exempt Fund, Inc. ("High Yield"), and IDS Tax-Free Money Fund, Inc. ("Tax-Free Money Fund") (collectively referred to as the Funds), open-end, management investment companies registered under the Investment Company Act of 1940 ("Act"), and Investors Diversified Services, Inc. ("IDS"), each Fund's investment adviser and principal underwriter (collectively referred to with the Funds as "Applicants"), filed an application on September 18, 1980, and an amendment thereto on October 20, 1980, requesting an order of the Commission amending in the manner described below earlier orders of the Commission. (See Investment Company Act Release No. 9807, June 7, 1977; Investment Company Act Release No. 10742, June 20, 1979; Investment Company Act Release No. 10954, November 27, 1979; Investment Company Act Release No. 11128, April 11, 1980). These earlier orders, pursuant to Section 11(a) of the Act, permitted certain transfers among the Funds on a basis other than their relative net asset value per share at the time of transfer and, pursuant to Section 6(c) of the Act, exempted such transfers from the provisions of Section 22(d) of the Act and Rule 22d-1 thereunder. 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.

IDS, as principal underwriter for the Funds, maintains a continuous public offering of shares of each of the Funds at their respective net asset value plus a sales charge. IDS is registered as a broker/dealer under the Securities Exchange Act of 1934 and as an investment adviser under the Investment Advisers Act of 1940. On purchases of less than $15,000, the sales charge is 3½% for Cond, 7% for Selective, 8% for Mutual, Stock, Variable, New Dimensions, Progressive and Growth. Tax-Exempt and High Yield have a 4% sales charge on pruchases of less than $50,000. For each of the Funds, the sales charge is reduced on larger pruchases, except Bond which has a level 3½% sales charge. There is no sales chage for purchases of Cash Management or Tax-Free Money Fund.

All of the Funds permit reinvestment of capital gains distributions without payment of a sales charge. All of the Funds, except Bond, permit reinvestment of dividends without a sales charge.

Applicants represent that pursuant to the earlier orders of the Commission dated June 7, 1977, June 20, 1979, November 27, 1979, and April 11, 1980, the shareholders of Mutual, Stock, Variable, Progressive, New Dimensions and Growth currently have the privilege of transferring their shares into shares of each of the Funds, except Bond, at net asset value without paying a sales charge. Applicants further state that the shareholders of Selective, Bond, Tax-Exempt and High Yield who have held their shares for eight months or more have the same transfer privilege described above, except that shareholders of High Yield, Selective and Tax-Exempt may transfer their shares at net asset value into Tax-Exempt or High Yield at any time. The shareholders of each of the Funds, except Cash Management and Tax-Free Money Fund, who have held their shares eight months or more may transfer into Bond at net asset value without paying a sales charge.

Applicants further represent that the shareholders of each of the Funds, except Cash Management and Tax-Free Money Fund, who have held their shares for less than eight months may transfer into Bond upon paying an additional sales charge, if any. Shareholders of Bond, Tax-Exempt and High Yield who have held their shares for less than eight months have the privilege of transferring into Mutual, Stock, Variable, Progressive, Growth, New Dimensions, Selective, Tax-Exempt, and High Yield upon paying any additional sales charge. Applicants further state that shareholders of Selective who have held their shares for less than eight months may transfer into Mutual, Stock, Variable, Progressive, Growth, and New Dimensions, upon paying any additional sales charge.

Shareholders of Cash Management who acquire their shares with redemption proceeds from one of the other Funds may transfer their shares into shares of each of the Funds, except for Bond, at net asset value without paying a sales charge. Those shareholders of Cash Management seeking to transfer into Bond who acquired their shares with proceeds redeemed from one of the other Funds: (1) where the sales charge assessed by the other Fund is less than the charge that would have been assessed had the investment been in Bond originally; and (2) where the time span invested in Cash Management plus the time span of any prior investment in such Fund is less than eight months must pay an additional sales charge upon transferring into Bond. Shares of Cash Management that were purchased directly, and dividends earned on such investments, may be redeemed and the redemption proceeds invested in shares of each of the Funds by paying the applicable sales charge. Shares of Cash Management that were acquired with redemption proceeds from one of the other Funds will be transferred first.

Applicants state that in the past record keeping restrictions prohibited transfers from Bond, Tax-Exempt, High Yield and Selective into Cash Management and Tax-Free Money Fund prior to an eight-month investment in any of such Funds. However, it is now possible to track the investments of shareholders of Bond, Tax-Exempt, High Yield and Selective, and thus Applicants state that such transfers are now permitted.

In each instance of a transfer in which an additional sales charge is assessed, the charge is equal to the difference between the sales charge actually paid and that which would have been imposed had the original investment been in the Fund into which the subsequent transfer was made.

Each Applicant now proposes to offer its shares, according to the following plan, to the shareholders of Tax-Free Money Fund and Cash Management who redeem their shares and immediately reinvest the proceeds of such redemption in the shares of one of the other Applicants. If the shares of Tax-Free Money Fund or Cash Management were purchased directly, the transfer will be on the basis of the net asset value at the time of transfer, plus any sales charge described in the prospectus of the Fund into which the transfer is made. Any reinvested dividends earned on this original direct investment will be transferred in the same manner. If the shares of Tax-Free Money Fund or Cash Management were acquired with proceeds redeemed from one of the other Funds, and both:

(1) the sales charge assessed by such other Fund is less than the charge that would have been assessed had the investment originally been in the Fund transferred to from Tax-Free Money Fund or Cash Management; and

(2) the time span invested in Tax-Free Money Fund or Cash Management, plus the time span invested in such other Fund is less than eight months;

then each Applicant will accept such transfers from Cash Management or Tax-Free Money Fund upon payment of an additional sales charge equal to the difference between the sales charge actually paid and the charge that would have been paid had the investment been made in the succeeding Fund originally. No sales charge will be assessed by any Applicant upon transfers (including both principal and dividends earned on that principal) accepted from shareholders of Tax-Free Money Fund or Cash Management who acquired their shares with proceeds redeemed from one of the other Funds and whose total time of investment in the Funds exceeds eight months.

Applicants state that the purpose of the transfer privileges and the eight-month restriction is to discourage attempts to unfairly circumvent higher sales charges. Shares of Tax-Free Money Fund and Cash Management that were acquired with the redemption proceeds from one of the other Funds will be transferred first. Appropriate disclosure of the terms of the proposed transfer privleges will be made in the prospectuses of Cash Management and Tax-Free Money Fund.

Applicants further represent that pursuant to the distribution agreements between IDS and each of the Funds, except Cash Management and Tax-Free Money Fund, IDS receives a sales charge equal to the difference between the total amount received upon each sale of shares and the net asset value of such shares at the time of sale, a portion of which is paid to IDS sales representatives as commissions. With respect to those transfers described above which involve the payment of any additional sales charge, Applicants state that IDS will pay to the applicable sales representative that portion of the additional sales charge which he would have received if the sale of shares of the higher load Fund had been made initially. Applicants further state that they believe that there is not sufficient financial incentive for an IDS sales representative to initiate such transfers for his own benefit. Applicants represent that IDS has established sufficient internal monitoring and review procedures to ensure that such transfers are made at the request of the customer and not for the IDS sales representative's personal gain (including monitoring the frequency of transfers handled by individual representatives).

Section 11(a) of the Act provides that it shall be unlawful for any registered, open-end company or any principal underwriter for such company to make, or cause to be made, an offer to the shareholder of a security of such company or of any other open-end investment company to exchange his

security for a security in the same or another such company on any basis other than the relative net asset value of the respective securities to be exchanged unless the terms of the offer have first been submitted to and approved by the Commission.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current public offering price described in the prospectus. The sales charge described in the prospectus of each of the Funds is normally greater than the sales charge which would be applicable to a proposed transfer. Rule 22d–1 permits certain variations in sales load, noe of which it is alleged are applicable to the proposed transfer privileges.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities or transactions from any provision of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act.

On the basis of the foregoing, Applicants submit that the proposed exemption is appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 1, 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 reasons 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, 500 North Capitol Street, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein 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. 80–35604 Filed 11–13–80; 8:45 am]

BILLING CODE 8010–01–M

Applications of Midwest Stock Exchange, Inc. for Unlisted Trading Privileges in Certain Securities and Opportunity for Hearing

November 7, 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: CSX Corporation, Common Stock, $1 Par Value (File No. 7–5778); General Re Corporation, Common Stock, $.50 Par Value (File No. 7–5779); Moore Corp., Limited, Common Stock, No Par Value (File No. 7–5780); and Collins Food International Inc. (Delaware), Common Stock $.10 Par Value (File No. 7–5781). 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 December 2, 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. 80–35606 Filed 11–13–80; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 21781, 70–6507]

Georgia Power Co., Proposed Sale of Undivided Ownership Interests in Combustion Turbine Electric Generating Unit

November 10, 1980.

Notice is hereby given that Georgia Power Company ("Georgia"), 270 Peachtree Street, N.W., Atlanta, Georgia 30303, a public-utility subsidiary of The Southern Company, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 12(d) of the Act and Rule 44 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Georgia is currently the sole owner of a 50 MWe nominally rated combustion turbine electric generating unit ("Combustion Turbine") located at Plant Hal Wansley ("Plant Wansley") in Heard and Carroll Counties, Georgia, and the owner of a 53.5% undivided ownership interest in Plant Wansley as a tenant in common with Oglethorpe Power Corporation ("OPC"), an electric membership generation and transmission corporation, the Municipal Electric Authority of Georgia ("MEAG"), a public body corporate and politic and an instrumentally of the State of Georgia, and the City of Dalton, Georgia ("Dalton"), an incorporated municipality in the State of Georgia acting by and through its Board of Water, Light and Sinking Fund Commissioners, which own, respectively, 30%, 15.1%, and 1.4% undivided ownership interests in Plant Wansley.

Georgia proposes to sell to OPC, MEAG, and Dalton 30%, 15.1%, and 1.4% undivided ownership interests, respectively, in the Combustion Turbine pursuant to proposed Plant Hal Wansley Combustion Turbine Agreements ("Combustion Turbine Agreements") between Georgia and OPC, Georgia and MEAG, and Georgia and Dalton. Georgia will obtain a release of such undivided ownership interests in the Combustion Turbine to be sold to OPC, MEAG, and Dalton from the lien of Georgia's First Mortgage Bond Indenture.

The closing of such sales to OPC, MEAG, and Dalton is scheduled to take place on or about December 15, 1980. The closing is subject to, among other things, the receipt by the parties of all requisite approvals of all applicable regulatory agencies. At the closing, OPC, MEAG, and Dalton will pay to Georgia, in consideration for the sale of such property, an amount equal to 30%, 15.1%, and 1.4%, respectively, of the costs incurred by Georgia to construct the Combustion Turbine and to provide the initial fuel oil stock. In addition, OPC, MEAG, and Dalton will pay to Georgia an amount in respect of Georgia's cost of long-term borrowings incurred to finance such construction. Assuming the closing of such sales were to take place on December 15, 1980, Georgia estimates that it would receive approximately $4,536,178 from OPC, $2,283,210 from MEAG, and $211,688 from Dalton. Georgia expects to apply the proceeds of such sales toward the cost of its construction program.

Construction of the Combustion Turbine has been completed. After the closing of such sales, the Combustion Turbine will be considered by Georgia, OPC, MEAG, and Dalton as part of Plant Wansley, and the rights and obligations of Georgia, OPC, MEAG, and Dalton with respect to the Combustion Turbine will be governed as to most matters by certain agreements. The proposed Combustion Turbine Agreements will provide that Georgia is to purchase from OPC, MEAG, and Dalton their entire respective entitlements to capacity and energy from the Combustion Turbine. Georgia will pay OPC, MEAG, and Dalton monthly in respect of such entitlements to capacity, an amount equivalent to the effective amount which a partial requirements customer of Georgia would pay to Georgia for an equivalent amount of reserve capacity pursuant to Georgia's FERC Electric Tariff, Original Volume No. 2, and Georgia will pay OPC's, MEAG's and Dalton's respective shares of operating costs and will replace their respective shares of fuel and material stock consumed in connection with the Combustion Turbine, except that if the Combustion Turbine is used in connection with the Plant Wansley coal-fired generating units, OPC, MEAG, and Dalton will pay 30%, 15.1% and 1.4%, respectively, of the operating and fuel costs associated therewith. Such purchases from OPC, MEAG, and Dalton must be made regardless of the availability of capacity and energy from the Combustion Turbine. Georgia's obligation to purchase another co-owner's entitlement to energy and capacity may be terminated by either Georgia or such other co-owner at any time after five years following such other co-owner's purchase of an interest in the Combustion Turbine.

The fees and expenses to be paid or incurred, directly or indirectly, in connection with the proposed transactions are to be filed by amendment. It is stated that no state and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 8, 1980, request in writing that a hearing be held on such matter stating the nature of this interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney by law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such othe action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-35640 Filed 11-13-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 6257; 18-82]

H.R. 10 Plan of Blank, Rome, Comisky & McCauley; Application

November 10, 1980.

Notice is hereby given that the law firm of Blank, Rome, Comisky & McCauley, Four Penn Center Plaza, Philadelphia, PA 19103, (hereinafter the "Firm" or "Applicant"), a Pennsylvania partnership, has, by letters dated June 27, 1980 and October 29, 1980, applied for an exemption from the registration requirements of the Securities Act of 1933 ("Act") for any participations or interests issued in connection with the H.R. 10 Plan of Blank, Rome, Comisky & McCauley, as amended (the "Plan"). All interested persons are referred to those documents, which are on file with the Commission, for the facts and representations contained therein, which are summarized below.

I. Introduction

The Plan covers partners and employees of the Firm who were participants in the Plan as of February 1, 1976 and all other employees and partners of the Firm, other than owner-partners, who have both attained age 25 and completed three years of service without a break in service. However, employees of the Firm as of February 1, 1976 who have completed five years of service, without a break in service, may participate before attaining age 25. As of February 1, 1980, the participants consisted of 48 partners and 14 associates as well as clerical, secretarial and other staff personnel.

The Plan is of a type, commonly referred to as a "Keogh" plan, which covers persons (in this case the Firm's partners) who are "employees" within the meaning of Section 401(c)(1) of the Internal Revenue Code of 1954, as amended (the "Code"). Therefore, even though the Plan is qualified under Section 401 of the Code, the exemption provided by Section 3(a)(2) of the Act is inapplicable to interests in the Plan absent an order of the Commission issued under Section 3(a)(2).

In relevant part, Section 3(a)(2) provides that the Commission may exempt from the provisions of Section 5 of the Act any interest or participation issued in connection with a pension or profit-sharing plan which covers employees, some or all of whom are employees within the meaning of Section 401(c)(1) of the Code, if and to the extent that the Commission determines this to be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

II. Description and Administration of the Plan

Applicant states that the Plan was adopted in 1968 and was amended and restated in its entirety, effective as of February 1, 1976, in order to comply with the Employee Retirement Income Security Act of 1974 ("ERISA"). The Internal Revenue Service has issued a

ruling to the effect that the Plan, as so amended and restated, continues to be a qualified plan under Section 401 of the Code. The Plan is an employee pension benefit plan subject to the fiduciary standards and to the full reporting and disclosure requirements of ERISA.

Administration of the Plan is the responsibility of the Plan Administrator and such persons or committees as the Plan Administrator may choose. The Plan Trustees have the responsibility of managing and supervising all funds, securities and other property of the Trust.

The Plan has a mandatory Firm contribution feature and a voluntary participant contribution feature, both of which are based on a percentage of compensation. In general the Firm's annual contribution on behalf of a participant is an amount equal to the lesser of $7,500 or 7-½% of his compensation or earned income for the year. A particpant may voluntarily contribute an amount which does not exceed 10% of his total compensation or earned income for all plan years during which he has been eligible to participate; provided that the amount of contribution in excess of the greater of 6% of his compensation or earned income for the year, or 50% of his contribution, cannot exceed 17-½% of his compensation or earned income for any given plan year. Voluntary contributions may be invested together with Firm contributions or invested separately.

Distributions may be made in accordance with one or more options approved by the Plan Administrator, including lump sum payment, installment payments, and purchase of an insurance company contract providing for installment payments. The amount distributed each year shall be at least equal to the aggregate accrued benefit of the participant divided by his life expectancy. Undistributed portions shall be deposited in a savings account or invested in a certificate of deposit.

The assets of the Plan will not be commingled in collective investment funds with the assets of the plans of other employers. In this connection it should be noted that, while the Trust Agreement does not prohibit investment in any common collective or commingled trust fund maintained by a corporate trustee, the Applicant, through the Trustees, retains adminstrative control of the Plan, including ultimate control over the investment policies. Applicant states that no investment in a common trust fund where Plan trust funds would be commingled with those of others is or will be authorized by the Plan Administrator.

The Applicant may at any time modify, amend or terminate the Plan, in whole or in part, or discontinue contributions to the Trust, so long as no action by the Firm shall divert Trust assets for purposes other than for the exclusive benefit of the participants or their beneficiaries, or cause Trust assets to revert to the Firm, or retroactively deprive any participant or his beneficiary of any benefit to which he was entitled under the Plan by reason of Firm contributions prior to the modification or amendment, unless required by law, or impose additional duties on the Trustees without their consent. The Plan shall terminate automatically upon the termination of the partnership, unless otherwise agreed by the successor to the Applicant's business and the Trustees.

The Applicant represents that it has not distributed and does not intend to distribute any type of promotional material relating to the Plan to participants (other than such material as the Firm is required to distribute under ERISA) and has not made and does not intend to make any solication of contributions under the Plan.

The Plan is subject to ERISA and the Firm has complied and will comply with all of the ERISA reporting and disclosure requirements. A Summary Plan Description, written in language understandable to the average participant, is delivered to each participant. In addition, a Summary Annual Report is delivered to each participant and also to persons currently receiving benefits. Each participant and person receiving benefits is informed that the full annual report for the Plan is available upon request. Further, each participant is furnished, upon request, on an annual basis, a statement of his or her accrued benefit under the Plan.

III. Discussion

Applicant states that the Plan is not a uniform prototype plan of a type marketed by a sponsoring financial institution or promoter to numerous unrelated self-employed persons. The Plan was prepared by attorneys in the Firm and covers only the legal and support staff of the Applicant. Accordingly, Applicant contends that the Plan does not present the risks associated with the sale of interests or participations in multi-employer plans marketed by sponsoring financial institutions. Also, Applicant contends that the registration requirement exists only because the Firm does business in the form of a partnership, rather than a corporation, and that if the Firm were incorporated, its partners would not be considered "employees" within the meaning of Section 401(c)(1) of the Code and there would be no question as to the availability of the exemption from registration.

Further, Applicant states that it maintains substantial administrative control over the Plan with a Plan Administrator who has overall responsibility and authority for administration of the Plan, including interpretation of the provisions of the Plan, establishment and enforcement of rules and regulations relating to administration of the Plan, determination of the amount of benefits payable to any person in accordance with the provision of the Plan, and authorization of payment of such benefits and of the proper expenses related to the administration of the Plan.

Applicant also argues that the Plan covers partners and associate lawyers of the Firm, who are professionals generally sophisticated in investments and financial analysis and able to protect their interests adequately without the protection of the registration requirements of the Act. Applicant believes that the rigorous disclosure requirements of ERISA and the fiduciary standards and duties imposed thereunder are adequate to provide full protection to all participants, including the non-professional participants.

Finally, Applicant contends that the reason Congress did not exempt plans in which self-employed persons are participants was to prevent the sale, without registration, of participations or interests in pre-packaged plans offered by financial institutions to self-employed persons lacking the sophistication to protect themselves. Applicant also submits that Congress inserted the provision giving the Commission authority to exempt, upon application, a stock bonus, pension, profit-sharing, or annuity plan covering employees, some or all of whom are "employees" within the meaning of Section 401(c)(1) of the Code, in order to exempt from registration partnership plans where such plans are comparable to those exempted by Section 3(a)(2) and where the dangers created by the lack of registration are not present.

For all of the foregoing reasons, Applicant believes that the Commission should issue an order finding that an exemption from the provisions of Section 5 of the Act for interests or participations issued in connection with the Plan is 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.

Notice is further given that any interested person may, not later than

December 4, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement of the nature of his or her interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he or she may request to 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. An order disposing of the matter will be issued as of course following December 4, 1980 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 notice of further developments 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. 80-35637 Filed 11-13-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11436; 812-4728]

Shearson Daily Dividend Inc. and Shearson Government and Agencies, Inc.; Application

Notice is hereby given that Shearson Daily Dividend Inc. ("Daily Dividend") and Shearson Government and Agencies Inc. ("SGA") 14 Wall Street New York, New York 10005, (collectively, "Applicants"), registered under the Investment Company Act of 1940 ("Act") as open-end, diversified, management investment companies, filed an application on September 2, 1980, for an order, pursuant to Section 6(c) of the Act, exempting Applicants from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicants to value their respective portfolio securities using the amortized cost method of valuation. All interested person are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that Daily Dividend is a "money market fund" that invests in a variety of money market instruments with the primary objective of seeking safety, liquidity, and, to the extent consistent with the foregoing, a high income return. Applicants state that Daily Dividend currently computes its net asset value per share by rounding to the nearest one cent on a share value of one dollar, pursuant to a conditional order of exemption (Investment Company Act Release No. 10743) issued by the Commission on June 21, 1979.

Applicants state that SGA originally was organized as a "money market fund" under the name Shearson Cash Reserve Inc., with an investment objective substantially identical to that of Daily Dividend, sales of the shares of which were restricted as a result of the Credit Control Program adopted by the Board of Governors of the Federal Reserve System. Applicants further state that, when that program was discontinued, shareholders of SGA became shareholders of Daily Dividend or else redeemed their interests, with the exception of Shearson Loeb Rhoades Inc. With the written consent of that sole remaining shareholder, SGA's investment objective was changed to limit its investments to money market instruments issued or guaranteed by the United States government, its agencies or instrumentalities.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors.

Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security.

Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicants state that the experience of their adviser and administrator indicates that two qualities are helpful in order to attract investment in a "money market" fund: (1) stability of principal and (2) steady flow of investment income. Applicants assert that by utilizing high quality money market instruments of short maturities combined with a stable net asset value, preferably $1.00 per share, it would be possible to provide those features to a variety of investors. Applicants' boards of directors believe that given the nature of Applicants' policies and operations, there normally will be a relatively negligible discrepancy between market value and amortized cost value of Applicants' portfolio securities. Applicants' boards of directors have determined in good faith that in light of the characteristics of each Applicant, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for the Applicants and reflects fair value of those securities. Accordingly, Applicants request an order, pursuant to Section 6(c) of the Act, exempting them from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit their assets to be valued using the amortized cost valuation method.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants assert that their application meets the standards of Section 6(c) of the Act in light of their management policies, and have agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising each Applicant's operations and delegating special responsibilities involving portfolio management to each Applicant's investment adviser, each Applicant's board of directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and each fund's investment objectives, to stabilize each fund's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the respective boards of directors shall be the following:

(a) Review by each fund's board of directors, as its deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the fund's $1.00 amortized cost price per share, and maintenance of records of such review. To fulfill this condition, each Applicant will use actual quotations or estimates of market value reflecting current market conditions selected by its board of directors in the exercise of its discretion to be appropriate indicators of value. The quotations or estimates utilized may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments furnished by reputable sources.

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1%, the board of directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes the extent of any deviation from the fund's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redemption of shares in kind; the sale of portfolio securities prior to maturity to realize capital gains or losses, or to shorten the fund's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Each Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that neither Applicant will (a) purchase any instrument with a remaining maturity at the date of acquisition of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days. In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, the affected fund will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. Each Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and each Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of its board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Each Applicant will limit its portfolio investments, including repurchase agreements if any, to those United States dollar-denominated instruments which its board of directors determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that it not rated, of comparable quality as determined by the board of directors.

6. Each Applicant will include in each quarterly report, as an attachment to Form N–lQ, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than December 1, 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 reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the 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 herein 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. 80-35638 Filed 11-13-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 6258; 18-66]

Skadden, Arps, Slate, Meagher & Flom Retirement Plan; Application

November 10, 1980.

Notice is hereby given that Skadden, Arps, Slate, Meagher & Flom, 919 Third Avenue, New York, NY 10022, (the "Applicant"), a law firm organized as a partnership under the laws of the State of New York, has, by letter dated November 29, 1979, and amended by letter dated October 24, 1980, applied for an exemption from the registration requirements of the Securities Act of 1933 (the "Act") for interests or participations issued in connection with the Skadden, Arps, Slate, Meagher & Flom Retirement Plan (the "Plan"). All interested persons are referred to that application, which is on file with the Commission, for the facts and representations contained therein, which are summarized below.

I. Introduction

All partners and employees automatically become participants in the Plan if they are at least 25 years of

age and have completed one year of service with the Firm. As of March 31, 1980, 49 partners and 138 other employees were participants in the Plan.

The Plan is of the type commonly referred to as a "Keogh" plan, which covers persons (in this case, the Firm's partners) who are "employees" within the meaning of Section 401(c)(1) of the Internal Revenue Code of 1954, as amended (the "Code"). Therefore, even though it is anticipated that the Plan will continue to be qualified under Section 401 of the Code, the exemption provided by Section 3(a)(2) of the Act is inapplicable to interests in the Plan.

In relevant part, Section 3(a)(2) provides that the Commission may exempt from the provisions of Section 5 of the Act any interest or participation issued in connection with a pension or profit-sharing plan which covers employees, some or all of whom are employees within the meaning of Section 401(c)(1) of the Code, if and to the extent that the Commission determines this to be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

II. Description and Administration of the Plan

Applicant represents that the Plan became effective as of April 1, 1975, and was amended effective April 1, 1980. Applicant has applied for, but has not yet received, a letter from the Internal Revenue Service ("IRS") determining that the Plan, as amended, is a qualified plan under Section 401 of the Code. The Plan is an employee retirement plan subject to the full reporting and disclosure requirements of the Employee Retirement Income Security Act of 1974 ("ERISA").

The Plan has a mandatory Firm contribution feature and a voluntary participant contribution feature, both of which are based on a percentage of compensation. Applicant states that it contributes annually to the Plan an amount equal to 7% of each participant's annual compensation in excess of the Applicable Social Security Wage Base (as defined in the Plan) plus an additional percentage (calculated according to a formula in the Plan) of total compensation of "Legal Employees" (as defined in the Plan). Applicant further states that each participant may elect to make voluntary contributions to the Plan in an amount of up to 10% of their annual compensation.

Applicant exercises administrative and ministerial functions in connection with the Plan. A committee of four of the Applicant's partners ("New Trustees"), appointed by Applicant, administers the Plan and interprets its provisions. Applicant has no power to invest or direct the investment of firm or individual contributions to the Plan. However, the New Trustees may exercise limited investment discretion with respect to the assets of the Plan as amended.

Prior to the adoption of the Plan amendment effective April 1, 1980, all funds contributed to the Plan were promptly delivered to the Trustees (the "ABRA Trustees") of the American Bar Retirement Association Master Trust for Self-Employed Retirement Plans (the "ABRA Trust"). The ABRA Trustees, in turn, have entered into an agreement with the Equitable Life Assurance Society of the United States ("Equitable") providing for two separate investment vehicles: (i) a fixed income account, and (ii) an equity account invested in common stocks. The ABRA Trust is a sub-trust under the Plan as amended. The New Trustees will be empowered to either invest firm contributions in the ABRA Trust, or invest such contributions in other investments permitted under the Plan and selected by the New Trustees. Applicant presently contemplates that the New Trustees initially will invest only in either the ABRA Trust fixed income account or direct obligations of the United States Government. Participants in the Plan who make voluntary contributions will be permitted to direct the investment of such voluntary contributions in the ABRA Trust fixed income or equity accounts or in such other permitted investments as may be selected by the New Trustees. Applicant represents that interests or participations in the ABRA Trust are registered under the Act. The ABRA Trust prospectus is made available by Applicant to all participants in the Plan.

Applicant contends that were it a corporation rather than a partnership, interests or participations issued in connection with the Plan would be exempt from registration under Section 3(a)(2) of the Act, because no person who would be an "employee" within the meaning of Section 401(c)(1) of the Code would participate in the Plan. Applicant argues that the mere fact that it conducts its business as a partnership rather than as a corporation should not result in a requirement that interests in the Plan be registered under the Act.

Applicant also maintains that were the Firm's partners not permitted to participate in the Plan, the interests or participations issued in connection with such Plan, would be exempt under Section 3(a)(2) since no other persons covered by such Plan would be "employees" within the meaning of Section 401(c)(1) of the Code. Applicant argues that there is no valid basis for a contrary result merely because the Plan also covers partners in the Firm.

Applicant also states that it is engaged in furnishing legal services which involve financially sophisticated and complex matters, exercises administrative control over the Plan, and believes that it is able to represent adequately its own interests and those of its partners and employees without the protection of the registration requirements of the Act. Applicant believes that the rigorous disclosure requirements of ERISA and the fiduciary standards and duties imposed thereunder are adequate to provide full protection to Plan participants.

Finally, Applicant argues that the characteristics of the Plan are essentially typical of those maintained by many single corporate employers and that the legislative history of the relevant language in Section 3(a)(2) of the Act does not suggest any intent on the part of Congress that interests issued in connection with single-employer Keogh plans necessarily should be registered under the Act. Applicant argues that it Plan is distinguishable from multi-employer plans or uniform prototype plans designed to be marketed by a sponsoring financial institution or promoter to numerous unrelated self employed persons and that these latter plans are the type of plans Congress intended to exclude from the Section 3(a)(2) exemption. Applicant states that the Amended Plan will cover partners and employees of a single firm and will not be a uniform prototype plan of a type designed to be marked by a sponsoring financial institution or promoter to numerous unrelated self-employed persons.

For all of the foregoing reasons, Applicant believes that the Commission should issue an order finding that an exemption from the provisions of Section 5 of the Act for interests or participations issued in connection with the Plan is 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.

Notice is further given that any interested person may, not later than December 2, 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 or her

interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he or she may request to be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, 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. An order disposing of the application will be issued as of course following December 2, 1980 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, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-35639 Filed 11-13-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17280, SR-CBOE-80-21]

Chicago Board Options; Order Approving Proposed Rule Change

November 7, 1980.

In the matter of Chicago Board Options Exchange, Inc., LaSalle at Jackson, Chicago, Illinois 60604 (SR-CBOE-80-21).

On August 13, 1980, the Chicago Board Options Exchange, Inc. filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change which amends its Rule 4.4 to increase the limits of any compensation or gratuity given by any member in any one year without the prior consent of the employer and the Exchange to $50.00 for an employee of the Exchange, and $100.00 for an employee of any other member, or non-member broker, dealer, bank or institution.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 17088, August 25, 1980) and by publication in the **Federal Register** (45 FR 57802, August 29, 1980). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-35608 Filed 11-13-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17275; File No. SR-NSCC-80-30]

Proposed Rule Change by National Securities Clearing Corp.; Self-Regulatory Organization

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 23, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change

Amend Section II.B. of National Securities Clearing Corporation's SCC Division Consolidated Rate Structure by adding the following after the first unnumbered paragraph:

In addition to the fees charged in II.A. above, the following fees will be applicable to OTC Demand Advisories:

1. *For DKed (Don't Know) or Rejected Demand Advisories*

a. For a response on the first day the Demand Adivosory first appears on contract sheets (Day 1)—no charge to the responder.

b. For a response on the day after the Demand Advisory first appears on the contract sheets (Day 2)—a $.50 charge to the responder.

c. For a response on the second day after the Demand Advisory first appears on the contract sheets—a $1.00 charge to the responder.

2. *For Accepted Demand Advisories (Stamped):*

a. For a response on Day 1—a $.15 charge to the responder.

b. For a response on Day 2—a $.50 charge to the responder.

c. For a response on Day 3—a $1.00 charge to the responder.

3. *For Automatic Acceptance (No Response by Day 3):* A $5.00 charge to the participant that failed to respond.

Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change provides a fee structure for the acceptance or rejection of Demand Advisories, a part of the Demand As Of Service. NSCC will put the proposed fee changes into effect subsequent to the effectiveness of the Demand As Of Service which NSCC will implement in the near future. The implementation of the proposed rule change by NSCC will result in the more equitable allocation of fees among its participants.

The proposed change in NSCC's rate structure relates to NSCC's carrying out the purposes of Section 17A of the Securities and Exchange Act of 1934 by equitably allocating fees among its participants and the implementation of the proposed rule change will achieve this purpose.

Comments on the proposed rule change have been solicited. Comments received by NSCC will be forwarded to the Commission.

NSCC does not perceive that the proposed rule change would constitute a burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested parties are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions

should refer to the file number referenced in the caption above and should be submitted by December 5, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

November 6, 1980.

[FR Doc. 80-35603 Filed 11-13-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17276; File No. SR-PSE-80-20]

Proposed Rule Change By Pacific Stock Exchange Inc., Self-Regulatory Organization

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-24, 16 (June 4, 1975), notice is hereby given that on October 28, 1980, the above-mentioned self-regulatory organization ("SRO") filed with the Securities and Exchange Commission a proposed rule change as follows:

SRO's Statement of the Terms of Substance of the Proposed Rule Change

The Pacific Stock Exchange Incorporated ("PSE") proposes to amend Options Floor Options Procedure Advice A-1. The amendment is explained below.

Options Floor Procedure Advice A-1

Subject: Responsibility of Floor Brokers at the Opening

Pursuant to the amendment, Floor Brokers who are holding market orders at the opening will no longer be required to remain in the trading crowd in order to have these orders matched with other orders by the Order Book Official during the opening rotation. A Floor Broker must remain on the trading floor during the rotation unless he has appointed another Floor Broker to act on his behalf.

The purpose of the amendment is to relieve Floor Brokers of the obligation to remain at the trading post during the opening rotation.

The basis for the amendment to the Floor Procedure is Section 6(b)(5) of the Act since the change facilitates transactions in securities.

Comments have neither been solicited nor received from members, participants, or others on the proposed rule change.

The proposed rule change does not impose a burden upon competition.

The foregoing rule change has become effective, pursuant to Section 19 (b)(3)(A) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 5, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

November 6, 1980.

[FR Doc. 80-35641 Filed 11-13-80; 8:45 am]

BILLING CODE 8010-01-M

[Release 34-17281; File No. SR-NASD-80-20]

Proposed Rule Change by National Association of Securities Dealers, Inc.; Self-Regulatory Organization

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 28, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

The NASD's Statement of the Terms of Substance of the Proposed Rule Change

Text of Proposed Rule Change

The following is the full text of the proposed amendments to paragraphs B.3.j., B.3.k., C.2.h., and C.2.i. of Part II and paragraph C.2.a.ii. of Part XII of Schedule D of the Association's By-Laws. (New material is italicized; deleted material is in brackets)

II

* * * * *

B. Rules for Authorized Domestic Securities

* * * * *

3. An eligible security shall not be authorized, and an authorized security shall be subject to suspension of authorization, if:

* * * * *

j. The issuer's total assets shall be less than [$1,000,000] *$2,000,000* in the case of an eligible security not yet authorized or [$500,000] *$750,000* in the case of an authorized security.*

k. The issuer's total capital and surplus shall be less than [$500,000] *$1,000,000* in the case of an eligible security not yet authorized or [$250,000] *$375,000* in the case of an authorized security.*

* * * * *

C. Rules for Authorized Foreign Securities and American Depository Receipts.

* * * * *

2. An eligible security shall not be authorized, and an authorized security shall be subject to suspension or termination of authorization, if:

* * * * *

h. The issuer's total assets shall be less than [$1,000,000] *$2,000,000* in the case of an eligible security not yet authorized or [$500,000] *$750,000* in the case of an authorized security.*

* * * * *

i. The issuer's total capital and surplus shall be less than [$500,000] *$1,000,000* in the case of an eligible security not yet authorized or [$250,000] *$375,000* in the case of an authorized security.*

* * * * *

XII

* * * * *

C. National Inclusion Standards

* * * * *

2.a.ii. the issuer reports total assets not less than [$1,000,000] *$2,000,000* and capital and surplus not less than [$500,000] *$1,000,000* and may continue to be included so long as it continues to report total assets not less than [$500,000] *$750,000* and capital and surplus not less than [$250,000] *$375,000.**

* * * * *

The NASD's Purpose of Proposed Rule Change

The proposed rule change would increase the requirements for initial

---

*Until [twelve months after the effective date,] the minimum amounts for authorized securities shall be $500,000 total assets and $250,000 total capital and surplus.

inclusion in the NASDAQ System to $2 million in total assets and $1 million in total capital and surplus and would increase the NASDAQ System maintenance requirements to $750,000 in total assets and $375,000 in total capital and surplus. This increase is being made to account for the effects of inflation since the existing requirements were instituted in 1971.

The increase in the maintenance requirements will be delayed for twelve months following the effective date of the rule change to allow companies additional time to comply with the increased standards.

The amendment to Part XII of Schedule D would continue to permit companies not on NASDAQ to be included on local lists without regard to price of such companies report no less than the minimum assets and capital and surplus required for inclusion in NASDAQ.

The NASD's Basis Under the Act for the Proposed Rule Change

Section 15A(b)(11) provides that an association of brokers and dealers shall not be registered as a national securities association unless the Commission determines that the rules of the association contain provisions governing the form and content of quotations relating to securities sold otherwise than on a national securities exchange, which may be distributed or published by any member or other persons associated with a member, and the persons to whom such quotations may be supplied. Such rules relating to quotations shall be designed to produce fair and informative quotations to prevent fictitious or misleading quotations and to promote orderly procedures for collecting, distributing and publishing quotations.

Comments Received From Members, Participants or Others on the Proposed Rule Change

Article XVI of the NASD By-Laws provides that the Board of Governors may amend Schedule D without recourse to the membership. In Notice to Members 80–30 (July 7, 1980), comments were solicited from Association members and companies quoted in NASDAQ. Twenty-one comment letters were received as summarized below:

	In support	Opposed	No objection but comments	Other
NASDAQ Companies	10	2	3	1
Members	2	2		
State Commission		1		

Copies of the Notice and the comment letters are attached as Exhibit 1 to the filing.

The NASD's Statement on Burden on Competition

The proposed rule change may result in certain NASDAQ companies being deleted from the System. In addition, certain issuers which would qualify under the existing inclusion requirement may not qualify under the proposed inclusion requirements. The proposed rule change may, therefore, be a burden on competition as to those issuers.

However, a study of annual, audited financial reports by the Association revealed that less than 2 percent of all securities quoted in NASDAQ would be adversely effected by the rule change. The procedure for obtaining a temporary exception to the qualification requirements contained in Part VI of Schedule D will be available to the issuers of these securities.

Finally, the Association believes that the increase in the requirements is required to preserve the integrity of the NASDAQ System as a source for quotations of established over-the-counter securities. The increase is designed to restore, taking inflation into consideration, the requirements previously approved by the Commission in the early 1970's.

For all of the above reasons, the Association believes that any burden on competition is incidental and the proposed rule change is in furtherance of purposes of the Act.

Within 35 days of the date of publication of this notice in the **Federal Register**, (December 19, 1980) or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) by order approve such proposed rule change, or

(b) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 5, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

November 10, 1980.

[FR Doc. 80-35642 Filed 11-13-80 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 04/04-5177]

Metro Capital Corp.; Application for License To Operate as a Small Business Investment Company (SBIC)

An application for a license to operate as a SBIC under the provisions of Section 301(d) of the Small Business Investment Act of 1958 (Act) as amended (15 U.S.C. 661 et. seq.) has been filed by Metro Capital Corporation, 5403 Aloha Place, Holiday, Florida 33590, with the Small Business Administration (SB) pursuant to (13 CFR 107.102(1980)).

The officers and directors of the applicant are as follows:

Harris E. Long, 601 Florida Ave., Clearwater, Florida 33516, President, Director, 50%.

Ray M. Speer, 3401 Ancolte Blvd., Seven Springs, Florida 33516, Vice President, Director, 50%.

Shirley I. Goodwin, 1254 Caracas Avenue, Clearwater, Florida 33516, Secretary, Director.

The applicant will begin operations with a capitalization of $1,005,000 which will be a source of equity capital and long-term loans for qualified small business concerns.

The applicant will conduct its operations principally in the State of Florida.

As an SBIC under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act, which are to provide

assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns to persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may on or before December 1, 1980 submit written comments on the proposed company to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Holiday, Florida.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: November 9, 1980.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 80-35404 Filed 11-13-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #1946]

Texas; Declaration of Disaster Loan Area

Brazoria, Calhoun, Hays, Refugio, Travis and Webb Counties within the State of Texas constitute a disaster area as a result of damage caused by high wind, rain, flooding and tornadoes from Hurricane Allen beginning on or about August 10, 1980. The Small Business Administration will accept applications for disaster relief loans from disaster victims in the above named counties only. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on January 5, 1981, and for economic injury until the close of business on August 3, 1981, at:

Small Business Administration, District Office, One Allen Center—Suite 705, 500 Dallas, Houston, Texas 77002, or

Small Business Administration, District Office, 727 East Durango—Room A513, Federal Building, San Antonio, Texas 78206

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: November 4, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 80-35405 Filed 11-13-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-81343]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State announces that the Working Group on International Data Flows of the Advisory Committee on International Investment, Technology, and Development will meet on December 2, 1980 at 10:00 a.m. in the Loy Henderson Conference Room, Department of State, 2201 C Street, N.W., Washington, D.C. The meeting will be open to the public.

The Working Group provides advice on matters of policy and positions in preparing for U.S. participation in international meetings where international data flows and information technology are under discussion.

The purpose of the meeting will be to discuss preparations for U.S. participation in the December 8–9 meeting of the Experts Group, Working Party on Information, Computers and Communications Policy (ICCP) of the Organization for Economic Cooperation and Development (OECD) and to discuss steps for publicizing the OECD guidelines for harmonizing privacy protection.

Requests for further information on the meeting should be directed to Philip T. Lincoln, Jr., Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632–2728.

Members of the public wishing to attend the meeting must contact Mr. Lincoln's office in order to arrange entrance to the State Department building.

The Chairman of the working group, will as time permits, entertain oral comments from members of the public attending the meeting.

Dated: November 5, 1980.

Philip T. Lincoln, Jr.,

Executive Secretary.

[FR Doc. 80-35436 Filed 11-13-80; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Delegation Order No. 165 (Rev.2)]

Authority Delegation; Assistant Commissioner (Technical); Administrative Appeals

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of Authority.

SUMMARY: This revised delegation order grants the authority to respond to administrative appeals filed under the Freedom of Information Act to the Assistant Commissioner (Technical). The text of this delegation order appears below.

EFFECTIVE DATE: November 5, 1980.

FOR FURTHER INFORMATION CONTACT: David Kuchions, CC:D, 1111 Constitution Ave., N.W. Room 3559, Washington, D.C., 20224, Telephone (202) 566–3229 (Not a Toll-Free telephone number).

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

David M. Kuchions,

Attorney, Disclosure Litigation Division, Office of Chief Counsel.

Date of issue: November 5, 1980.

Effective Date: November 5, 1980.

Subject: Responses to Appeals Filed Pursuant to the Freedom of Information Act, 5 U.S.C. 552 (FOIA).

The authority vested in the Commissioner of Internal Revenue by 31 CFR 1.5(h) and Appendix B(4) to respond to administrative appeals filed pursuant to the Freedom of Information Act, 5 U.S.C. 552, is hereby delegated to the Assistant Commissioner (Technical). This authority may not be redelegated.

In addition, the authority vested in the Commissioner by 31 CFR 1.5(h)–(i) to acknowledge receipt of FOIA appeals and assert mandatory extensions of FOIA appeal time limits is hereby delegated to the Director, Disclosure Litigation Division. This authority may be redelegated to the level of Branch Chief, Disclosure Litigation Division.

Delegation Order No. 165 (Rev. 1), issued July 20, 1977, is superseded.

William E. Williams,

Acting Commissioner.

[FR Doc. 80-35616 Filed 11-13-80; 8:45 am]

BILLING CODE 4830-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 222
Friday, November 14, 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).

CONTENTS

	Items
Civil Aeronautics Board	1
Federal Home Loan Bank Board	2
Federal Maritime Commission	3
Federal Mine Safety and Health Review Commission	4
Federal Reserve System	5
National Credit Union Administration	6
National Science Foundation	7
Nuclear Regulatory Commission	8
Postal Service	9
Securities and Exchange Commission	10, 11
Tennessee Valley Authority	12

1

[M-299; Nov. 6, 1980]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9 a.m., November 13, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Air carrier credit card refund practices. (Memo No. 059, BCP)
3. Docket 35578, Texas International Airlines, Inc., enforcement proceeding to assess civil penalties for failure to meet service obligations at Carlsbad, Clovis, and Hobbs, New Mexico. (Memo No. 028, OGC, BDA)
4. Docket 29044, Amendments to the Board's smoking rule, Part 252. (BCP, BDA, OGC)
5. Dockets 37724 and 37725, *Applications of Pacific American Airlines*, Order on Reconsideration, Order Amending Certificates. (OGC)
6. Docket 38767, *New York Air Fitness Investigation*, and Docket 38688, *Application of New York Air Lines, Inc. for an exemption*. Request for instructions. (OGC)
7. Docket EAS-122, Appeal of the Essential Air Transportation Determination of Atka, Alaska filed by the Alaska Transportation Commission. (OGC, OCCR, BDA)
8. Dockets EAS-491, 493, 494, 495—Appeal of the essential air service determinations of Columbus, Hastings, Kearney, and McCook, Nebraska; Docket 36244, Notice of Pioneer Airways of intent to suspend service at Columbus, Hastings, Kearney, and McCook, Nebraska. (Memo No. 056, OGC, OCCR, BDA)
9. Docket EAS-370, Appeal of essential air service determination for Pueblo, Colorado. (Memo No. 052, BDA, OGC, OCCR)
10. Docket EAS-597 and EAS-598; Appeals of the Essential Air Service Determinations for Montpelier/Barre and Rutland, Vermont. (BDA, OGC, OCCR)
11. Dockets 37501, EAS-565, and 38224, Essential air service at Hazleton, PA, and notice of Perkiomen Airways to terminate service at Hazleton. (BDA)
12. Docket 37972, Notice of Cascade Airways to suspend service at Moses Lake/Ephrata, Washington. Dockets 38705 and 38706—Exemption and notice of Cascade to suspend service at Wenatchee, Washington, before the expiration of the 90-day notice period. (BDA, OCCR)
13. Docket 38779, Republic Airlines notice under section 401(j) to discontinue service at Greenwood and University/Oxford, Mississippi, on or after January 1, 1981. (Memo No. 053, BDA, OCCR)
14. Docket 37351, Carrier selection for essential air service at Kirksville, Missouri. (BDA, OCCR OGC, OC)
15. Dockets EAS-549, EAS-552, and 38140, Ponca City's appeal and Enid's comments on their essential air transportation determination and Air Midwest's notice for its intention to suspend service at Enid and Ponca City, Oklahoma. (BDA, OCCR, OGC)
16. Docket 38617, Pan American's notice to reduce its Guam-Honolulu service from six to five flights per week. (BDA, OCCR)
17. Docket 38507, Notice of Intent of WestAir Commuter Airlines, Inc. to suspend service at Santa Rosa, Century's petition for selection to provide interim essential air transportation pending review of essential air service determination and petition for Board review of staff action in Order 80-10-25. (BDA)
18. Docket 38507 and EAS-360, Notice of WestAir Airlines to suspend service at Santa Rosa and Petition for Modification of Essential Air Service Determination at Santa Rosa, filed by WestAir Airlines and supported by the community. (BDA, OCCR, OGC)
19. Docket 34291, *Revised Certificates for Truck and Local Service Carriers*, Petition of Greensboro-High Point Airport Authority for Review of Staff Action in issuing Order 80-5-41 which, *inter alia*, de-hyphenated Greensboro-High Point from Winston-Salem. (BDA)
20. Docket 38019, Establishment of temporary two tiered mail rates for Wien's intra-Alaska service and procedures to fix final rates. (BDA, OGC)
21. Docket 32660, IATA agreements proposing increases in U.S./Guam/Saipan-Japan excess-baggage charges and a new North/Central Pacific fares structure. (Memo No. 057, BIA, BDA)
22. Docket 32660, IATA agreement proposing a Guam/Saipan-Japan fares structure. (Memo No. 058, BIA, BDA)
23. Docket 36916, Application of Redcoat Air Cargo Limited for a foreign charter air carrier permit to carry cargo between the United States and the United Kingdom. (BIA, OGC, BALJ)
24. Docket 38630, Application of Bonavair Ltd. for an initial foreign air carrier permit to operate charters between Canada and the United States using small aircraft. (BIA, OGC, BALJ)
25. Docket 38539, Application of Nighthawk Flying Club, Inc. for an initial foreign air carrier permit to operate charters between Canada and the United States using small aircraft. (BIA, OGC, BALJ)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-2079 Filed 11-12-80; 8:55 am]

BILLING CODE 6320-01-M

2

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 2:30 p.m., November 21, 1980.

PLACE: 1700 G Street NW., Washington, D.C., sixth floor.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

MATTERS TO BE CONSIDERED:

Application to Acquire Control of—Central Plains Savings Association, Tulia, Texas, and
Application to Assume Indebtedness by—Central Plains, Inc., Plainview, Texas.
Travel Request December 1-3, 1980—Federal Savings & Loan Advisory Council.
Mortgage Futures Transactions—Northern Federal Savings & Loan Association, St. Paul, Minnesota.
Branch Office Application—Peninsula Federal Savings & Loan Association, Miami, Florida.
Proposed Merger and Increase in Accounts of an Insurable Type—Ozark Building & Loan Association, Ozark, Missouri, into Great Southern Savings & Loan Association, Springfield, Missouri.
Service Corporation Activity—Western Federal Savings & Loan Association of Denver, Denver, Colorado.

[S-2084-80 Filed 11-12-80; 2:15 pm]

BILLING CODE 6720-01-M

3

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., November 18, 1980.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Paulssen & Guice, Ltd. and Paulssen & Guice Midwest, Inc.—Possible violations of the Shipping Act, 1916.
2. Contract Marine Carriers, Inc.—Possible Violation of sections 16, Second, and 18(b)(3), Shipping Act, 1916.
3. Agreement No. 6190–33; Modification of the United States Atlantic and Gulf/Venezuela and Netherlands Antilles Conference—To establish special admission fees.
4. Agreement No. 7100–24: Modification of the North Atlantic United Kingdom Freight Conference—To establish substitute service at ports in Great Britain, Northern Ireland and the Republic of Ireland.
5. Agreement No. 8900–16: Modification of the "8900" Lines Rate Agreement—To extend its inland authority for three years.
6. Agreement No. 10027–9: Modification of the Brazil/U.S. Atlantic Coast Ports Pool Agreement; and Agreement No. 10397: Modification of Association Agreement of the Argentine-flag carriers in the Brazil/U.S. Atlantic Coast trade to provide for the admission of A. Bottachi S.A. de Navigacion C.F.I.e I.
7. Exemption of minutes of routine rate actions from reporting requirements.
8. Informal Docket No. 699(I): Gladish & Associates v. Sea-Land Service, Inc.—Consideration of claimant's petition for reconsideration.
9. Special Docket No. 741: Application of Seatrain International, S.A. for the Benefit of Florists Transworld Delivery Association—Review of Initial Decision.
10. Trade Study Program.
11. Tariff System Inquiry.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–2081–80 Filed 11–12–80; 12:09 pm]

BILLING CODE 6730–01–M

4

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

November 5, 1980.

TIME AND DATE: 2 p.m., Wednesday, November 12, 1980.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Mulzer Crushed Stone, Co., Docket No. LAKE 80–201–M. (Petition for Discretionary Review—issues include the proper interpretation of 30 CFR §57.6–177, regarding the reporting and disposition of misfired blasting holes.)
2. Council of the Southern Mountains v. Martin County Coal Corporation, Docket No. KENT 80–222–D. (Petition for Discretionary Review—issues include whether the mine operators refusal to permit non-employee representatives of miners to attend on-site miner training session violates section 105(c)(1) of the 1977 Mine Act.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202–653–5632.

[S–2082–80 Filed 11–12–80; 11:13 am]

BILLING CODE 6820–12–M

5

FEDERAL RESERVE SYSTEM.

Board of Governors

TIME AND DATE: 10 a.m., Wednesday, November 19, 1980

PLACE: Board Building, C Street entrance between 20th and 21st Streets NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: Summary Agenda: Because of its routine nature, no substantive discussion of the following item is anticipated. This matter will be resolved with a single vote unless a member of the Board requests that the item be moved to the discussion agenda.

1. Proposed reinstatement of the System Pricing Policy Committee and Pricing Task Force.

Discussion Agenda:

1. Any agenda items announced for the meeting on Wednesday, November 12, 1980, on which final action was not taken. [45 FR 74675, November 10, 1980.)
2. Proposed revision of Regulation 2 (Truth in Lending) in connection with the passage of the Truth in Lending Simplification and Reform Act. (Proposed earlier for public comment; Docket No. R–0288.)

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684, or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board. (202) 452–3204.

Dated: November 10, 1980.

Theodore E. Allison

Secretary of the Board.

[S–2078–80 Filed 11–10–80; 4:44 pm]

BILLING CODE 6210–01–M

6

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Wednesday, November 19, 1980.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rate.
2. Consideration of an increase in the Federal Credit Union loan interest rate ceiling above the current 15%.
3. Statement of Interpretation and Policy: State Chartered Federally Insured Credit Unions As Most Favored Lenders (Interest Rates).
4. Development of Regulation Permitting Federal Credit Unions to Offer Alternative Mortgages.
5. Regulatory review of Records Preservation, Part 749 of the NCUA Rules and Regulations.
6. Consideration of preliminary review memo regarding the month-end reporting forms for use by credit unions (Section 701.13 of NCUA Rules and Regulations).
7. Proposed Rule—Removal of regulatory restraints which prohibit Federal Credit Unions with assets of less than $2 million from granting long term real estate loans and removal of regulatory restraints which limit the amount of loan origination fees which can be assessed when granting real estate loans.
8. Report on actions taken under delegations of authority.
9. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

RECESS: 10:15 a.m.

* * * * *

TIME AND DATE: 10:30 a.m., Wednesday, November 19, 1980.

PLACE: 7th floor board room, 1776 G Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Issuance of Subpoenas duces tecum. Closed pursuant to exemptions (8), (9)(B) and (10).
2. Report of mergers approved under delegated authority. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Mergers. Closed pursuant to exemptions (8) and (9)(A)(ii).
4. Consideration of Action under Section 201(c)(2) of the Federal Credit Union Act. Closed pursuant to exemption (9)(A)(ii).
5. Administrative Action under Section 120 and 207 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii) and (10).
6. Request for special assistance under Section 208 of the Federal Credit Union Act for federally insured credit unions. Closed pursuant to exemptions (8) and (9)(A)(ii).
7. Request for special assistance under Section 116 and Section 208 of the Federal Credit Union Act for federally insured credit unions. Closed pursuant to exemptions (8) and (9)(A)(ii).
8. Proposed change of station actions. Closed pursuant to exemptions (2) and (6).

The November 13, 1980, Open Board Meeting was postponed. The open agenda items for that meeting have been rescheduled for this meeting.

FOR MORE INFORMATION CONTACT: Joan O'Neill, Program Assistant; telephone (202) 357–1100.

[S–2089–80 Filed 11–12–80; 4:07 pm]

BILLING CODE 7535–01–M

7

NATIONAL SCIENCE BOARD.

DATE AND TIME:

November 20, 1980:
2 p.m. Open Session.
4 p.m. Closed Session.
November 21, 1980:
9 a.m. Open Session.
10 a.m. Closed Sessin.

PLACE: 1800 G Street NW., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED AT THE OPEN SESSIONS: Thursday, November 20, 2 p.m.:

1. Minutes—open session—220th meeting.
2. Chairman's items.
3. Director's report:
a. Report on Grant and Contract Activity—October 16–November 19, 1980;
b. Organizational and staff changes;
c. Congressional and legislative matters;
d. NSF budget for fiscal year 1981;
e. Status of proposed reorganization of NSF; and
f. Other items.
4. Board Committees—Reports on meetings.
5. NSF Advisory groups and other events—Reports on meetings.
6. Presentation on ocean margin drilling program.

Friday, November 21, 9 a.m.:

7. Grants, contracts, and programs.
8. Other business.
9. Next meeting National Science Board: January 15–16, 1981.

MATTERS TO BE CONSIDERED AT THE CLOSED SESSIONS: Thursday, November 20, 4 p.m.:

A. Minutes—closed session—220th meeting.
B. NSF budgets for fiscal year 1982 and subsequent years.
C. NSB and NSF staff nominees.
D. NSB annual reports.
E. Personnel implications of proposed reorganization of NSF.

Friday, November 21, 10 a.m.:

F. Grants, contracts, and programs.

CONTACT PERSON FOR MORE INFORMATION: Miss Vernice Anderson, Executive Secretary (202) 357–9582.

[S–2080–80 Filed 11–12–80; 9:04 am]

BILLING CODE 7555–01–M

8

NUCLEAR REGULATORY COMMISSION.

DATE: November 17 and 18, 1980.

PLACE: Commissioners conference room, 1717 H Street NW, Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Monday, November 17:

9:30 a.m.

Discussion and Vote on Resolution of the Pat-Down Search Issue at Power Reactors and Status of Related Safeguards Activities (approximately 1½ hours, public meeting).

2 p.m.

Briefing on Environmental Impact Statement for the Summer Nuclear Plant (approximately 1½ hours, public meeting).

Tuesday, November 18:

10 a.m.

Commission Meeting on Iodine Release; and Estimates of Consequences of Nuclear Accidents (approximately 2 hours, public meeting).

2 p.m.

Continuation of 10 a.m. Meeting (approximately 2½ hours, public meeting).

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.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

November 7, 1980.

[S–2085–80 Filed 11–12–80; 2:49 pm]

BILLING CODE 7590–01–M

9

POSTAL SERVICE.

Board of Governors.

On November 6, 1980, the Board of Governors of the United States Postal Service unanimously voted to close to public observation a portion of its meeting currently scheduled for December 2, 1980. Each of the members of the Board present voted in favor of partially closing the meeting, which is expected to be attended by the following persons: Governors Wright, Babcock, Camp, Ching, Hardesty, Hughes, Jenkins and Sullivan; Postmaster General Bolger; Deputy Postmaster General Benson; Secretary of the Board Cox; Counsel to the Governors Califano; and Senior Assistant Postmaster General (Employee and Labor Realtions Group) Ulsaker.

The portion of the meeting to be closed will consist of a discussion of the Postal Service's possible strategies and positions in anticipated collective bargaining negotiations involving parties to the 1978 National Agreement between the Postal Service and four labor organizations representing certain postal employees, which is scheduled to expire in July of 1981.

The Board of Governors is of the opinion that public access to any discussion of possible strategies that Postal Service management may decide to adopt, or the positions it may decide to assert, in any collective bargaining sessions that may take place would be likely to frustrate action to carry out those strategies or assert those positions successfully. In making this determination, the Board is aware that the effectiveness of the collective bargaining process in labor-management relations has traditionally depended on the ability of the parties to prepare strategies and formulate positions without prematurely disclosing them to the opposite party. The public has a particular interest in the integrity of this process as it relates to the Postal Service, since the outcome of the negotiations between the Postal Service and the various postal unions, and consequently the cost, quality and efficiency of postal operations, may be adversely affected if the process is altered.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and section 7.3(c) of title 39, Code of Federal Regulations, the portion of the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. § 552b(b)), because it is likely to disclose information prepared for use in connection with the negotiation of collective bargaining agreements under chapter 12 of title 39, United States Code, which is specifically exempted from disclosure by section 410(c)(3) of title 39, United States Code. The Board has determined further that, pursuant to section 552b(c)(9)(B) of title 5, United States Code, and section 7.3(i) of title 39, Code of Federal Regulations, the discussion is exempt, because it is likely to disclose information the premature disclosure of which is likely to frustrate significantly proposed Postal Service action. Finally, the Board of Governors has determined that the public has an interest in maintaining the integrity of the collective bargaining process and that the public interest does not require that the Board's discussion of its possible collective bargaining strategies and positions be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the portion of the meeting to be closed may properly be closed to public observation, pursuant to sections 552b(c)(3) and 552b(c)(9)(B) of title 5 and section 410(c)(3) of title 39, United States Code, and sections 7.3(c) and 7.3(i) of title 39, Code of Federal Regulations.

Louis A Cox,

Secretary.

[S-2088-80 Filed 11-12-80; 3:17 pm]

BILLING CODE 7710-12-M

10

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

STATUS: Open/closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, November 4, 1980

CHANGES IN THE MEETING: Additional items. The following additional item will be considered at an open meeting scheduled for Thursday, November 13, 1980, at 10 a.m.:

Consideration of whether to send a letter to Congressman John D. Dingell, Chairman of the Subcommittee on Energy and Power of the House Committee on Interstate and Foreign Commerce which addresses various concerns which the Commission has with a provision in H. R. 8157, the "Pacific Northwest Electric Power Planning and Conservation Act," which would provide an exemption from the Public Utility Holding Company Act of 1935. For further information, please contact Andy MacDonald at (202) 272-2427.

The following item will not be considered at an open meeting scheduled for Thursday, November 13, 1980, at 10 a.m.:

Consideration of whether to send a letter to Senator William Proxmire, Chairman of the Senate Committee on Banking, Housing and Urban Affairs, expressing the Commission's views on S. 3188, the "Tender Offer Improvements and Investor Protection Act of 1980." For further information, please contact Alan Rosenblat at (202) 272-2428.

The following additional items will be considered at a closed meeting scheduled for Thursday, November 13, 1980, following the 10 a.m. open meeting:

Formal orders of investigation.

Chairman Williams and Commissioners Loomis, Evans, Friedman, and Thomas determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Nancy Wojtas at (202) 272-2178.

November 10, 1980.

[S-2083-80 Filed 11-12-80; 12:07 pm]

BILLING CODE 8010-01-M

11

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of November 17, 1980, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Tuesday, November 18, 1980, at 10:00 a.m. An open meeting will be held on Thursday, November 20, 1980, at 2:30 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain Staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 522b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Williams and Commissioners Loomis, Evans, Friedman, and Thomas determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, November 18, 1980, at 10:00 a.m., will be:

Formal orders of investigation.
Regulatory matters bearing enforcement implications.
Freedom of Information Act appeal.
Litigation matters.
Consideration of *amici* participation.
Access to investigative files by Federal, State, or Self-Regulatory authorities.
Settlement of injunctive action.
Institution of administrative proceeding of an enforcement nature.
Personnel matter.

The subject matter of the open meeting scheduled for Thursday, November 20, 1980, at 2:30 p.m., will be :

1. Consideration of whether to (1) adopt amendments modifying Securities Exchange Act Rule 10a-1 to permit a broker or dealer to effect short sales under certain specified circumstances, and (2) withdraw proposed Securities Exchange Act Rules 10a-3(T)[A], 10a-3(T)[B] and 10a-3(T)[C]. For further information, please contact Suzanne Brannan at (202) 272-2889.

2. Consideration of whether to amend Securities Act Rules 17a-1 and 17a-6 to extend the record retention, production, and destruction requirements embodied therein to registered clearing agencies and the Municipal Securities Rulemaking Board. For further information, please contact Judith W. Axe at (202) 272-2398.

3. Consideration of whether to grant Louis M. Kornman relief from a bar imposed upon him in connection with a prior administrative proceeding.

On March 13, 1973, the Commission entered an order barring Louis M. Kornman from having any authority, responsibility or duties with respect to the back office or operations department of a broker or dealer or the maintenance or supervision of records relating to the capital of a broker or dealer, unless he obtained the prior approval of the Commission. For further information, please contact Larry E. Bergmann at (202) 272-2985.

4. Consideration of whether to issue a release announcing the undertaking of a comprehensive review of the Commission's statistical program and soliciting public comment on needs for making more useful the date published by the Commission. For further information, please contact Jeffry L. Davis at (202) 272-2850.

5. Consideration of whether to grant the appeal of William Nortman from the determination of the Freedom of Information Act Officer denying him access to certain intra-agency memoranda. For further information, please contact Donald C. Langevoort at (202) 272-2426.

6. Consideration of whether to grant an extension until November 30, 1980, of the deadline for public comments concerning proposed amendments to Form X-17A-5, the Financial and Operational Combined Uniform Single ("FOCUS") Report and Rule 17a-5 under the Securities Exchange Act of 1934. For further information, please contact either James G. Moody at (202) 272-2370 or William J. Atkinson at (202) 523-5493.

At times changes in Commission priorities require alternations 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.

November 12, 1980.

[S-2086-80 Filed 11-12-80; 3:07 pm]

BILLING CODE 8010-01-M

12

[Meeting No. 1256]

TENNESSEE VALLEY AUTHORITY.

TIME AND DATE: 7:30 p.m. CST, Thursday, November 19, 1980.

PLACE: Civic Center on Garfield Street, McMinnville, Tennessee.

STATUS: Open.

Discussion Item

1. Proposed policy for dispersed power production.
2. Preliminary rate review.

Action Items

A—Project authorizations
1. Project Authorization No. 3241.3—Amendment to project authorization for wet-process phosphoric acid pilot-plant processes.
2. Project Authorization No. 3425.2—Amendment to project authorization for feasibility studies, site acquisition, construction, and related work to complete a Chattanooga office complex.

B—Purchase awards
1. Req. No. 826976—Office of Power buildings for Chattanooga office complex.

C—Power items
1. Lease and amendatory agreement with Sheffield, Alabama, covering lease of TVA's Mulberry Substation.
2. Letter agreement with Dickson, Tennessee, covering establishment of 13-kV delivery point at TVA's new Charlotte Substation.
3. Renewal of power contract with Board of Mayor and Aldermen of the City of Sparta, Tennessee.

D—Personnel actions
*Temporary change of status for J. Frederick Weinhold from Director of Energy Demonstrations and Technology, Office of Power, to Program Manager, Office of Coal Gasification, Chattanooga, Tennessee.
*2. Temporary change of status for Michael D. High from Assistant Director of Energy Demonstrations and technology to Director of Energy Demonstrations and Technology, Office of Power, Chattanooga, Tennessee.
3. Renewal of consulting Contract with Dr. Marvin Goldman, Davis, California, for advice and assistance in connection with radiological hygiene issues requested by the Division of Occupational Health and Safety.
4. Consulting contract with Kibbs & Associates, Salt Lake City, Utah, for advice and assistance in connection with uranium exploration efforts, requested by the Office of Power, Division of Fuels.

E—Real property transactions
1. Sale of permanent easement to South Central Bell for a telephone equipment site affecting approximately 0.03 acre of Pickwick Reservoir land near the Wright community in Lauderdale County, Alabama—Tract No. XPR-413U.
2. Abandonment of easement rights to Ted J. Moore affecting approximately 0.07 acre of Douglas Reservoir land located in Jefferson County, Tennessee—Tract No. DR-725F.
3. Filing of Condemnation Suite.

F—Unclassified
*1. Contract between Ruhrkohle, AG, and Ruhrchemia, AG, and TVA to perform a test program of the Texaco coal gasification process at Ruhrkohle, AG, and Ruhrchemia, AG's gasification facility in Oberhausen Holten, Federal Republic of Germany.
*2. Agreement Between TVA and U.S. Department of the Interior, National Park Service, covering arrangements for participation in a riverbank Stabilization Project at Shiloh National Military Park in Hardin County, Tennessee.

*Approved by individual Board members. This would give formal ratification to the Board's action.

DATED: November 12, 1980.

CONTACT PERSON FORM MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

[S-2087-80 Filed 11-12-80; 3:19 pm]

BILLING CODE 8120-01-M

Reader Aids

Federal Register

Vol. 45, No. 222

Friday, November 14, 1980

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5232
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
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Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders and problems (GPO)	783-3238
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, NOVEMBER

72617-72994.....3
72995-73464.....4
73465-73628.....5
73629-73894.....6
73895-74462.....7
74463-74692.....10
74693-74894.....12
74895-75158.....13
75159-75632.....14

CFR PARTS AFFECTED DURING NOVEMBER

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Administrative Orders:
Notice of November 12, 1980.....75159

Executive Orders:
11764 (Revoked by EO 12250).....72995
11914 (Revoked by EO 12250).....72995
12170 (See Notice of November 12, 1980.....75159
12250.....72995

Proclamations:
4801.....72617
4802.....75161

5 CFR

550.....72999
737.....75500
900.....75568

Proposed Rules:
831.....75217

6 CFR

705.....72619

7 CFR

246.....74854
272.....72999
273.....72999
371.....73465
404.....74463
418.....74895
419.....74898
430.....74899
439.....73629
726.....73895
905.....74463
906.....73895
907.....75163
910.....73897, 75164
927.....74464
931.....74464
944.....73895
971.....73897
982.....73634
989.....75164
999.....73634
1124.....73635
1250.....75165
1421.....73636
1430.....73009
1701.....74465
1823.....73636
1901.....73636
1942.....73636
1980.....73646

Proposed Rules:
Ch. I-VII.....75454
Ch. IX-XII.....75454
Ch. XIV-XVIII.....75454
Ch. XXI.....75454
Ch. XXIV-XXIX.....75454
28.....75218
46.....74491
225.....74384
271.....74725
278.....74725
282.....75218
724.....75219
971.....73498
989.....75220
1133.....74726

8 CFR

103.....72625
204.....75166
238.....74465

9 CFR

82.....72626, 73648, 75168

Proposed Rules:
Ch. I-IV.....75454
113.....73079
318.....73947
381.....73947

10 CFR

Ch. II.....74422
2.....73465
70.....73012
72.....74693
75.....73012
210.....74672
211.....74672
212.....72616, 74432
456.....74712
781.....73446

Proposed Rules:
Ch. II.....72886
Ch. III.....72886
Ch. X.....72886
50.....73080, 75536
51.....74492
170.....74493
212.....74494
474.....73684
500.....73499
503.....73499
504.....73499
505.....73499
506.....73499
1530.....73081

12 CFR

204.....73013
217.....72630, 73016
526.....72631
563.....73466
612.....73648
701.....75169

742.....73016
761.....75169
Proposed Rules:
Ch. VI.....72675
225.....75221
545.....72675
546.....72681
561.....72681
563c.....72681
571.....72681
701.....75224

13 CFR

107.....73017
108.....73020
305.....74900
309.....74900, 74902
315.....74902
Proposed Rules:
Ch. III.....75225
Ch. V.....75225

14 CFR

39.....74466–74468
71.....74468
93.....72637, 73652
97.....72643
204.....73020
323.....73020
1214.....73022
Proposed Rules:
Ch. I–III.....73688, 75225
Ch. VIII.....75225
Ch. XII.....75225
39.....74495
71.....74497, 74932
91.....75098
121.....75138
204.....73085
291.....73085
298.....73086, 73087
300.....73092
1214.....74499

16 CFR

13.....74469, 74712–74714, 74903, 75179, 75181
1615.....73884
1616.....73884
Proposed Rules:
13.....74502
456.....72683

17 CFR

200.....74905
231.....72644
239.....73898, 75182
240.....73906
249.....73906
270.....73898, 73915
274.....73898
Proposed Rules:
5.....73499–73504
230.....72685
240.....74505
249.....74505
250.....73509

18 CFR

141.....74715
260.....75192
270.....73027
271.....73027
282.....73033
711.....73033
713.....73033
714.....73034
716.....73033
Proposed Rules:
271.....72687
282.....74505
292.....74934

19 CFR

6.....72646
355.....74469

20 CFR

401.....74906
416.....72647
Proposed Rules:
341.....74510
404.....75225
416.....75225, 75226

21 CFR

173.....73922
430.....75194
431.....75194
436.....75194
444.....73034
450.....75194
520.....75199
601.....73922
1312.....74715
Proposed Rules:
16.....74158
20.....74158
81.....75226
161.....73092–73095
193.....73955
310.....73955
610.....75229
700.....73960
710.....73960
720.....73960
730.....73960
890.....75230
899.....74158
1040.....74374

22 CFR

Proposed Rules:
11.....73100

23 CFR

Proposed Rules:
625.....74940
652.....74940
663.....74940

24 CFR

201.....73923
570.....73610
889.....74919
3610.....75610
Proposed Rules:
146.....73454
200.....72688, 73512
203.....72690
220.....72690
221.....72690
222.....72690
226.....72690
227.....72690
234.....72690
240.....72690
570.....72691, 73512, 73962, 74940
808.....73264
882.....72697
888.....73264

25 CFR

31g.....75199
258.....74688
Proposed Rules:
103a.....72699
103b.....72699

26 CFR

1.....72649, 74716, 74721, 75200
3.....72649
11.....75200
23.....73467
31.....72651
48.....72653
53.....72649
150.....73467, 75206
301.....72651
Proposed Rules:
51.....73512, 75231

27 CFR

6.....74919
Proposed Rules:
4.....72702, 74942
6.....73692
9.....73694

28 CFR

523.....75124
540.....75125
544.....75124, 75126
548.....75126
551.....75127
552.....75127
570.....75127

29 CFR

1601.....73035
1604.....74676
1926.....75618
2601.....75208
2610.....75209, 75210
Proposed Rules:
402.....75231
403.....75231
1903.....75232
1910.....75238
1977.....75232
2520.....74512, 74513, 74727, 74728
2530.....74512, 74513, 74727, 74728

30 CFR

250.....74471
715.....73945
816.....73945
817.....73945
890.....74680
Proposed Rules:
Ch. VII.....74513
100.....74444
884.....73512, 74943
938.....74943
948.....73512
950.....74728

31 CFR

Proposed Rules:
10.....73962

32 CFR

518.....73471
552.....73037
657.....73473
828.....73653
1900.....74919
Proposed Rules:
505.....73103

33 CFR

117.....73653
161.....74471
Proposed Rules:
66.....73695

34 CFR

Proposed Rules:
Subtitle A.....75564
735.....73514
805.....73963

36 CFR

Proposed Rules:
Ch. II.....75454
7.....73518

37 CFR

Proposed Rules:
Ch. I.....75225
1.....73657, 73965
5.....72653

38 CFR

3.....72654
21.....73479

39 CFR

10.....72655
111.....73925
224.....74921
601.....73926
Proposed Rules:
10.....73103
111.....73518

40 CFR

35.....73868
52.....74472–74480, 75212
55.....73929
60.....74846
65.....73044
81.....73046, 73930
122.....74489, 74921
124.....74921
261.....74884
Proposed Rules:
Ch. I.....75488
35.....72984
51.....73696
52.....74515–74520, 74737, 74944
55.....73699
60.....73521
81.....73702
123.....74520, 74737, 74945, 75240, 75241
228.....75241
162.....73523
163.....72708, 72948
164.....73523

172.....72948
180.....72708
256.....73440
257.....72709
261.....74893
403.....72883
423.....72713
720.....74378, 74945

41 CFR

Ch. 4.....75454
Ch. 101.....73050
3-1.....74921
3-3.....73049
7-1.....74923
7-4.....74923
7-6.....74923
24-1.....73657
101-11.....74924
101-37.....73049

Proposed Rules:

Ch. 3.....73523
101-6.....73977
101-20.....72713
105-60.....72714

42 CFR

57.....73051
58.....73658-73664
401.....74906
405.....73930, 73931, 74826, 75243

Proposed Rules:

74.....73978, 74174
405.....73978, 74174
447.....73978

43 CFR

4.....75212

Public Land Orders:

5756 (Corrected by PLO 5770).....74485
5762 (Corrected by PLO 5772).....75214
5768.....73668
5769.....73480
5770.....74485
5771.....75214
5772.....75214
5773.....75214
5774.....74722

44 CFR

2.....74926
64.....72658-72661, 74926
67.....73668-73681
302.....74927

Proposed Rules:

67.....73703, 73704

45 CFR

306.....74485
1061.....73054, 73890, 74928
1075.....74928
1391.....73059

Proposed Rules:

Ch. X.....73709
1223.....74521
205.....75243

46 CFR

Proposed Rules:

Ch. II.....75225
10.....73616
93.....74523
157.....73616
505.....74931
530.....75244
540.....74931

47 CFR

73.....72662, 73059, 74946

Proposed Rules:

Ch. I.....72719
1.....72902
2.....72723, 73979
21.....72723
22.....73979
63.....74523
73.....72902, 73618-73720, 73980
74.....72723
90.....73979
94.....72723
73.....72902, 73618-73720, 73980

49 CFR

171.....74640
172.....74640
173.....74640
174.....74640
175.....74640
176.....74640
177.....74640
225.....72664
1011.....73076
1031A.....72665
1033.....73076, 74486, 74723, 75215
1039.....73481
1100.....73683
1109.....73077
1111.....74488
1300.....73481

Proposed Rules:

Ch. X.....73105, 73524
1057.....73981
1109.....73105, 73106
1128.....73106

50 CFR

17.....74880
216.....73486, 75215
258.....72667
671.....72667, 73077
672.....73486

Proposed Rules:

Ch. II.....75225
Ch. VI.....75225
23.....73876
611.....74178, 74524, 74948
642.....74950
653.....73528
658.....74178
674.....74951
675.....74524
681.....74951

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator. Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

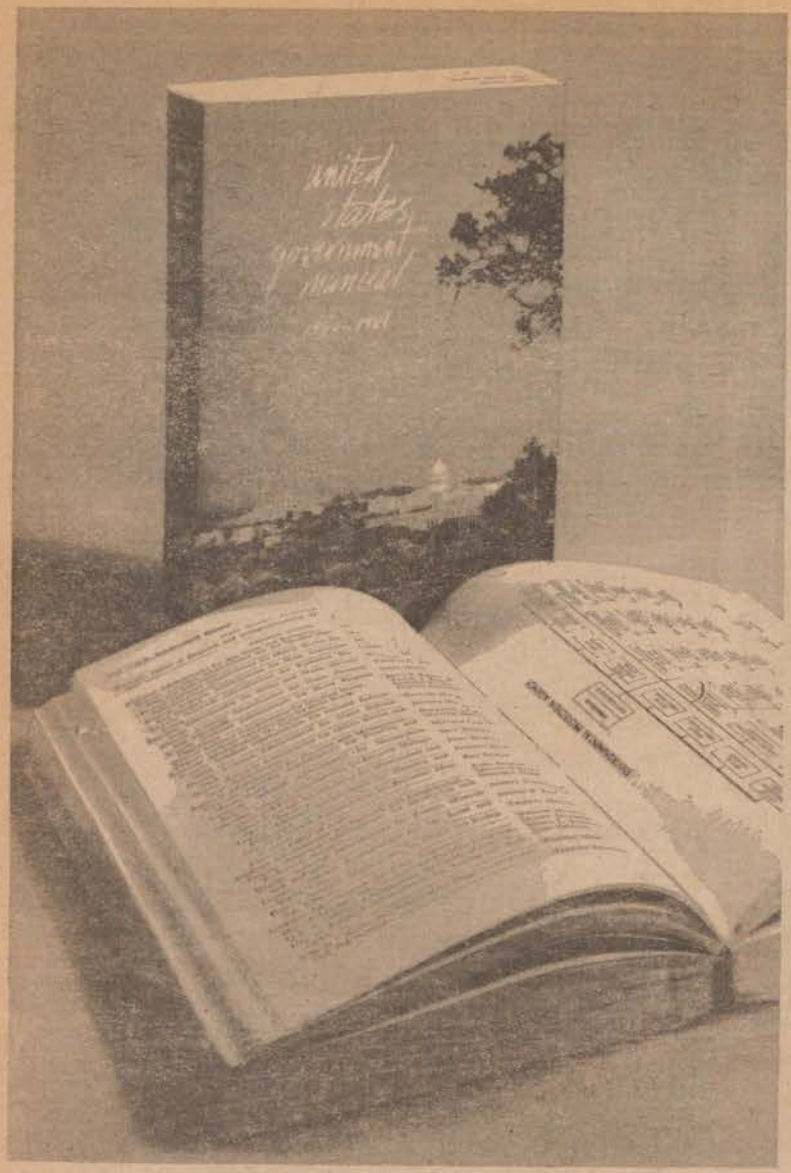
Rules Going Into Effect Today

Note: There were no items eligible for inclusion in the list of **Rules Going Into Effect Today.**

List of Public Laws

Last Listing October 24, 1980

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**



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Of significant historical interest is Appendix A, which describes the agencies and functions of the Federal Government abolished or transferred subsequent to March 4, 1933.

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federal register

Book 2 of 2 Books
Friday, November 14, 1980

23

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75454 Part II—USDA:
Semiannual Decision Calendar

75488 Part III—EPA:
Proposed Registration Standards Ranking Scheme; Pesticide Chemical Active Ingredients

75500 Part IV—OPM:
Post Employment Conflict of Interest

75536 Part V—NRC:
Fracture Toughness Requirements for Nuclear Power Reactors

75542 Part VI—Commerce:
National Voluntary Laboratory Accreditation Program; Report Accreditation Actions

75550 Part VII—Labor/ETA:
Minimum Wages for Federal and Federally Assisted Construction Workers

75564 Part VIII—ED:
Education Amendments of 1980; Intent to Develop Regulations

75568 Part IX—OPM:
Nondiscrimination on the Basis of Handicap

75574 Part X—Interior/BLM:
Wilderness Inventory Decisions

75610 Part XI—HUD/NVACP:
Neighborhood Self-Help Development Program

75618 Part XII—Labor/OSHA:
Guarding of Low-Pitched-Roof Perimeters During the Performance of Built-Up Roofing Work

federal register

Friday
November 14, 1980

Part II

Department of Agriculture

Office of the Secretary

Semi-Annual Decision Calendar

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Chs. I–VII, IX–XII, XIV–XVIII, XXI, XXIV–XXIX

9 CFR Chs. I–IV

36 CFR Ch. II

41 CFR Ch. 4

Semi-Annual Decision Calendar: Significant Actions and Regulation Review Activity Pending and Planned for November 1980 Through May 1981

AGENCY: U.S. Department of Agriculture, Office of the Secretary.

ACTION: Semi-annual agenda of regulations and other actions.

SUMMARY: This calendar provides summary descriptions of each significant regulation and other action being developed in all agencies of the U.S. Department of Agriculture under the procedures described in the report "Improving USDA Regulations" (published at 43 FR 50988 on November 1, 1978). The purpose of the calendar is to inform the public and other government agencies of all significant actions and regulation review activities as early as possible so interested parties may get background information and comment on these decisions while they are being developed.

FOR FURTHER INFORMATION CONTACT: For further information on any specific decision shown in this calendar, please contact the person listed for that decision.

Requests for copies of this calendar should be directed to: Mr. Linley E. Juers, OBPE, Office of the Secretary, Room 118–A, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–6667. If you requested a copy of a previous calendar, we have placed you on our mailing list and you will receive a copy as soon as they are available.

SUPPLEMENTARY INFORMATION:

Purpose of This Calendar

The purpose of publication of the decision calendar is to provide the public and other government agencies early notice of pending major actions under consideration by USDA. The calendar also provides an overview of all Departmental decisionmaking. The projected schedules shown for each action make it possible for interested individuals or groups to plan ahead, acquire background information, and prepare to provide information and comments at appropriate steps in the decisionmaking process (i.e., when proposals are published for comment, or when pre-notices are published).

This decision calendar is an update of the calendar published in the **Federal Register** on May 15, 1980.

Organization of This Calendar

To help the public understand the status of significant USDA decisions, this calendar is organized into 4 sections including:

- A list of the titles of significant actions completed since publication of the last calendar;
- A list of significant actions planned or under development between November 1980 and May 1981. Actions are organized under headings identifying the USDA agency responsible and include descriptions, projected schedules, etc.;
- A list of regulations scheduled for review, i.e. review is ongoing or will be initiated between now and May 1981; and
- A list of regulations proposed for review on which the public is invited to assist USDA in planning by commenting on the appropriateness of actually reviewing the listed regulations during the period May 1981 through November 1981.

Be sure to review each of these sections to identify decisions on which you may want to comment. If additional information is desired on an entry, contact the person identified in that entry.

Administrative Background of Calendar

This decision calendar is published and updated in May and November each year as part of USDA's response to Executive Order 12044, "Improving Government Regulations" (43 FR 12661, March 24, 1978). Secretary's Memorandum Number 1955, August 25, 1978, sets forth USDA's full response to the Executive Order, including the criteria used to determine whether a decision is "significant" or "not significant". A more detailed description of USDA's overall Departmental Decision System was presented in a report published at 43 FR 50988 on November 1, 1978.

In this calendar, we have attempted to list all significant actions pending at the time of the calendar, but some may have been inadvertently missed. There is no legal significance to an item not appearing on this listing.

The dates shown for the steps of each action are estimated and are not commitments to act on, or by the date shown. The "pre-notice" date, when given, is an indication the agency intends to seek public input prior to the "notice of proposed rulemaking."

How To Influence Decisions

The purpose of comment periods and other forms of public participation is to get information and varying points of view which may not be available to decisionmakers at USDA. All comments are useful in the decisionmaking process. However, the more substantive, well-reasoned, and well-documented a comment is, the more likely it is that it will have a strong influence on the decision.

Comments on the following topics are of particular value:

(1) Alternatives that have been overlooked;

(2) Redefinition of the problem being addressed or assumptions as to what the basis of the problem is;

(3) Suggested changes in the Department's goals in dealing with the problem; and

(4) Other inadequacies in the Department's analysis.

If comments are supported with any of the folowing types of information, they will be particularly effective:

(1) Identification of major factors that should be considered in the decision;

(2) Costs or benefits or other positive or negative impacts on specific groups, sectors of the economy or parts of the country, etc., whether direct or indirect, quantifiable or not;

(3) Validity or reliability problems with data or information used, if any;

(4) Data not considered;

(5) Problems with the analytical technique employed, if any;

(6) New analytical techniques;

(7) Different interpretations of the intent of the law, citing the documents on which such interpretations are based;

(8) Case law which USDA may not have considered and explanations of how it bears on the decision;

(9) Other governmental directives or regulations which may overlap or be in conflict with the decision; and

(10) Attitudes, opinions and other comments relevant to the decision.

In view of the above, it is clearly an advantage to have a good understanding of what is behind a "pre-notice" or "proposal." This Decision Calendar not only describes the decisions so you can select the ones of interest to you, it provides the projected schedules so you can plan to review any background material in time to comment.

Even before a "pre-notice" or "proposal" is published, there are often articles, studies, preambles to earlier versions of the regulations or decisions, etc., which are helpful in understanding

the contemplated action. The "contact" listed for the decision can provide these. When the action is proposed, a Draft Impact Analysis is made available, usually from this same contact. The analysis describes the options considered in developing the proposal and the impacts of implementing each option. Use of this type of material will help you understand the rationale for the proposal and increase the influence your comments have on USDA decisionmaking.

Review of Existing Regulations

USDA is conducting a comprehensive review of all its existing regulations. Executive Order 12044 requires periodic reviews, and Secretary's Memorandum Number 1955 stipulates that no USDA regulation may exist more than 5 years without being reviewed under the same procedures that are required to develop new regulations. This involves making certain that:

- The regulations are reviewed to assure that they are as clearly and simply stated as possible;
- Public comments are solicited to broaden the information basis used for considering possible changes to the regulation;
- An impact analysis is completed assessing the continued need for the regulation, the continued appropriateness of the regulatory approach given changing conditions and possible new alternatives, as well as describing the options considered and the impact of implementing each option.

Review of an existing regulation is differentiated from the revision of a regulation because the entire regulation must be subjected to impact analysis, public comment, and clear language review, not just the specific provisions being changed.

The regulations review process also differs from the new regulation process in that Planning and scheduling is necessary to assure that the review workload is spread over time to minimize peak load. USDA agencies have screened, or are screening, all of the regulations for which they are responsible and have developed, or are developing, "Regulations Review Plans" to assure that all regulations are reviewed within the required time period. The plans are time-phashed, spreading the work over several years, beginning with the regulations most in need of review. When new regulations are promulgated or old ones reviewed, a Sunset Evaluation Plan must be developed to assure that the regulation will be reviewed in 5 years or less.

The two regulation review lists and the Regulations Review Plan discussed above are planning and public information activities which precede more substantive review activity. Each item is initially listed on the "List of Regulations Proposed for Review" and six months later on the "list of Regulations Scheduled for Review." substantive review follows in the subsequent six-month period and requires the developent of a Draft Impact Analysis and a Notice of Proposed Rulemaking in the **Federal Register** solicting comments, whether substantive changes are contemplated or not. A Final Impact Statement and an FR announcement confirming the regulation or making any needed changes completes the review process.

Dated: November 6, 1980.

Bob Bergland,

Secretary.

Summary of Actions Completed, Withdrawn, or Redesignated Not Significant Since the Last Calendar

AMS 099–92; Completed; Proposed California Desert Grape Marketing Agreement and Order
AMS 040–14; Completed; Warehouse Examination Policy to Study Federal/State Warehouse Examination Functions
AMS 040–22; Completed; Marketing Policy Statement for Florida Tomatoes Under M.O. No. 966
AMS 040–23; Completed; Marketing Policy Statement for Florida Celery Under M.O. 967
AMS 040–25; Withdrawn; Marketing Policy Statement for California Dried Prunes Under M.O. No. 993
AMS 040–27; Withdrawn; Marketing Policy Statement for California Almonds Under M.O. No. 981
AMS 040–28; Completed; Set Annual Marketing Policy for Olives Grown in California Under M.O. 937
AMS 040–29; Completed; Set Annual Marketing Policy for Lemons Grown in California and Arizona Under M.O. 910
AMS 040–31; Completed; Set Annual Marketing Policy for Cherries Grown in Eight Designated States
AMS 070–64; Completed; Salable Quantity and Allotment Percentage/Spearmint Oil Marketing Order
AMS 070–65; Completed; Amendment of Regulation Governing Quality of Imported Filberts
AMS 070–66; Withdrawn; Undersized Prune Regulation; Marketing Order for California Dried Prunes
AMS 090–80; Withdrawn; Temporary Change in Minimum Grade Standards Applicable to California Packed Raisins (combined with AMS 040–26)
APHIS 039–26; Completed; Revise Brucellosis Indemnity Regulations
APHIS 070–36; Completed; Quarantine Facilities for Imported Horses
APHIS 080–39; Withdrawn; Scrapies in Sheep—Wisconsin Quarantined
ASCS 099–1; Completed; Beekeeper Indemnity Payment Program
ASCS 109–2; Completed; 1981-Crop Wheat
ASCS 040–14; Completed; Price Support Level for Milk, 1980–81 Marketing Year
ASCS 050–31; Withdrawn; Flue-Cured Tobacco Stabilization—Direct Foreign Sales
ASCS 060–32; Withdrawn; Farmer-Owned Soybean Reserve Program
ASCS 070–34; Withdrawn; Price Support for 1980-Crop Sugar Beets and Sugarcane
ASCS 080–35; Completed; Farmer-Owned Grain Reserve Program—Wheat
ASCS 090–36; Completed; Farmer-Owned Grain Reserve—Corn
ASCS 090–37; Completed; Regulations Governing Recourse Loans on 1980-Crop Corn
ESCS 108–1; Withdrawn; BLS Data Series
ESCS 040–6; Withdrawn; Implementation of Rice Objective Yield and Sunflower Statistics
FAS 108–35; Completed; Implementation of Public Law 96–177, Meat Import Law
FAS 039–1 (Formerly OGSM 039–1); Completed; Intermediate Credit for Market Facility Projects
FGIS 010–1; Completed; Fee Increase for Federal Rice Inspection Services
FmHA 108–4; Completed; Change in FmHA 430.2 Exhibit F—Rural Rental Housing "Rent Increase."
FmHA108–18; Redesignated; Review of Present Priorities for B&I Loans
FmHA 108–26; Completed; Community Facility Loans for Small Hydroelectric Projects
FmHA 108–66; Withdrawn; Section 502 Loan Income Limitations; Replaced by FmHA 020–25; Revision of Definition of Low Income for Section 502, 504, and 515
FmHA 108–83; Withdrawn; Small Business Enterprise Loans
FmHA 079–44; Withdrawn; Lender Eligibility and Qualifications for B&I Loans
FmHA 079–46; Completed; Restricting the Sale of the Unguaranteed Portion of Loans
FmHA 079–47; Completed; Loan Policy Pertaining to Local Lender for B&I Loans
FmHA 099–79; Withdrawn; Establish "Formula Rate" of Interest for Insured EM Annual Production and Major Adjustment Loans
FmHA 119–91; Withdrawn; Revisions of Management Assistance to Borrowers and Applicants, FmHA Instruction 1924–B
FmHA 129–108; Redesignated; Revision of the Definition of a Family Farm
FmHA 040–32; Withdrawn; Business and Industry Loan Program Proposed to Limit Size of Loans
FmHA 040–33; Withdrawn; Review of Regulations—Section 502 Rural Housing Weatherization Loan (RHW)
FmHA 050–37; Redesignated; Alcohol Still Construction on Farms Using FmHA–DOE Funds
FmHA 070–44; Completed; Biomass Energy and Alcohol Fuels Loans and Loan Guarantees
FNS 118–13; Completed; Assessment, Improvement and Monitoring System for School Nutrition Programs
FNS 118–26; Withdrawn; Food Distribution Program: Review and Republication of Regulations (superseded by FNS 090–50 and FNS090–51)

FNS 118–69; Redesignated; Food Stamp Program: Regulations Concerning Administrative Cost Allocations for States
FNS 080–38; Withdrawn; National School Lunch Program—Nutritional Requirements—Milk Choice
FS 108–1; Completed; Title V Regulations of Federal Land Policy and Management Act of 1976
FS 108–6; Completed; Draft 1980 RPA Assessment and Program
FS 108–8; Withdrawn; Regulations for Administering Forest Highways
FS 108–9; Completed; Public Participation Procedures
FS 108–11; Completed; Secretary Review of Rate Redetermination for Alaska Lumber and Pulp Co. Sale
FS 128–17; Redesignated; Shawnee Hills National Recreation Area
FS 020–9; Withdrawn; State and Private Forests: Cooperative Renewable Resource Mgmt. and Utilization
FSQS 108–30; Completed; Proteolytic Enzyme Regulation
FSQS 108–42; Completed; Revise Meat Grade Standards and Regulations
FSQS 059–20; Completed; Voluntary Meat and Poultry Plant Quality Control Systems
FSQS 020–9; Completed; Prohibition of All New and Replacement Equipment and Machinery Containing Liquid PCBs
FSQS 030–16; Completed; Maine Potato Diversion Program
FSQS 050–21; Completed; Broiler Sales to the Soviet Union
SCS 108–1; Completed; 7 CFR Chapter VI, Part 624, and Watershed Memorandum No. 124, Emergency Flood Protection
SCS 059–3; Transferred to SEC oversight (SEC 059–3)
SCS 069–5; Completed; Mozingo Creek Watershed, Missouri
SCS 069–14; Withdrawn; Limestone-Muddy Creek Watershed, North Carolina
SCS 109–20; Completed; Nonstructural Measures for Flood Damage Reduction
SCS 020–1; Completed; Watershed Protection and Flood Prevention; Great Plains Conservation Program; and Resource Conservation & Development Program
SCS 040–5; Withdrawn; Review of Regulations—Conservation Operations—Snow Survey & Water Supply Forecasting; Duplicate of SCS 109–25
SEC 119–5; Completed; USDA Policy on Fish and Wildlife
SEC 059–4; Completed; Tax Treatment of Certain Federal/State Payments for Conservation

AGRICULTURAL MARKETING SERVICE

REVIEW OF REGULATIONS UNDER THE FEDERAL SEED ACT. 7 CFR PART 201 (AMS 108–7)

DESCRIPTION: Update and clarify provisions such as definition of varitey rules for assigning variety names, add new kinds, add new rules for testing, amend standards for certified seed, and amend rules for sampling unusual containers. Last major revision of regulationa was in 1973.

AUTHORITY: Federal Seed Act, 7 U.S.C. 1551 *et seq.*

PROJECTED SCHEDULE

a. Date of pre-notice: Spring 1981
b. Public Hearing: Fall 1981
c. Final Decision: Winter 1981/82
d. Regulation Effective: Spring 1982

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Vern Herink, (202) 447–9340, USDA, AMS, Room 2611S, Washington, D.C. 20250.

AMENDMENT OF NEBRASKA-WESTERN IOWA MILK ORDER (AMS 108–44)

DESCRIPTION: Key proposals would change the pooling standards for supply plants and increase the Class I price at certain locations.

AUTHORITY: Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*); 7 CFR Part 1065.

PROJECTED SCHEDULE

a. Date of pre-notice: 7/78
b. Date of proposed: 7/79
c. Date of revised proposal: 7/80
d. Final Decision: 11/80

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Maurice Martin, (202) 447–7183, USDA, AMS, Room 2751S, Washington, D.C. 20250.

NEW FEDERAL MILK ORDER FOR BOISE, IDAHO, AREA (AMS 108–49)

DESCRIPTION: Establish a new Federal milk order covering 18 southwestern Idaho and 5 eastern Oregon counties. The principal cities in the proposed marketing area are Boise, Nampa, and Twin Falls, Idaho. The provisions of the order would be patterned after those commonly used in most other Federal orders.

AUTHORITY: Agricultural Marketing Agreement Act of 1937, as amended. (7 U.S.C. 601 *et seq.*); 7 CFR Part. (Pending).

a. Date of pre-notice: 9/78
b. Date of proposed: 8/79
c. Date of revised proposal: 10/80
d. Final Decision: 12/80

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Maurice Martin, (202) 447–7183, USDA, AMS, Room 2751S, Washington, D.C. 20250.

REGULATORY TREATMENT OF RECONSTITUTED MILK IN ALL FEDERAL MILK ORDERS (AMS 099–90)

DESCRIPTION: If a hearing is found to be warranted, a public hearing would be held on a proposal to have reconstituted fluid milk products removed from the Class I pricing provisions of all milk orders.

AUTHORITY: Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*); 7 CFR Parts, 1001, 1002, 1004, 1006, 1007, 1011–1013, 1030, 1032, 1033, 1036, 1040, 1044, 1046, 1049, 1050, 1062, 1064, 1065, 1068, 1071, 1073, 1075, 1076, 1079, 1094, 1096–1099, 1102, 1104, 1106, 1108, 1120, 1124–1126, 1131–1134, 1136–1139.

PROJECTED SCHEDULE

a. Date of pre-notice: 11/13/79
b. Public Hearing: Depends on Decision to Proceed
c. Recommended Decision: Undetermined
d. Final Decision: Undetermined

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Robert F. Groene, (202) 447–4824, USDA, AMS, Room 2753S, Washington, D.C. 20250.

PROPOSED NEW MILK MARKETING ORDER FOR ALABAMA-WEST FLORIDA (AMS 129–111)

DECRIPTION: The proposed new order would extend Federal regulation to milk handling in Alabama and the Pensacola, Florida, area. The provisions of the order would be patterned after those commonly used in most other Federal orders.

AUTHORITY: Agricultural Marketing Agreement Act of 1937, as amended, (7 U.S.C. 601 *et. seq.*); 7 CFR Part 1093.

PROJECTED SCHEDULE

a. Date of pre-notice: 2/80
b. Date of Hearing: 6/80
c. Recommended Decision: 6/81
d. Final Decision: 8/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Richard Glandt, (202) 447–5443, USDA, AMS, Room 2746S, Washington, D.C. 20250.

AMENDMENT OF THE EASTERN SOUTH DAKOTA FEDERAL MILK ORDER (AMS 020–5)

DESCRIPTION: Various proposals would revise the diversion,transfer, pooling, and location adjustment provisions of the order. Revision of the charge on overdue accounts and adoption of a marketing service provision are also proposed.

AUTHORITY: Agricultural Marketing Agreement Act of 1937, as amended; 7 CFR Part 1076. Producers requested order changes.

PROJECTED SCHEDULE

a. Date of pre-notice: 1/80
b. Date of Proposal: 10/80
c. Final Decision: 12/80

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Clayton H. Plumb, (202) 447–6273, USDA, AMS, Room 2740S Washington, D.C. 20250.

PLAN FOR REVIEW OF EXISTING REGULATIONS AND POLICY STATEMENTS ISSUED UNDER THE PACKERS AND STOCKYARDS ACT—FIRST PHASE (AMS 040–16)

DESCRIPTION: Proposed revocation of regulation on accommodations for the public at livestock auctions and of policy statements on lamb buying practices and voluntary filing of surety bonds. Also, review of regulations on definitions, administrative matters, posting of stockyards, bond coverage, handling of sales proceeds due consignors, contracts and annual reports, several statements of general policy dealing with practices of meat packers and a number of P&S reports and forms.

AUTHORITY: Procedures are described in the report "Improving USDA Regulations" 43 FR 50988 (11/1/78) in response to Executive Order 12044.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of Proposal: 4/80
c. Final Decision: 2/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: John Sands (202) 447–6771, Room 3422S, & Harry, Williams, (202) 447–6951, USDA, AMS, Room 3408S, Washington, D.C. 20250.

MARKETING POLICY STATEMENT FOR CALIFORNIA WALNUTS UNDER M.O. NO. 984 (AMS 040–24)

DESCRIPTION: To establish a basis for recommending volume regulation for California walnuts for the 1980–81 season beginning August 1, 1980, and ending the following July 31.

AUTHORITY: Agricultural Marketing Agreement Act of 1937, as amended. 7 CFR Part 984, U.S.C. 601–674. Recommended by the Walnut Marketing Board.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of Proposal: None
c. Final Decision: 11/80

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: James S. Miller, (202) 447–5697, USDA, AMS, Room 2525S, Washington, D.C. 20250.

MARKETING POLICY STATEMENT FOR CALIFORNIA RAISINS UNDER M.O. NO. 989 (AMS 040–26)

DESCRIPTION: To establish a basis for recommending volume regulation for California raisins for the 1980–81 crop year beginning August 1, 1980, and ending the following July 31.

AUTHORITY: Agricultural Marketing Agreement Act of 1937, as amended. 7 CFR Part 989, U.S.C. 601–674. Recommended by the Raisin Administrative Committee.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: None
c. Final Decision: 11/80

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: James S. Miller, (202) 447–5697, USDA, AMS, Room 2525S, Washington, D.C. 20250.

SET ANNUAL MARKETING POLICY F OR NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA (AMS 040–30)

DESCRIPTION: The marketing policy includes an analysis of the supply and demand outlook for navel oranges. The marketing policy sets forth the basis for regulating of the 1980/81 crop of navel oranges.

AUTHORITY: Agricultural Marketing Agreement Act of 1937, as amended. 7 U.S.C. 601 *et seq.*

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: None
c. Final Decision: 11/80

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: M. E. McGaha, (202) 447–5975, USDA, AMS, Room 2532S, Washington, D.C. 20250.

AMENDMENT OF 29 MILK ORDERS (AMS 040–33)

DESCRIPTION: A U.S. Appeals Court has ruled that the present method of announcing the Class II milk prices for the orders is invalid. Producers and handlers propose that the Class I and Class II milk prices for a particular month be announced by the 15th day of the preceding month. Also, they propose that a Class II differential be provided that will maintain, on the average, the Class II price level that would have prevailed under the announcement procedure that was found invalid.

AUTHORITY: Agricultural Marketing Agreement Act of 1937, as amended. (7 U.S.C. 601 *et seq.*); 7 CFR Parts 1007, 1011, 1030, 1032, 1046, 1049, 1050, 1062, 1064, 1065, 1068, 1071, 1073, 1076, 1079, 1094, 1096, 1097, 1098, 1099, 1102, 1104, 1106, 1108, 1120, 1126, 1131, 1132, and 1138.

PROJECTED SCHEDULE

a. Date of pre-notice: 5/80
b. Date of proposal: 12/80
c. Final Decision: 2/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Martin Dunn, (202) 447–5661 USDA, AMS, Room 2761S, Washington, D.C. 20250.

PROPOSED AMENDMENT TO FILBERT MARKETING ORDER (AMS 050–57)

DESCRIPTION: Notice of public hearing on proposed amendment to filbert marketing order will include proposals to adopt a new method for setting the marketing policy and to make minor changes.

AUTHORITY: Authorization by Agricultural Marketing Agreement Act. Requested by Filbert Control Board. 7 U.S.C. 601 *et seq.* 7 CFR Part 982.

PROJECTED SCHEDULE

a. Date of pre-notice: 4/9/80
b. Date of proposal: 11/80
c. Final Decision: 1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: James S. Miller, (202) 447–5697, USDA, AMS, Room 2525S, Washington, D.C. 20250.

NOTICE OF HEARING ON PROPOSED FURTHER AMENDMENT OF CALIFORNIA DRIED PRUNE MARKETING ORDER (AMS 090–75)

DESCRIPTION: Notice of public hearing to receive evidence from all interested persons regarding a proposed amendment to add a public member to PAC, establish permanent undersized regulation, change the name of the PAC, provide for sharing Committee representation among cooperative marketing associations, and other conforming changes required by this amendment.

AUTHORITY: Authorized by Agricultural Marketing Agreement Act. Amendment requested by the Prune Administrative Committee (PAC)
7 U.S.C. 601 *et seq.* 7 CFR 900.1 *et. seq.*

PROJECTED SCHEDULE

a. Date of pre-notice: 8/80
b. Date of proposal: 2/81
c. Final Decision: 4/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: James S. Miller, (202) 447–5053, USDA, AMS, Room 2525S, Washington, D.C. 20250.

PROPOSED FREE AND RESTRICTED PERCENTAGES FOR THE 1980–81 MARKETING POLICY YEAR—FILBERTS (AMS 090–76)

DESCRIPTION: This proposes volume regulation for filberts grown in Oregon and Washington for the 1980–81 marketing policy year beginning August 1, 1980.

AUTHORITY: Authorized by Agricultural Marketing Agreement Act. Recommended by Filbert Control Board. 7 U.S.C. 601 *et. seq.* 7 CFR Part 982.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: None
c. Final Decision: 11/80

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: James S. Miller, (202) 447–5053, USDA, AMS, Room 2525S, Washington, D.C. 20250.

REVIEW OF REGULATIONS: AMENDMENT OF FLUE-CURED TOBACCO GROWER

DESIGNATION REGULATIONS (AMS 090–78)

DESCRIPTION: After review of impact resulting from emergency rulemaking procedures to assess appropriate penalties upon violators of grower designation regulations, propose amendment of regulations to incorporate Department's decision to continue or amend penalties for 1981 and succeeding marketing years.

AUTHORITY: The Tobacco Inspection Act of 1935. Requested by the Flue-Cured Tobacco Advisory Committee to impose appropriate penalties for violators of sales schedules. 7 CFR Part 29 7 U.S.C. 511 *et seq.*

PROJECTED SCHEDULE

a. Emergency Rulemaking: 10/2/80
b. Review of Impact: 11/80–81
c. Emergency Review Completed: 3/81
d. Proposal: 4/81
e. Final: 6/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: T. A. VonGarlem, (202) 447–2567, USDA, AMS, Room 502 Annex, Washington, D.C. 20250.

REVIEW OF EXISTING REGULATIONS—PHASE 2 (AMS 100–85)

DESCRIPTION: Review Regulations—201.10, .11, .12, .44, .45, .46(a), .47, .49, .50, and .52. Procedures for (1) regulations of market agencies and dealers, and (2) accounts and records for market agencies, dealers, and stockyard owners.

AUTHORITY: Procedures are described in the report "Improving USDA Regulations" 43 FR 50988 (11/1/78) in response to Executive Order 12044.

PROJECTED SCHEDULE

a. Date of pre-notice:
b. Date of proposal: 1/81
d. Final Decision: 7/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Jack Brinckmeyer, (202) 447–4366, USDA, AMS, Room 3038S Washington, D.C. 20250.

MARKETING POLICY FOR HOPS OF DOMESTIC PRODUCTION UNDER M.O. 991 FOR 1981–82 (AMS 100–86)

DESCRIPTION: To set the volume regulation for hops of domestic production for the 1981–82 marketing year beginning August 1, 1981, and ending July 31, 1982.

AUTHORITY: Authorized by Agricultural Marketing Agreement Act. Recommended by Hop Administrative Committee. (7 U.S.C. 601–674) Marketing Order No. 991 (CFR Part 991)

PROJECTED SCHEDULE

a. Date of pre-notice:
b. Date of proposal: 11/80
c. Final Decision: 3/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: James S. Miller, (202) 447–5053, USDA, AMS, Room 2525S, Washington, D.C. 20250.

MARKETING POLICY FOR VALENCIA ORANGES GROWN IN CALIFORNIA AND ARIZONA FOR 1980 (AMS 100–87)

DESCRIPTION: The marketing policy includes an analysis of the supply and demand outlook for California-Arizona Valencia oranges. The marketing policy sets forth the basis for regulation of the 1980 crop of Valencia oranges.

AUTHORITY: Agricultural Marketing Agreement Act of 1937 of 1973, as amended (7 U.S.C. 601–674)—Marketing Order No. 908 (7 CFR Part 908)

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: None
c. Final Decision: 2/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Malvin E. McGaha, (202) 447–5975, USDA, AMS, Room 2532S, Washington, D.C. 20250.

MARKETING POLICY FOR CRANBERRIES GROWN IN 10 DESIGNATED STATES FOR 1981 (AMS 100–88)

DESCRIPTION: The marketing policy includes an analysis of the supply and demand outlook for cranberries. The marketing policy sets forth the basis for regulation for the 1981 crop of cranberries.

AUTHORITY: Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674); Marketing Order No. 929 (1 CFR Part 929)

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: None
c. Final Decision: 3/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Malvin E. McGaha, (202) 447–5975, USDA, AMS, Room 2532S, Washington, D.C. 20250.

REVISION OF MARKETING POLICY FOR HOPS OF DOMESTIC PRODUCTION UNDER M.O. 991 (AMS 100–90)

DESCRIPTION: To revise the volume regulation for hops of domestic production for the 1980–81 marketing year beginning August 1, 1980 and ending July 31, 1981.

AUTHORITY: Authorized by Agrucultural Marketing Agreement Act. Recommended by Hop Administrative Committee. (7 U.S.C. 601–674) Marketing Order No. 991 (7 CFR Part 991)

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: None
c. Final Decision: 11/8 0

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: James S. Miller, (202) 447–5053, USDA, AMS, Room 2525S, Washington, D.C. 20250.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

REVISION OF EXPORT LIVESTOCK HANDLING REQUIREMENTS (APHIS 108–10)

DESCRIPTION: Amendments would delete specific maximum length requirements for container pens for animals on ocean vessels and would relax restrictions on the type of roof which may be used to cover pens carrying animals on exposed decks aboard oceans vessels.

AUTHORITY: 21 U.S.C. 105, 112, 113, 114a, 120, 121, 134b, 134f, 612–614, 618; 46 U.S.C. 466a, 466b. Research studies performed indicate that certain modifications in shipping practices would not result in relaxed humane handling standards or disease control measures. This would amend 9 CFR 91.8 through 91.32

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 1/1/81
c. Final Decision: 5/1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Dr. Harold Waters, (301) 436–8383, USDA, APHIS, Room 815A, Federal Bldg., Hyattsville, Md. 20782

REVISED CATTLE SCABIES REGULATIONS (PROPOSAL DOCKET 78–76) (APHIS 039–12)

DESCRIPTION: Revision would propose standards for approved facilities for the treatment of cattle required to be dipped before moving interstate, and would clarify conditions under which cattle may be moved interstate.

AUTHORITY: 21 U.S.C. 111–113, 115, 117, 120–1 123–6. Revision would give added support to the State-Federal cooperative cattle scabies eradication efforts. This would revise 9 CFR Part 73

PROJECTED SCHEDULE

a. Date of pre-notice: 1/26/78
b. Date of proposal: 3/4/80
c. Final Decision: 6/1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Dr. G. Schubert, (301) 436–8322, USDA, APHIS, Room 737, Federal Bldg., Hyattsville, Md. 20782

REVISE BRUCELLOSIS REGULATIONS TO PARALLEL UNIFORM METHODS AND RULES (APHIS 039–25)

DESCRIPTION: To consider revision of the regulations to conform to the Uniform Methods and Rules (UM&R) as administered within the States. This action would be responsive to the

Secretary's Brucellosis Technical Commission's report recommending changes to the UM&R. Those recommendations adopted as resolutions by the U.S. Animal Health Association in 1978 and 1979 and subsequently made part of the UM&R have resulted in some contradictions with USDA regulations. This action is designed to remove those conflicts.

AUTHORITY: 21 U.S.C. 111–114a–1, 115, 120, 121, 125, 134b, 134f.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 6/1/81
c. Final Decision: 10/1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Dr. A. D. Robb, (301) 436–8713, USDA, APHIS, Room 805A, Federal Bldg., Hyattsville, Md. 20782

EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY (DOCKET #79–95) (APHIS 099–45)

DESCRIPTION: This document amends the regulations to set forth Veterinary Services policy and procedures for the control and eradication of exotic Newcastle disease from populations of poultry and birds including the release of areas quarantined after the disease has been eliminated.

AUTHORITY: 21 U.S.C. 111–113, 114a, 115, 117, 120, 123–126, 134b, 134f. Amends regulations in 9 CFR Part 82.

PROJECTED SCHEDULE

a. Emergency Final: 10/9/80
b. End of Comment Period: 12/8/80
c. Response to Comments: 2/8/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Dr. W. Buisch, (301) 436–8091, USDA, APHIS, Room 746, Federal Bldg., Hyattsville, Md. 20782

PROPOSAL TO INCREASE SWINE BRUCELLOSIS INDEMNITY RATES IN 9CFR 51 (APHIS 020–2)

DESCRIPTION: To amend Section 51.3(b) to increase the maximum indemnity for swine destroyed because of brucellosis from the current rate of $10 for grade and $25 for registered, inbred and hybrid swine to $25 for grade and $50 for registered, inbred and hybrid swine.

AUTHORITY: 21 U.S.C. 111–113, 114, 114a, 114a–1, 120, 121, 125, 134b. Experience since 1977, when indemnity rate was first set, has shown that many owners are reluctant to dispose of diseased swine at the current indemnity rates. This has adversely affected the swine brucellosis program whose progress depends on the prompt elimination of such foci of infection. Regulations: 9 CFR 51.3(b)

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 12/15/80
c. Final Decision: 4/15/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Dr. Granville Frye, (301) 436–8713, USDA, APHIS, Room 813, Federal Bldg., Hyattsville, Md. 20782

PSEUDORABIES TESTING OF EXPORT SWINE (APHIS 030–4)

DESCRIPTION: This proposed rulemaking adds the specific requirement that all swine for export, except swine destined for immediate slaughter, would have to be tested and found negative to a serological test for pseudorabies.

AUTHORITY: 21 U.S.C. 105, 112, 113, 114a, 120, 121. To be certain that swine intended for export are free from and have not been exposed to pseudorabies, herd and/or individual testing is necessary. Regulations: 9 CFR 91.5(c)

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 11/15/80
c. Final Decision: 3/15/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Dr. Harold Waters, (301) 436–8383, USDA, APHIS, Room 815A, Federal Bldg., Hyattsville, Md. 20782

ENDANGERED SPECIES REGULATIONS (APHIS 070–33)

DESCRIPTION: This action will establish regulations concerning the enforcement of provisions of the Endangered Species Act of 1973 and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) which pertain to the importation and exportation of terrestrial plants. Regulations are being drafted relating to permission to engage in business, including licensing; filing of declarations; inspection and clearance of plants; seizure and forfeiture proceedings; recordkeeping and access; and Rules of Practice for assessment of civil penalties.

AUTHORITY: The Endangered Species Act of 1973, as amended [16 U.S.C. 1531 *et seq.*], P.L. 93–205, Sections 3, 4, 9, and 11, 87 Stat. 884 (1973); 7 CFR Part 355.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 1/81
c. Final Decision: 6/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: H. V. Autry, (301) 436–8247, USDA, APHIS, Room 635 Federal Building, Hyattsville, Md. 20782.

MEDITERRANEAN FRUIT FLY (APHIS 070–35)

DESCRIPTION: An emergency regulation, 7 CFR 331.1, was established under the Federal Plant Pest Act in July, 1980 to control the interstate movement of certain articles from regulated areas in California because of the presence of Mediterranean fruit fly. This emergency action was taken to prevent the artifical spread of Mediterranean fruit fly into noninfested parts of the United States. APHIS is now proposing a non-emergency quarantine and regulation under the Plant Quarantine Act.

AUTHORITY: Federal Plant Pest Act, as amended, (7 U.S.C. 150ee), P.L. 85–36, HHeI, Sections 105 and 106, 71 Stat. 32 and 33, (1957). Plant Quarantine Act, as amended (7 U.S.C. 151.165, 167).

PROJECTED SCHEDULE

a. Emergency Final: 7/29/80
b. Proposal Non-Emergency Quarantine: 12/1/80
c. Final Decision: 4/1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: H. V. Autry, (301) 436–8247, USDA, APHIS, Room 635 Federal Building, Hyattsville, Md. 20782.

ORIENTAL FRUIT FLY (APHIS 080.38)

DESCRIPTION: To establish an emergency regulation, 7 CFR 331.4, to regulate the interstate movement of certain articles from regulated areas in California because of the presence of Oriental fruit fly. This emergency action is taken to prevent the artifical spread of the Oriental fruit fly into noninfested parts of the United States.

AUTHORITY: Federal Plant Pest Act, as amended (7 U.S.C. 150ee), P.L. 85–36, Title I, Sections 105 and 106, 71 Stat. 32 and 33 (1957).

PROJECTED SCHEDULE

a. Emergency Final: 11/80
b. Proposed Non-Emergency Quarantine: Undetermined
c. Final Decision: Undetermined

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: H. V. Autry, (301) 436–8247, USDA, APHIS, Room 635 Federal Building, Hyattsville, Md. 20782.

BRUCELLOSIS INDEMNITY (APHIS 100–49)

DESCRIPTION: The amendment will terminate the flat rate formula for determining registered indemnity rates and institute an appraisal requirement. Brucellosis indemnity for registered cattle at flat rates has been demonstrated to be unfair to the herd owner and to the federal government. It is significantly overcompensating the owner for the usual registered animal found in affected herds. This results in management practices not conducive to eradication and depletes the funds appropriated. In rare cases, it undercompensates the owner of an

unusually valuable animal causing resistance to eradication practices.

AUTHORITY: 21 U.S.C. 111, 114, 114a. This would amend 9 CFR 51.1 *et seq.*

PROJECTED SCHEDULE

a. Emergency Final: 11/80
b. End of Comment Period: 1/81
c. Response to Comments: 2/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Dr. Arthur D. Robb, (301) 436–8713, USDA, APHIS, Room 805 Federal Bldg., Hyattsville, Md. 20782.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

1981 FEED GRAIN AND SOYBEAN PROGRAMS (ASCS 040–11)

DESCRIPTION: Proclamation of national program acreage (NPA), set-aside and diversion levels, recommended reduction for the 1981 feed grain crops, target and loan levels, loan and purchase program for soybeans, and other provisions.

AUTHORITY: Agricultural Act of 1949, as amended by Food and Agriculture Act of 1977, the Act of May 15, 1978, and the Agriculture Adjustment Act of 1980.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 8/15/80
c. Final Decision: 11/17/80

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Orville I. Overboe, (202) 447–7987, USDA, ASCS, Room 3607S, Washington, D.C. 20250.

1981 RICE SET-ASIDE AND LAND DIVERSION PAYMENT PROGRAM AND THE 1981 RICE LOAN PURCHASE AND PAYMENT PROGRAM (ASCS 040–12)

DESCRIPTION: Announce the national acreage allotment, the set-aside and the land diversion payment program determinations, the loan and purchase rate and target price for rough rice.

AUTHORITY: Agricultural Act of 1949, as amended by the Food and Agriculture Act of 1977, the Emergency Farm Credit Act of 1979 and the Agriculture Adjustment Act of 1980.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 10/24/80
c. Final Decision: 3/27/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: George H. Schaefer, (202) 447–8480, USDA, ASCS, Room 3619S, Washington, D.C. 20250.

1981 UPLAND COTTON PROGRAM PROVISIONS (ASCS 040–13)

DESCRIPTION: Announce the preliminary target price, NPA, voluntary reduction percentage, set-aside requirement, voluntary diversion requirement, and limitation on planted acreage.

AUTHORITY: Agriculture Act of 1949, as amended by the Food and Agriculture Act of 1977, and the Act of May 15, 1978, and the Agricultural Adjustment Act of 1980.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 9/15/80
c. Final Decision: 12/15/80

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Charles V. Cunningham, (202) 447–7873, USDA, ASCS, Room 3629S, Washington, D.C. 20250.

1981 CROP PEANUTS—NATIONAL ACREAGE ALLOTMENT AND NATIONAL POUNDAGE QUOTA (ASCS 040–15)

DESCRIPTION: Establish for 1981 crop peanuts a national acreage allotment which determines maximum planted acres, and a national poundage quota which determines the quantity of peanuts eligible for loans at the domestic edible support level.

AUTHORITY: Agricultural Act of 1938, as amended, including amendments contained in Food and Agricultural Act of 1977. Action is mandatory.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 10/7/80
c. Final Decision: 12/1/80

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Gypsy Banks, (202) 447–6733, USDA, ASCS, Room 3752S, Washington, D.C. 20250.

1981 CROP FLUE-CURED TOBACCO MARKETING QUOTA (ASCS 040–25)

DESCRIPTION: Establish 1981 crop National Marketing Quota for Flue-Cured Tobacco.

AUTHORITY: Required by Agricultural Adjustment Act of 1938, as amended.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 9/18/80
c. Final Decision: 10/31/80

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Robert Tarczy, (202) 447–7601, USDA, ASCS, Room 3754S, Washington, D.C. 20250.

1981 CROP BURLEY TOBACCO MARKETING QUOTA (ASCS 040–29)

DESCRIPTION: Establish 1981 crop national marketing quota for burley tobacco.

AUTHORITY: Required by Argicultural Adjustment Act of 1938, as amended.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 11/10/80
c. Final Decision: 2/1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Robert Tarczy, (202) 447–7601, USDA, ASCS, Room 3754S, Washington, D.C. 20250.

1980 CROP OIL SUNFLOWER SEED PRICE SUPPORT PROGRAM (ASCS 070–33)

DESCRIPTION: Establish a price support program for oil sunflower seed, starting with the 1980 crop.

AUTHORITY: The Agricultural Act of 1949, Section 301, 7 U.S.C. Section 1447.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 9/15/80
c. Final Decision: 10/30/80

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Harry Sullivan, (202) 447–7951, USDA, ASCS, Room 3611S, Washington, D.C. 20250.

1981 CROP PEANUTS—NATIONAL AVERAGE PRICE SUPPORT LEVELS AND GENERAL PROGRAM PROVISIONS (ASCS 100–42)

DESCRIPTION: Establish a 1981 national average support level for quota peanuts at not less than $420 a ton; a national average support level for additional peanuts; and CCC sales policy for sales of additional peanuts for edible export use.

AUTHORITY: Agricultural Act of 1949, as amended, Section 108 (7 U.S.C. 1445c). Action is mandatory.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of Proposal: 11/5/80
c. Final Decision: 2/13/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Gypsy Banks, (202) 447–6733, USDA, ASCS, Room 3752S, Washington, D.C. 20250.

SEMIANNUAL ADJUSTMENT OF THE MILK SUPPORT PRICE (ASCS 100–43)

DESCRIPTION: To adjust the support price for milk to reflect the estimated change in the parity index between October 1, 1980 and March 31, 1981.

AUTHORITY: Agricultural Act of 1949, as amended, Section 201(c), 7 U.S.C. Section 1446(c); 7 CFR Part 1430.

PROJECTED SCHEDULE

a. Date of Pre-notice: None
b. Date of proposal: 12/15/80
c. Final Decision: 3/31/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Donald Friedly, (202) 447–3571, USDA, ASCS, Room 5757S, Washington, D.C. 20250.

FOREIGN AGRICULTURAL SERVICE

PROPOSED ESTABLISHMENT OF SELECTED AREA AGRICULTURAL TRADE OFFICES (FAS 108-3)

DESCRIPTION: On-the-spot surveys are being made where necessary; and financial, personnel and overseas position limitations are being explored with a view to developing proposals for opening additional trade offices during 1981.

AUTHORITY: Agricultural Trade Act of 1978, P.L. 95-501, Section 401, 92 Stat. 1688 (1978). Amended Title VI of the Agricultural Act of 1954.

PROJECTED SCHEDULE

a. Date of Pre-notice: None
b. Date of proposal: None
c. Final Decision: by 3/31/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Jimmy Minyard, (202) 447-4761, USDA, FAS, Room 5089A, South Bldg., Washington, D.C. 20250.

PROPOSED DESIGNATION OF AGRICULTURAL COUNSELORS (FAS 108-38)

DESCRIPTION: Identify those positions in the field which should be upgraded from Attaché to Counselor and submit to Department of State for concurrence. Select foreign country attaché posts which will be upgraded during FY 81.

AUTHORITY: Agricultural Trade Act of 1978, P.L. 95-501, Section 301, 92 Stat. 1687 (1978); Amended Title VI of the Agricultural Act of 1954,

PROJECTED SCHEDULE

a. Date of Pre-notice: None
b. Date of proposal: 1/15/81
c. Final Decision: 3/1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Richard S. Welton, (202) 447-3253, USDA, FAS, Room 5092S, Washington, D.C. 20250.

IMPLEMENTATION OF MEAT IMPORT ACT OF 1979, P.L. 96-177 (FAS 100-3)

DESCRIPTION: Estimate of adjusted base quantity of meat subject to the Act that may be entered or withdrawn from warehouse for consumption in the United States during 1981, and the first quarterly estimate of 1981 U.S. import of meat subject to the Act.

AUTHORITY: Meat Import Act of 1979, P.L. 96-177, 93 Stat. 1291 (1979); (The Meat Import Act of 1979 amended Section 2 of P.L. 88-482, 78 Stat. 594 (1964), 19 U.S.C. 1202 note.)

PROJECTED SCHEDULE

a. Date of Pre-notice: None
b. Date of proposal: None
c. Final Decision: 12/30/80

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Alan Hemphill, (202) 447-7400, USDA, FAS, Room 6616S, Washington, D.C. 20250.

FEDERAL GRAIN INSPECTION SERVICE

DUST PARTICLE SIZE LIMITS (FGIS 108-3)

DESCRIPTION: Establish dust particle size limits as guidelines on the grain dust that should be removed from grain and the size dust particles that may be allowed to remain within the grain.

AUTHORITY: U.S. Grain Standards Act, Section 4 and 24 (7 U.S.C. 76, 76 Note).

PROJECTED SCHEDULE

a. Date of Pre-notice: None
b. Date of proposal: 12/31/80
c. Final Decision: 3/1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: George Lipscomb, (202) 447-4851, USDA, FGIS, Room 3117, Auditors Bldg. Washington, D.C. 20250.

PROPOSED AMENDMENT TO THE OFFICIAL U.S. STANDARDS FOR GRAIN (WEEVILY) (FGIS 108-6)

DESCRIPTION: Presently, the standards for various grains require varying sizes of samples used for determining insect infestation and different tolerances for insects between grains. We are evaluating the need for providing uniform requirements as to sample size and procedures used in order to reflect actual grain quality in a more uniform and useful manner.

AUTHORITY: Section 4 of U.S. Grain Standards Act. (7 U.S.C. 76)

PROJECTED SCHEDULE

a. Date of Pre-notice: 12/28/79
b. Date of proposal: 1/31/81
c. Final Decision: 3/31/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: James L. Driscoll, (816) 348-2861, FTS, 753-6861 Richards-Gebaur AFB, Bldg. 221, Grandview, Mo. 64030

REVIEW OF THE PART 68 REGULATIONS UNDER THE AGRICULTURAL MARKETING ACT OF 1946 (FGIS 109-61)

DESCRIPTION: Review and propose amendments or revisions as necessary to the regulations governing inspection of commodities which include the grading of rice, pulses and hay/straw; factor analysis of hops, and the certification of processed grain products for contract compliance.

AUTHORITY: 7 U.S.C. 1621 *et seq.*; 7 CFR Part 68.

PROJECTED SCHEDULE

a. Date of pre-notice: 9/17/80
b. Date of proposal: 3/31/81
c. Final Decision: 8/31/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Edith Christensen, (202) 447-6801, USDA, FGIS, Room 0637S, Washington, D.C. 20250.

REVIEW OF REGULATIONS—U.S. STANDARDS FOR CORN, SOYBEANS, AND MIXED GRAIN (FGIS 040-7)

DESCRIPTION: This review is being made to comply with the Department's policy for periodic review of existing regulations and will provide FGIS the opportunity to investigate the possibility of incorporating factors that would be better indicators of end-use properties.

AUTHORITY: U.S. Grain Standards Act, Section 4, 7 U.S.C. 76 7 CFR 810.301 *et seq.*; 810.601 *et seq.*; 810.451 *et seq.*

PROJECTED SCHEDULE

a. Date of pre-notice: 5/8/80
b. Date of proposal: 1/1/81
c. Final Decision: 4/1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: J. Driscoll, (816) 348-2861, Bldg. 221, Richards-Gebaur AFB, Grandview, Missouri 64030.

REVIEW OF REGULATIONS—U.S. STANDARDS FOR BARLEY (FGIS 080-13)

DESCRIPTION: The U.S. Standards for Barley will be reviewed to determine the effectiveness, responsiveness to current marketing needs, clear language, and continued appropriateness. The need for more effective grading factors which give end-use information will also be investigated. This review has been Proposed on FGIS' 5 year plan for 11/80.

AUTHORITY: Section 4, U.S. Grain Standards Act (7 U.S.C. 76) 7 CFR 810.201-810.211 (formerly 7 CFR Part 26).

PROJECTED SCHEDULE

a. Date of pre-notice: 9/12/80
b. Date of proposal: 5/1/81
c. Final Decision: 11/1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: D. Fulk, (816) 348-2861, USDA, FGIS, Bldg. 221, Richards-Gebaur AFB, Grandview, Mo. 64030.

FARMERS HOME ADMINISTRATION

REVIEW OF THERMAL INSULATION STANDARDS FOR MASONRY CONSTRUCTION (FMHA 108-1)

DESCRIPTION: Review of technical and economic data on the effect of building mass upon energy consumption to determine the optimum level of thermal performance which should be required in FmHA financed masonry homes. The study will be completed in June 1980. Changes in FmHA rules may be proposed as a result of this study.

AUTHORITY: Action by House-Senate conference committee on FY 79 Agriculture Appropriations Act. The Housing Act of 1949, Section 510, 42 U.S.C. 1480; 7 CFR Part 1804, Subpart A,

Exhibit D (proposed redesignation as 7 CFR Part 1924, Exhibit D, published at 44 FR 39432 (1979)).

PROJECTED SCHEDULE

a. Date of pre-notice: 11/13/78
b. Date of proposal: 1/81
c. Final Decision: 5/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Daniel J. Ball, (202) 447–3394, USDA, FmHA, Room 6309S, Washington, D.C. 20250.

PLANNING AND PERFORMING SITE DEVELOPMENT WORK 424.5.(1924–D) (FMHA 108–2)

DESCRIPTION: Revision of requirements for site development in areas which have steep slopes. Standards apply to streets, grading, drainage, and other aspects of residential site development

AUTHORITY: Requests by Appalachian Regional Commission, State agencies and FmHA field staff for more flexibility in standards. The Housing Act of 1949, Section 510, 42 U.S.C. 1480; 7 CFR Part 1804, Subpart D.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 12/80
c. Final Decision: 6/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Glendon D. Deal, (202) 447–3394, USDA, FmHA, Room 6309S, Washington, D.C. 20250.

SOLAR DEMONSTRATION RETROFIT (FMHA 108–3)

DESCRIPTION: Select 2 FmHA inventory houses in each of six regions for retrofit utilizing Wilke Solar collector and monitor system over 2 heating seasons. Houses similar in design and orientation—one as control, other for solar. Audio-visual aids for training and demonstration are planned.

AUTHORITY: Departmental Initiative to offset high cost of heating Sec. 502 housing through application of low-cost solar energy hardware. The Housing Act of 1949, Section 506, 42 U.S.C. Section 1476.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 4/81
c. Final Decision: 6/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Dan Ball (202) 447–3394, USDA, FmHA, Room 6309S, Washington, D.C. 20250.

REVISION OF POLICY AND PROCEDURES RELATING TO SELF-HELP TECHNICAL ASSISTANCE GRANTS (FMHA 108–10)

DESCRIPTION: Revision of policy and procedures relating to Self-Help Technical Assistance Grants to : (1) facilitate repairs and rehabilitation of existing housing units; (2) increase the use of the program through greater flexibility in the family labor required; (3) expand the authority and responsibility of the Board; (4) revise technical assistance reporting requirements; (5) update the recommended salary schedules for technical assistance staff; (6) renumber FmHA Instruction 1933–I in accordance with Executive Order 12044; and (7) reassign program responsibilities from County to District offices in accordance with FmHA Instruction 2003–A.

AUTHORITY: Housing Act of 1949, Section 510(j), 42 U.S.C. Departmental Initiative.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 11/80
c. Final Decision: 2/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: C. Herron, (202) 447–7207, USDA, FmHA, Room 5333S Washington, D.C. 20250.

HOME OWNERSHIP ASSISTANCE PROGRAM (FMHA 108–12)

DESCRIPTION: Development and promulgation of instructions to implement a Home Ownership Assistance subsidy program as requested by the Administration and passed by Congress.

AUTHORITY: Housing and Community Development Amendments of 1978. The Housing Act of 1949, Sections 510(j) and 521(a)(1)(c); 42 U.S.C. 1480(j) and 1490a(a)(1)(c).

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: Unknown
c. Final Decision: Unknown

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Matt Felber, (202) 447–4295, USDA, FmHA, Room 5339S, Washington, D.C. 20250.

COORDINATED USE OF LOAN AND GRANT PROGRAMS TO MEET LOW-INCOME NEEDS (FMHA 108–14)

DESCRIPTION: Deny community program assistance in prescribed circumstances, and to accelerate repayment in certain instances when communities arbitrarily prohibit or restrict low-income housing.

AUTHORITY: Consolidated Farm and Rural Development Act, Section 339; 7 U.S.C. Section 1989; Housing Act of 1949, Section 510(j), 42 U.S.C. Section 1480(j) 7 CFR 2.23; 7 CFR 2.70

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 12/80
c. Final Decision: 9/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Art Collings, (202) 447–8448, USDA, FmHA, Room 5303S, Washington, D.C. 20250.

PHASE II, NATIONAL RURAL COMMUNITY FACILITIES ASSESSMENT STUDY (FMHA 108–44)

DESCRIPTION: Major feasibility study currently underway with ABT Assoc. to determine the data requirements, collection and analysis plans for making the assessments. Performance criteria and types of communities to be included will be presented to FmHA, prior to the initiation of Phase II. Supplemental study to be conducted by Agency.

AUTHORITY: The Consolidated Farm and Rural Development Act, as amended, Section 331(c), 7 U.S.C. 1981(c). Agency initiative to develop national and state assessments of the current status of community facilities relative to acceptable performance standards.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: None
c. Final Decision: 8/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Richard Long, (301) 436–7725, USDA, FMHA, Room 522 Presidental Bldg., Hyattsville, Md. 20782.

NEEDS ASSESSMENT CAPABILITY STUDY (FMHA 108–56)

DESCRIPTION: The Needs Assessment Component will be designed to be nationally applicable, to be used at the national level in assessing the relative needs of States, and within assessing the relative needs of counties. Center for Census Use Studies has contracted to develop a Needs Assessment Component to help FmHA assess relative levels of need for its loan programs.

AUTHORITY: Rural Development Act of 1972, P.L. 92–419, Section 603, 86 Stat. 1675 (1972).

PROJECTED SCHEDULE

a. Date of pre-notice: Completed
b. Date of proposal: Completed
c. Final Decision: 3/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Mark Nestle, (301) 436–7748, USDA, FmHA, Room 539A, Presidential Bldg. Hyattsville, Md. 20852.

THAT PART OF OPERATING LOAN POLICIES, PROCEDURES AND AUTHORIZATION COVERING YOUTH LOANS (FMHA 059–28)

DESCRIPTION: This action will insure that loan amounts that are larger than necessary for program purposes are not approved which can result in unnecessary reduction in the total number of eligible applicants served with limited loan funds.

AUTHORITY: Administrative change made because the Youth Loan Program needs to be revised to limit the size of individual loans. Authority to issue administrative changes found in the Consolidated Farm and Rural Development Act, Section 339, 7 U.S.C. 1989.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 1/81
c. Final Decision: 6/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Leroy Jones, (202) 447–4669, USDA, FmHA, Room 5317S, Washington, D.C. 20250.

INSTRUCTION FOR FLOODPLAIN MANAGEMENT AND WETLANDS PROTECTION (FMHA 069–37)

DESCRIPTION: Initial procedure FmHA 1940 M was published in the **Federal** Register on September 14, 1978, for public comment. This is the final rule.

AUTHORITY: This procedure has been written to comply with Executive Order 11988, 42 FR 26951 (1977) and Executive Order 11990.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 2/81
c. Final Decision: 6/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: John Hansel, (202) 447–3394, USDA, FmHA, Room 6305S, Washington, D.C. 20250.

FEES AND CHARGES FOR B&I LOANS (FMHA 079–45)

DESCRIPTION: Revise FmHA regulation, § 1980.22 to provide for specific limits of fees, charges or yields that would be permitted for the B&I loan. Requirement for full disclosure at application and loan closing time would be established.

AUTHORITY: The Consolidated Farm and Rural Development Act, Section 310B, 7 U.S.C. 1932. Considerable experience at this time indicates that lenders and other interested parties are charging expensive fees on B&I loans.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 12/10/79
c. Final Decision: 12/80

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Dean Moore/Darryl H. Evans, (202) 447–4150, USDA, FmHA, Room 5432S, Washington, D.C. 20250.

REVIEW OF MINIMUM PROPERTY STANDARDS TO ASSESS APPLICABILITY TO RURAL HOUSING (FMHA 089–53)

DESCRIPTION: Conduct study of standards for housing in rural areas to determine if changes can be made which would permit the use of lower cost innovative technologies.

AUTHORITY: Housing Act of 1949, Sections 506 (a) and 510 (j), 42 U.S.C. Section 1476(a), and 1480(j).

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 12/80
c. Final Decision: 3/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Dan Ball, (202) 447–3394, USDA, FmHA, Room 6309S, Washington, D.C. 20250.

DEVELOP IMPROVED LOAN SERVICING REGULATIONS AND PROCEDURES (FMHA 099–59)

DESCRIPTION: After the B&I division has analyzed a sampling of State Office operations and consolidated current administrative procedures, the division will develop procedures designed to more effectively monitor the program and provide for more contact with lenders and borrowers. This action will formalize and codify servicing procedures.

AUTHORITY: The Consolidated Farm and Rural Development Act, Section 310B, 7 U.S.C. 1932.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 9/80
c. Final Rule: 1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Leigh Nalley, (202) 447–4924, USDA, FmHA, Room 5428S, Washington, D.C. 20250.

REVIEW AND STRENGTHEN B&I PROGRAM OPERATIONS (FMHA 099–63)

DESCRIPTION: Revise procedures to strengthen the loan making, including such areas as equity, Personal/corporate guarantees and refinancing.

AUTHORITY: The Consolidated Farm and Rural Development Act, as amended, Section 310B, 7 U.S.C. 1932.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 6/20/80
c. Final Decision: 11/80

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Darryl Evans, (202) 447–4150, USDA, FmHA, Room 5432S, Washington, D.C. 20250.

REVISION OF COMMUNITY PROGRAMS LOAN AND GRANT APPROVAL AUTHORITIES, FMHA INSTRUCTION 1901–A, EXHIBIT B (FMHA 099–66)

DESCRIPTION: Exhibit B will be revised to increase the loan limits for community facility loans requiring National Office concurrence, from $500,000 to $1,000,000. Delegate to District Directors grant approval authority commensurate with loan authority.

AUTHORITY: 7 U.S.C. Section 1989, 7 CFR 2.23; 7 CFR 2.70.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: None
c. Final Decision: 12/80

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Dwight Sewell, (202) 447–7667, USDA, FmHA, Room 6312S, Washington, D.C. 20250.

IMPLEMENTATION OF THE PRESIDENT'S WATER POLICY MESSAGE TO CONGRESS (FMHA 099–67)

DESCRIPTION: This proposed action will result in additions to FmHA Instruction 1942–A. The proposal includes: (1) the discouragement of luxury consumption of water by assuring equitable rate structures; (2) requiring recipients to educate users in regards to water conservation, (3) reduce water loss on existing systems, and (4) incorporate water conservation measure in the design and operation of facilities when feasible.

AUTHORITY: 7 U.S.C. Section 1989, 7 CFR 2.23; 7 CFR 2.70.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 12/80
c. Final Decision: 2/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Gary J. Morgan (202) 447–5717, USDA, FmHA, Room 6316S, Washington, D.C. 20250.

ELIMINATE THE REQUIREMENT THAT THE FMHA COUNTY COMMITTEE MUST CERTIFY TO THE AMOUNT OF EACH EM LOAN. (FMHA 099–75)

DESCRIPTION: Change the law to provide that the FmHA County Committee need certify only to each EM applicant's eligibility and not also the amount of each loan. This change is to be sought simultaneously with FmHA's legislative proposal to introduce credit ceilings on EM loans.

AUTHORITY: The Consolidated Farm and Rural Development Act, Section 333(b), 7 U.S.C. Section 1983(b). Eliminate a processing step and conform processing procedure with OL and FO loans.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date f proposal:
c. Final Decision: 1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: James E. Vollmer, (202) 447–6257, USDA, FmHA, Room 5336S, Washington, D.C. 20250.

ISSUANCE OF REVISED INSURED AND GUARANTEED EE LOAN REGULATIONS TO IMPLEMENT MAJOR POLICIES PERTAINING TO NEW LEGISLATION. (FMHA 099–77)

DESCRIPTION: (1) Phase I: Revise EE loan regulations *to extend* program from May 15, 1980, through September 30, 1981; (2) Phase II: Revise EE loan regulations (1945–C and 1980–F) *to fully implement* Public Law 96–220, enacted on 3/30/80; and (3) Phase III: Conduct comprehensive study as mandated by P.L. 96–220 for submission to Congress re: extension of EE program beyond Sept. 30, 1981.

AUTHORITY: The Emergency Agricultural Credit Adjustment Act of 1978, (P.L. 95–334) as amended by P.L. 96–220.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 5/80
c. Final Decision: 3/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: W. Campbell, (202) 447–6257, USDA, FmHA, Room 5346S, Washington, D.C. 20250.

ESTABLISH NEGOTIATED INTEREST RATES FOR GUARANTEED EM ANNUAL PRODUCTION AND MAJOR ADJUSTMENT LOANS. (FMHA 099–78)

DESCRIPTION: Change the law to allow EM annual production and major adjustment guaranteed loans to be made at a negotiated rate of interest agreed upon by the applicant and the lender.

AUTHORITY: The Consolidated Farm and Rural Development Act, Section 324, 7 U.S.C. Section 1964. Make EM guaranteed loans more attractive to lenders.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal:
c. Final Decision: 1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: James E. Vollmer, (202) 447–6257, USDA, FmHA, Room 5336S, Washington, D.C. 20250.

REVIEW REGULATIONS PERTAINING TO APPRAISAL OF NON-FARM TRACTS AND SMALL FARMS FOR RURAL HOUSING (FMHA 119–99)

DESCRIPTION: Review, rewrite and revise to update content and to institute modern appriasal techniques.

AUTHORITY: The Housing Act of 1949, Section 510(j); 2 U.S.C. Section 1480(j).

PROJECTED SCHEDULE:

a. Date of pre-notice: 12/79
b. Date of proposal: 3/81
c. Final Decision: 6/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Stan Reed, (202) 447–3766, USDA, FmHA, Room 5309S, Washington, D.C. 20250.

THE PROTECTION OF HISTORIC AND CULTURAL PROPERTIES PROCEDURAL CHANGE 1901–F (FMHA 119–104)

DESCRIPTION: Change will adopt Advisory Council's procedural requirements, definitions, and compliance criteria as well as USDA's proposed rule, 44 FR No. 132, p. 40258. More quidance on procedural steps is emphasized along with a mandated 30–day review for State Historic Preservation officer.

AUTHORITY: Advisory Council on Historic Preservation regulations. Protection of Historic and Cultural Properties, 36 CFR 800, dated 01–30–79.

PROJECTED SCHEDULE

a. Date of pre-notice:
b. Date of Proposal: 1/81
c. Final Decision: 5/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: John Hansel, (202) 447–3394, USDA, FmHA, Room 6305S, Washington, D.C. 20250.

REVISION OF DEFINITION OF LOW INCOME FOR SECTION 502, 504, AND 515 AS REQUIRED BY PUBLIC LAW 96–153 (FMHA 020–25)

DESCRIPTION: Will establish low-income limits at 80 percent of area median income or as adjusted when justified by housing costs as required by P.L. 96–153. The existing moderate and above-moderate income limits will have to be adjusted to reflect the required change to low-income limits.

AUTHORITY: Housing and Community Development Amendments of 1979, P.L. 96–153, Section 502(a), 93 Stat. 1101, Amending Section 501(b) of the Housing Act of 1949, 42 U.S.C. 1471.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 9/19/80
c. Final Decision: 1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: M. J. Felber, (202) 447–4295, USDA, FmHA, Room 5339, Washington, D.C. 20250.

BUSINESS AND INDUSTRY LOAN PROGRAM PROPOSES TO BROADEN APPLICANT ELIGIBILITY FOR LOAN ASSISTANCE (FMHA 040–34)

DESCRIPTION: To amend FmHA, B&I regulation, § 1980.403 "Citizenship of Applicant" to broaden eligibility of applicants to include foreign ownership provided 85% of the employees hired are U.S. citizens.

AUTHORITY: The Consolidated Farm and Rural Development Act, Section 310B, 7 U.S.C. 1932, 7 CFR Part 1980 Subpart E.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 1/81
c. Final Decision: 5/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Darryl H. Evans, (202) 447–4150, USDA, FmHA, Room 5432S, Washington, D.C. 20250.

RURAL HOUSING ALLOCATION FORMULAS (FMHA 070–43)

DESCRIPTION: The allocation formulas used to distribute Rural Housing Program funds to the states is being reviewed.

AUTHORITY: Housing Act of 1949, Section 510(j), 42 U.S.C. 1480(j), P.L. 94–375, 7 CFR Part 1822 Subpart A.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 12/80
c. Final Decision: 2/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Reed J. Petersen, (202) 447–4295, USDA, FmHA, Room 5349S, Washington, D.C. 20250.

BUSINESS AND INDUSTRY LOAN PROGRAM PROPOSES TO REVISE THE LIST OF INELIGIBLE LOAN PURPOSES (INSTRUCTION 1980–E) (FMHA 080–46)

DESCRIPTION: To amend FmHA, B&I § 1980.412, "Ineligible Loan Purposes," to define the term "Agriculture Production" and include other ineligible purposes such as gambling, commercial media projects, charitable organizations, church, etc.

AUTHORITY: The Consolidated Farm and Rural Development Act, Section 310b, 7 U.S.C. 1932.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 10/30/80
c. Final Decision: 3/1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Darryl H. Evans, (202) 447–4150, USDA, FmHA, Room 5432S, Washington, D.C. 20250.

MOBILE HOME LOAN PROCEDURE (FMHA INSTRUCTION) (FMHA 080–47)

DESCRIPTION: Invite public input for draft regulations for mobile home loans to implement Section 527 of Title V of the Housing Act of 1949.

AUTHORITY: Section 510(j) of the Housing Act of 1949, 42 U.S.C. 1480(j); section 527 of the Housing Act of 1949, 42 U.S.C. 1490g.

PROJECTED SCHEDULE

a. Date of pre-notice: 10/80
b. Date of proposal: 1/81
c. Final Decision: Unknown

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Reed J. Petersen, (202) 447–4295, USDA, FmHA, Room 5349S, Washington, D.C. 20250.

INTEREST CREDITS (SUBSIDY) TO MODERATE INCOME BORROWERS (INSTRUCTION 444.1) (FMHA 080–48)

DESCRIPTION: This action will reduce the interest rate paid by moderate income

borrowers and increase the number who will be able to afford homeownership. It is necessary to eliminate a present gap in affordability wherein many applicants have income too low to afford the market rate of interest and too high to be considered low-income.

AUTHORITY: Section 521(a)(1)(B) of the Housing Act of 1949, 42 U.S.C. 1490a(a)(1)(B); Section 510(j) of the Housing Act of 1949, 42 U.S.C. 1480(j).

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 10/80
c. Final Decision: 2/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Mathias J. Felber (202) 447–4295, USDA, FmHA, Room 5339S, Washington, D.C. 20250.

INSURED FARM OWNERSHIP AND OPERATING LOAN POLICIES, PROCEDURES, AND AUTHORIZATION (FMHA 090–52)

DESCRIPTION: Clarify the definition of a limited resource applicant so that the general public and the FmHA staff will be able to more easily understand the objectives of the program and identify the characteristics of a limited resource OL and FO loan applicant. It provides more definite guidelines for the program.

AUTHORITY: The Consolidated Farm and Rural Development Act, Section 339, 7 U.S.C. 1989; (Secretary's general authority to issue rules and regulations necessary to carry out the purposes of the Act and this would include clarifying and providing for better guidance and a more simplified definition for the administration of the program.)

PROJECTED SCHEDULE

a. Date of pre-notice:
b. Date of proposal:
c. Final Decision: 3/27/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Ed Yaxley, (202) 447–4572, USDA, FmHA, Room 5328S, Washington, D.C. 20250.

FOOD AND NUTRITION SERVICE

SCHOOL BREAKFAST PROGRAM: GRAIN-FRUIT PRODUCT—LIMITS ON UTILIZATION, PART 220 TO USE THE PRODUCT IN THE SCHOOL BREAKFAST PROGRAM (FNS 118–8)

DESCRIPTION: Limitations on the utilization of formulated grain/fruit products from the Breakfast Program to promote development of good food habits in the furtherance of nutrition education through a well-balanced diet of conventional foods.

AUTHORITY: Child Nutrition Amendments of 1978, P.L. 95–627, Section 6(d), 92 Stat. 3621 (1978).

PROJECTED SCHFDULE

a. Date of pre-notice: None
b. Date of reproposal: 2/81
c. Final Decision: 6/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Margaret Glavin, (202) 447–5548, USDA, FNS, Room 754 GHI Washington, D.C. 20250.

FOOD STAMP PROGRAM: WORK REGISTRATION AND JOB SEARCH JOINT RULEMAKING (FNS 118–70)

DESCRIPTION: Changes some current work registration rules and establishes requirement for work registrants to search for jobs. Defines and assigns the responsibility for administering the food stamp work registration requirement, including job search activities, to the appropriate agencies within the Departments of Labor and Agriculture. Additionally the responsibilities and penalties for failure to comply with work requirements by participating households will be delineated.

AUTHORITY: The Food Stamp Act of 1977, P.L. 95–113, Section 6(d), 91 Stat. 958 (1977).

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 8/80
c. Final Decision: 1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Claire Lipsman, (202) 447–8325, USDA, FNS, Room 658 GHI, Washington, D.C. 20250

CHANGES IN WIC FOOD PACKAGES (FNS 039–1)

DESCRIPTION: Final regulations—Part 246.8—changing the food packages for the WIC participants. Current research of the nutritional needs of the target population indicate some changes should be made in the nutrients and levels provided.

AUTHORITY: Child Nutrition Amendments of 1978, P.L. 95–627, Section 3, 92 Stat. 3616, (1978).

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 11/79
c. Final Decision: 11/80

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Jane McNeil, (202) 447–8421, USDA, FNS, Room 4405 Auditors Bldg., Washington, D.C. 20250

AMENDMENTS TO PART 250 ON PROCESSING OF DONATED FOODS BY COMMERCIAL FIRMS (FNS 109–11)

DESCRIPTION: Revise regulations to reflect OIG recommendations for stricter contracts, improved accountability, and increased monitoring. Changes will limit permissible substitution of commercial foods for those donated, strengthen labeling requirements for processed products, tighten inventory controls, and mandate cooperation between distributing agencies and the agencies which administer FNS child nutrition programs.

AUTHORITY: Act of August 24, 1935, P.L. 74–320, Section 32, 49 Stat. 774, 7 U.S.C. 612(c); Agricultural Act of 1949, P.L. 81–439, Section 416, 63 Stat. 1058, 7 U.S.C. 1431; National School Lunch Act, Section 6, 42 U.S.C. 1755.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 6/80
c. Final Decision: 2/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Darrel E. Gray, (202) 447–8371, USDA, FNS, Room 610 GHI, Washington, D.C. 20250

PROCEDURES FOR REDUCING FOOD STAMP ALLOTMENTS (FNS 030–2)

DESCRIPTION: Establishes procedures to follow to reduce food stamp benefits if funding runs out during a fiscal year.

AUTHORITY: Food Stamp Act of 1977, as amended, P.L. 96–58, Section 1, 93 Stat. 389 (1979).

PROJECTED SCHEDULE

d. Date of pre-notice:
b. Date of proposal: 4/2/80
c. Final Decision: 12/80

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Claire Lipsman, (202) 447–8325, USDA, FNS, Room 658 GHI, Washington, D.C. 20250

AUTHORIZATION OF WHOLESALERS (FNS 060–16)

DESCRIPTION: The proposed rule on wholesaler authorization states that wholesalers may be authorized only if a treatment and rehabilitation program for drug addicts or alcoholics, or a retailer who has no access to a bank, needs the wholesaler as a redemption outlet for food stamps. Those wholesalers who are authorized will only be allowed to accept food stamps from those specific firms which are found to need them.

AUTHORITY: To tighten authorization requirements and clarify certain policies. The Food Stamp Act of 1977, as amended. 7 CFR 278.1 *et seq.*

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 11/80
c. Final Decision: 2/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Mike Rowe, (202) 447–2303, USDA, FNS, Room 650 GHI, Washington, D.C. 20250

FOOD STAMP PROGRAM: QUALITY CONTROL SANCTION AND INCENTIVE SYSTEM (FNS 070–24)

DESCRIPTION: Rules mandated by P.L. 96–249 would; (1) make States liable for

erroneous payments to households if the rate of payment errors were not reduced below prescribed targets within a specific period of time; (2) increase the Federal share of administrative costs for States with error rates below certain levles and States which reduce their error rates by 25 percent or more.

AUTHORITY: Food Stamp Act of 1977, as amended by P.L. 96–249, Sections 125 and 126, 94 Stat. 364 (May 26, 1980), 7 CFR 275, 277.

PROJECTED SCHEDULE

a. Date of pre–notice: None
b. Date of proposal: 10/3/80
c. Final Decision: 1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Maurice C. Tracy, (202) 447–4002, USDA, FNS, Room 678 GHI, Washington, D.C. 20250

FOOD DELIVERY SYSTEM AMENDMENTS TO WIC REGULATIONS (FNS 070–26)

DESCRIPTION: Proposed amendments would improve efficiency and effectiveness of food delivery systems, especially by increased vendor monitoring by the State agencies. Vendor authorization, monitoring and guidance would be strengthened, as would supervision of food instruments. This would save funds, so that more was available for participants in WIC.

AUTHORITY: Child Nutrition Amendments of 1978, P.L. 95–627, Section 3, 92 Stat. 3611 (1978).

PROJECTED SCHEDULE

a. Date of pre–notice: None
b. Date of proposal: 12/80
c. Final Decision: 5/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Jane McNeil, (202) 447–8421, USDA, FNS, Room 4301 Auditors Bldg., Washington, D.C. 20250

PART 210—NATIONAL SCHOOL LUNCH PROGRAM—PROPOSED AMENDMENT ON LUNCH PATTERN MONITORING (FNS 080–30)

DESCRIPTION: Proposed system to allow local, State, and Federal reviewers and auditors to determine if lunches served by a school meet federal meal pattern requirements.

AUTHORITY: The National School Lunch Act, as amended, Section 9(a), 42 U.S.C. 1758(a); NSLP regulations, 7 CFR 210.2, .4a, .8, .14, .15, .16, .19a and new 210.10a.

PROJECTED SCHEDULE

a. Date of pre–notice: 1/18/80
b. Date of proposal: 1/81
c. Date of Interim: 6/81
d. Final Decision: 2/82

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Sally MacKenzie, (202) 447–9069, USDA, FNS, Room 4300B Auditors Bldg., Washington, D.C. 20250

FOREST SERVICE

COST RECOVERY POLICY ISSUE (FS 108–3)

DESCRIPTION: No uniform policy among Federal agencies on collecting costs incurred in processing applications for use of Federal lands. Upon advice of OMB, a uniform policy between FS/BLM will be developed for costs incurred in processing applications for use of Federal lands.

AUTHORITY: Federal Land Policy and Management Act of 1976, P.L. 94–579 Sections 304 and 504(g); 90 Stat. 2743 (1976).

PROJECTED SCHEDULE

a. Date of pre–notice: 7/1/80
b. Date of proposal: 7/1/81
c. Final Decision: 12/1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: William Boring, (703) 235–8212, USDA, FS, Box 2417, Washington, D.C. 20013

IMPLEMENTATION OF P.L. 95–313, THE COOPERATIVE FORESTRY ASSISTANCE ACT OF 1978 (FS 108–5)

DESCRIPTION: Update and clarify Forest Service Manual program guidelines and existing regulations.

AUTHORITY: The Cooperative Forestry Assistance Act of 1978, P.L. 95–313, 92 Stat. 365 (1978).

PROJECTED SCHEDULE

a. Date of pre–notice: None
b. Date of proposal: 12/80
c. Final Decision: 3/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: John H. Ohman, (202) 447–3331, USDA, FS, Box 2417, Washington, D.C. 20013

EVALUATION OF FOREST PEST MANAGEMENT PROGRAMS (FS 049–2)

DESCRIPTION: Review the rationale for our present program direction and recommend program adjustments where appropriate. Will concentrate on examining operating procedures including: policy, decisionmaking processes, program mnagement, adequacy of analysis, and program coordination.

AUTHORITY: Requested by Assistant Secretary.

PROJECTED SCHEDULE

a. Date of pre–notice: None
b. Date of proposal: 8/15/80
c. Final Decision: 1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Tom Roederer, (202) 447–2775, USDA, FS, Box 2417, Washington, D.C. 20013.

REVISION OF SECRETARY'S LOG EXPORT REGULATIONS (FS 119–7)

DESCRIPTION: Review 36 CFR 223.10 to clarify definition of export and substitution provision; and incorporate reporting requirements which will permit monitoring of both the level of exports by purchasers and changes in activity.

AUTHORITY: Act of April 12, 1926, 44 Stat. 242, 16 U.S.C. Section 616, 36 CFR 223.10.

PROJECTED SCHEDULE

a. Date of pre–notice: 11/79
b. Date of proposal: 5/80
c. Final Decision: 11/80

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Norman E. Gould, (202) 447–6893, USDA, FS, Room 3207, Washington, D.C. 20013.

FOOD SAFETY AND QUALITY SERVICE

VOLUNTARY QUALITY CONTROL REGULATIONS—SANITATION AND CARCASS CLEANLINESS (FSQS 108–3)

DESCRIPTION: USDA will propose to permit firms to implement company-operated quality control programs regarding sanitation and carcass cleanliness. This would permit FSQS to shift more responsibility to industry with FSQS monitoring industry performance.

AUTHORITY: 21 U.S.C. 601 *et seq.;* 21 U.S.C. 451 *et seq.* Additional information: To supplement system of inspection while holding down costs as outlined in report on Strengthening Meat and Poultry Inspection. Would amend 9 CFR Parts 301–335 and 9 CFR Part 381.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: Undetermined
c. Final Decision: Undetermined

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: V. H. Berry, (202) 447–3473, USDA, FSQS, Room 341E, Washington, D.C. 20250.

POULTRY CHILLER WATER REGULATION (FSQS 108–4)

DESCRIPTION: Comments received concerning a regulation proposed in April 1978 to reduce the volume of replacement water during poultry chilling indicated the issue needed to be restudied before further action could be considered.

A protocol prepared by FSQS is presently being considered by the Science and Education Administration of USDA and representatives of the poultry industry.

AUTHORITY: 21 U.S.C. 463. Additional information: This regulation will

conserve water, reduce the energy necessary for chilling, and reduce waste water pollution. This would amend 9 CFR 381.66.

PROJECTED SCHEDULE

a. Date of pre-notice: Undetermined
b. Date of proposal: Undetermined
c. Final Decision: Undetermined

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: V. H. Berry, (202) 447–3473, USDA, FSQS, Room 341E, Washington, D.C. 20250.

REGULATORY PLAN FOR CURED PORK PRODUCTS (FSQS 108–7)

DESCRIPTION: Cured pork products contain varying amounts of water introduced with the curing agents. The amount of added water is limited by regulation. The new regulatory plan would establish a standard for these products based on protein content rather than added water, and establish more effective enforcement procedures.

AUTHORITY: 21 U.S.C. 601 *et seq.* Additional information: Better method to enforce added water requirements. Would amend 9 CFR Part 319.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 11/21/80
c. Final Decision: 5/22/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: V. H. Berry, (202) 447–3473, USDA, FSQS, Room 341E, Washington, D.C. 20250.

WORK WEEK REGULATIONS (FSQS 108–8)

DESCRIPTION: USDA will issue regulations which provide for uniform requirements and procedures in establishments operating under Federal meat or poultry inspection relative to the days and hours inspectors may be engaged in the performance of duty, schedules of operations, number of shifts, overtime and holiday inspection service and charges, and billing.

AUTHORITY: 21 U.S.C. 621; 21 U.S.C. 463. Additional Information: This would amend §§ 307.4, 307.5 and 307.6, and add a new Section 307.7 to the Federal meat inspection regulations (9 CFR 307.4–307.7). This would also amend §§ 381.37, 381.38 and 381.39 and add a new § 381.40 to the poultry proucts inspection regulations. (9 CFR 381.37–381.40).

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 12/4/79
c. Final Decision: 12/19/80

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: V. H. Berry, (202) 447–3473, USDA, FSQS, Room 341E, Washington, D.C. 20250.

STUDIES ON UNIFORM GRADE NOMENCLATURE (FSQS 108–12)

DESCRIPTION: The Department is considering options to modify the food grading program to address consumer needs while at the same time maintaining the program's original intent of facilitating agricultural commerce.

Several options have been proposed by the Department and a series of public hearings have been held to provide an opportunity for public comment on these options. Based on these and other comments, the Department may develop and publish a formal proposal in the Federal Register.

AUTHORITY: 7 U.S.C. 1621 *et seq.* 7 CFR 2853

PROJECTED SCHEDULE

a. Date of pre-notice: 5/20/80
b. Date of proposal: 2/1/81
c. Final decision: 11/1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: E. F. Kimbrell, (202) 447–5231, USDA, FSQS, Room 350E, Washington, D.C. 20250

MICROBIOLOGICAL CRITERIA FOR HEAT PROCESSED MEAT & POULTRY PRODUCTS (FSQS 108–18)

DESCRIPTION: USDA will propose to establish guidelines and standards for microbiological agents that may be present in selected meat and poultry products and will describe enforcement procedures.

AUTHORITY: 21 U.S.C. 601 *et seq.*; 21 U.S.C. 451 *et seq. Would amend 9 CFR Part 318 and 9 CFR Part 381.*

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 11/28/80
c. Final decision: 3/10/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: R. E. Engel, (202) 447–2326, USDA, FSQS, Room 402, Annex Bldg., Washington, D.C. 20250

MECHANICALLY DEBONED POULTRY (FSQS 108–32)

DESCRIPTION: A study on the safety of the product has been completed; a notice of its availability has been published and public comments have been solicited and reviewed. The Agency has evaluated these comments and other relevant material, and is developing a proposal.

AUTHORITY: 21 U.S.C. 451 *et seq.* This would amend 9 CFR Part 381.

PROJECTED SCHEDULE

a. Date of pre-notice: 6/29/79
b. Date of proposal: 12/15/80
c. Final decision: 4/30/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: L. L. Gast, (202) 447–8803, USDA, FSQS, Room 344E, Washington, D.C. 20250

U.S. UNGRADED PROPOSAL (FSQS 108–37)

DESCRIPTION: The Department has conducted a survey to determine consumer perceptions of USDA quality grades and the possible use of a meaningful term on meat that is inspected but not graded. The survey included alternative terms and would provide the basis for decisions on whether to withdraw the proposal requiring the use of the term "Ungraded," substituting some other more meaningful term. Its results are presently being analyzed.

AUTHORITY: 21 U.S.C. 601 *et seq.* Additional information: A previous proposal on the "Ungraded" designation was published on January 23, 1978. The comments raised significant questions concerning consumer perception of this term. This would amend 9 CFR 316.17, 317.20.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 1/23/78
c. Final decision: Undetermined

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: L. L. Gast, (202) 447–8803, USDA, FSQS, Room 344E, Washington, D.C. 20250

NET WEIGHT REGULATION (FSQS 108–45)

DESCRIPTION: This action would make changes in net weight regulations to require that the net weight statements on meat and poultry products be accurate at all points in the distribution chain from processing plant to retail store.

AUTHORITY: Federal Meat Inspection Act, Sections 1(n)(5) and 21, 21 U.S.C. 601(n)(5), 621; Poultry Products Inspection Act, Sections 4(h)(5) and 14, 21 U.S.C. 453(h)(5), 463. Would amend 9 CFR Parts 317.2, 317.18, 381.121, and 381.121a. Additional Information: Proposal was in response to petition from State Weights and Measures Officials.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 12/2/77
c. Solicitation of Information on ESCS Study: 10/30/79
d. Reproposal: 8/8/80
e. Final Decision: 6/2/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: V. H. Berry, (202) 447–3473, USDA, FSQS, Room 341E, Washington, D.C. 20250

CHANGE IN REPORTING FREQUENCY (MP FORM 404) FROM WEEKLY TO ANNUALLY OF PROCESSING OPERATIONS AT OFFICIAL ESTABLISHMENTS (FSQS 039–13)

DESCRIPTION: USDA will issue regulations changing the reporting frequency of the amounts of products processed under inspection at official establishments from weekly to annually. This is based on an internal assessment of the Government's need for information, and is in support of the President's program to reduce the paperwork burden on the public and industry.

AUTHORITY: 21 U.S.C. 677; 15 U.S.C. 46; 9 CFR Part 320

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 3/25/80
c. Final decision: 11/19/80

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: J. McCutcheon, (202) 447–6525, USDA, FSQS, Room 327E, Washington, D.C. 20250

U.S. STANDARDS FOR GRADES OF MAJOR CANNED FRUITS (FSQS 029–4)

DESCRIPTION: USDA will issue revised standards for the major canned fruits. The purpose is to improve the standards by including sampling plans based on attributes in order to make them equally applicable to lot or on-line inspection.

AUTHORITY: 7 U.S.C. 1622, 1624.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 3/21/80
c. Final Decision: 4/15/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT:
E. F. Kimbrell, (202) 447–5231, USDA, FSQS, Room 350E, Washington, D.C. 20250.

SALE, TRANSPORTATION AND MARKING OF PRODUCTS (FSQS 079–27)

DESCRIPTION: USDA will propose to relieve certain certification requirements for the sale and transportation of both edible and inedible meat products and to modify certain labeling requirements for inedible meat products and pet foods.

AUTHORITY: Federal Meat Inspection Act, Section 21, 21 U.S.C. 621. (To reduce unnecessary paperwork and labeling burdens on the affected industry.)

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 12/2/80
c. Final Decision: 3/27/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT:
V. H. Berry, (202) 447–3473, USDA, FSQS, Room 341E, Washington, D.C. 20250.

STANDARDS FOR COOKED POULTRY SAUSAGE (FSQS 089–32)

DESCRIPTION: USDA will reopen the comment period on the proposal of July 27, 1976 (41 FR 31226) to establish standards for cooked poultry sausage. Development of this proposal is being held in abeyance pending consideration of the Mechanically Deboned Poultry proposal. (FSQS 108–32).

AUTHORITY: Poultry Products Inspection Act, Section 14, 21 U.S.C. 463. (To assure uniformity and consistency in such products.)

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: Undetermined
c. Final Decision: Undetermined

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT:
Robert Hibbert, (202) 447–6042, USDA, FSQS, Room 204 Annex Bldg., Washington, D.C. 20250.

ACCREDITED LABORATORY PROGRAM (FSQS 089–33)

DESCRIPTION: USDA will propose to establish standards for the accreditation of non-USDA chemistry laboratories with respect to the testing of meat and poultry products under the FSQS Accredited Laboratory Program. Accreditation would be for the testing of meat and poultry products for (1) protein, moisture, salt and fat content and (2) chemical residue analysis.

AUTHORITY: Federal Meat Inspection Act, Section 21, 21 U.S.C. 621; Poultry Products Inspection Act, Section 14, 21 U.S.C. 463. (To offer public comment on proposed standards for accrediting non-USDA laboratories.)

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 11/7/80
c. Final Decision: 2/20/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT:
R. E. Engel, (202) 447–2326, USDA, FSQS, Room 402 Annex Bldg., Washington, D.C. 20250.

REVIEW OF REGULATIONS—STANDARDS FOR COMPOSITION AND IDENTITY (FSQS 119–40)

DESCRIPTION: A Regulatory Review Task Force is reviewing the regulations relating to official marks, the marking of products and their containers, the standards of composition and identity of meat and poultry products, and the labeling of such products.

AUTHORITY: Regulations 9 CFR 312, 316, 317, 319 and 9 CFR 381, Subparts M, N, and P. Compliance with E.O. 12044; 5 year review. Statutes: Federal Meat Inspection Act, (21, 21 U.S.C. 601 *et seq.*); Poultry Products Inspection Act, (21 U.S.C. 451 *et seq.*).

PROJECTED SCHEDULE

a. Date of pre-notice: Undetermined
b. Date of proposal: Undetermined
c. Final Decision: Undetermined

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT:
Paul Ragan, (202) 447–3317, USDA, FSQS, Room 2940S, Washington, D.C. 20250.

FOOD LABELING (FSQS 119–43)

DESCRIPTION: On December 21, 1979, USDA, FDA, and the FTC published a joint document in the **Federal Register** specifying a number of initiatives to be undertaken in the food labeling area in coming months. These include regulatory proposals to be made by FSQS in the following areas:

1. To require that foods containing 10 percent or more total fat on a dry weight basis declare the specific source of the fat or oil—Proposal: 2/20/80
2. To require nutrition labeling—including information on calories, fat, carbohydrate, protein, cholesterol, sugars, sodium and other nutrients of public health concern—on foods about which nutrition claims are made or to which nutrients are added—Proposal: 3/10/81
3. To propose serving sizes for various foods—Proposal: 3/10/81

AUTHORITY: Federal Meat Inspection Act, Poultry Products Inspection Act, 21 U.S.C. 601 *et seq.*, 21 U.S.C. 451 *et seq.*, 9 CFR Parts 301–335, 9 CFR Part 381.

PROJECTED SCHEDULE

a. Date of pre-notice: 12/21/79
b. Date of proposal: Undetermined
c. Final Decision: Undetermined

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT:
Robert Hibbert, (202) 447–6042, USDA, FSQS, Room 204 Annex Bldg., Washington, D.C. 20250.

STANDARDS OF COMPOSITION (FSQS 010–5)

DESCRIPTION: The Agency conducts a label-by-label prior approval program for meat and poultry products to be distributed in commerce. Through this process, informal standards for numerous products evolve which are primarily geared toward the establishment of a minimum content of meat or poultry ingredients. Approximately 200 of these informal standards are to be proposed for public comment prior to establishment in the regulations.

AUTHORITY: 21 U.S.C. 457(b); 21 U.S.C. 607(c); 9 CFR Parts 319 and 381, Subpart P.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 1/15/81

c. Final Decision: 6/15/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: L. L. Gast, (202) 447–8803, USDA, FSQS, Room 344E, Washington, D.C. 20250.

BACON MADE WITH DRY CURING MATERIALS (FSQS 030–17)

DESCRIPTION: USDA will issue regulations which provide that bacon made with dry-curing materials does not contain confirmable levels of nitrosamines. The regulations will also clarify that bacon preparation regulations issued May 16, 1978, pertain only to "pumped bacon."

AUTHORITY: Federal Meat Inspection Act, 21 U.S.C. 601 *et seq.;* 9 CFR 318.7.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 8/5/80
c. Final Decision: 1/2/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: V. H. Berry, (202) 447–3473, USDA, FSQS, Room 341E Washington, D.C. 20250.

ORDER OF PREDOMINANCE (FSQS 040–19)

DESCRIPTION: The Department is developing a proposal to require a statement that ingredients are listed in descending order of predominance for meat, poultry, and egg products.

AUTHORITY: Federal Meat Inspection Act, 21 U.S.C. 601 *et seq.;* Poultry , Products Inspection Act, 21 U.S.C. 451 *et seq.;* 9 CFR Part 317, 9 CFR Part 381, 7 CFR Part 2859. Egg Products Inspection Act, 21 U.S.C. 1031 *et seq.*

PROJECTED SCHEDULE

a. Date of pre-notice: 12/21/79
b. Date of proposal: 1/2/81
c. Final Decision: 5/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Robert Hibbert, (202) 447–6042, USDA, FSQS, Room 204 Annex, Washington, D.C. 20250.

PROHIBITION OF PCB-CONTAINING EQUIPMENT OR MACHINERY AND LIQUID POLYCHLORINATED BIPHENYLS (PCBS) IN FEDERALLY INSPECTED MEAT ESTABLISHMENTS, POULTRY PRODUCT ESTABLISHMENTS, AND EGG PRODUCT PLANTS (FSQS 040–20)

DESCRIPTION: Development of a rule requiring the removal of existing liquid PCBs and/or PCB-containing equipment or machinery from federally inspected meat establishments, poultry product establishments and egg product plants.

AUTHORITY: Federal Meat Inspection Act, 21 U.S.C. 601 *et seq.;* Poultry Products Inspection Act, 21 U.S.C. 451 *et seq.;* and Egg Products Inspection Act, 21 U.S.C. 1031–1056 *et seq.* 9 CFR 308.5, 381.56; 7 CFR 2859.502.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 5/9/80
c. Final Decision: 3/13/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: M. Nelson, (202) 447–2709, USDA, FSQS, Room 341E, Washington, D.C. 20250.

QUANTITATIVE INGREDIENT LABELING (FSQS 050–23)

DESCRIPTION: The Department proposes to require mandatory percentage labeling for certain ingredients for meat, poultry, and egg products.

AUTHORITY: Federal Meat Inspection Act, 21 U.S.C. 601 *et seq.;* Poultry Products Inspection Act, 21 U.S.C. 451 *et seq.* 9 CFR Part 317, 9 CFR Part 381.115 *et seq.*

PROJECTED SCHEDULE

a. Date of pre-notice: 12/21/79
b. Date of proposal: 1/2/81
c. Final Decision: 7/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: R. G. Hibbert, (202) 447–6042, USDA, FSQS, Room 204 Annex, Washington, D.C. 20250.

OPEN DATE LABELING (FSQS 050–24)

DESCRIPTION: The Department proposes to require open date labeling, such as "sell by," "used by," and "packed on" on perishable and semi-perishable meat and poultry products.

AUTHORITY: Federal Meat Inspection Act, 21 U.S.C. 601 *et seq.;* Poultry Products Inspection Act, 21 U.S.C. 451 *et seq.* 9 CFR 317.8(32); 9 CFR 381.129(c).

PROJECTED SCHEDULE

a. Date of pre-notice: 12/21/79
b. Date of proposal: 1/2/81
c. Final Decision: 6/9/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: R. G. Hibbert, (202) 447–6042, USDA, FSQS, Room 204 Annex, Washington, D.C. 20250.

REVIEW OF REGULATIONS—SLAUGHTER INSPECTION STANDARDS AND PROCEDURES, MEAT AND POULTRY INSPECTION REGULATIONS (FSQS 080–33)

DESCRIPTION: Regulatory Review Task Force is reviewing those meat inspection regulations relating to exemptions; ante-mortem and post-mortem inspection; disposal of diseased or otherwise adulterated carcasses and parts; handling and disposal of condemned or other inedible products; official marks, devices and certificates; humane slaughter of livestock; rendering or other disposal of carcasses and parts passed for cooking; marking products and their containers; special services relating to meat and other products; and corresponding poultry products inspection regulations.

AUTHORITY: 9 CFR Parts 303, 309–316, 350, 354 and 9 CFR Part 381, Subparts C, I, J, K, L, M, and S.

PROJECTED SCHEDULE

a. Date of pre-notice: 11/14/80
b. Date of proposal: Undetermined
c. Final Decision: Undetermined

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Paul Ragan (202) 447–3317, USDA, FSQS, Room 2940S, Washington, D.C. 20250.

LABELING MEAT AND POULTRY PRODUCTS CONTAINING CHEESE-LIKE INGREDIENTS AND PIZZA STANDARD (FSQS 100–40)

DESCRIPTION: Propose to amend the Federal meat and poultry inspection regulations regarding the use and labeling of cheese-like ingredients in meat and poultry products. Also, proposed to amend the regulations regarding pizza standards to provide for minimum cheese content requirements and to permit lesser amounts of meat provided the products are properly labeled.

AUTHORITY: 21 U.S.C. 601 *et seq.,* 21 U.S.C. 451 *et seq.,* 9 CFR Parts 317, 319, and 381.

PROJECTED SCHEDULE

a. Dated of pre-notice:
b. Date of proposal: 12/15/80
c. Final Decision: 5/15/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: L. L. Gast, (202) 447–8803, USDA, FSQS, Room 341E, Washington, D.C. 20250.

OFFICE OF EQUAL OPPORTUNITY

AGE DISCRIMINATION (OEO 089–1)

DESCRIPTION: Regulations to implement the Age Discrimination Act as it pertains to USDA programs.

AUTHORITY: Age Discrimination Act of 1975, 42 U.S.C. 6101 and 45 CFR Part 90

PROJECTED SCHEDULE

a. Date of pre-notice: 10/79
b. Date of proposal: 9/80
c. Final Decision: 2/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: William C. Payne, Jr., (202) 447–7327, USDA, OEO, Room 4119 Auditors Bldg., Washington, D.C. 20250.

COMPREHENSIVE CIVIL RIGHTS REGULATION (OEO 129–2)

DESCRIPTION: Review and consolidate into one comprehensive civil rights regulation four existing regulations prohibiting discrimination in USDA assistance programs on the basis of race, color, sex, national origin, age and handicap. Incorporate changes recommended by DOJ.

AUTHORITY: Title VI, Civil Rights Act of 1964, 42 U.S.C. 200d–1; Title IX,

Education Amendments of 1972, 20 U.S.C. 1681, 1682, 1683, 1685, and 1686; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, the Age Discrimination Act of 1975, 42 U.S.C. 6101 and 5 U.S.C. 301.

PROJECTED SCHEDULE

a. Date of pre-notice: 11/80
b. Date of proposal: 4/81
c. Final Decision: 9/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: William C. Payne, (202) 447-7327, USDA, OEO, Room 4119 Auditors Bldg., Washington, D.C. 20250.

RURAL ELECTRIFICATION ADMINISTRATION

PART 2 TO EXHIBIT A OF BULLETIN 20-21; 320-21 FLOODPLAIN AND WETLANDS PROCEDURES (REA 108-3)

DESCRIPTION: Addendum to REA Bulletin 20-21; 320-21, providing procedures with respect to protecting Floodplains and Wetlands.

AUTHORITY: Rural Electrification Act of 1936, 7 U.S.C. Section 901 *et. seq.*; National Environmental Policy Act of 1969, 42 U.S.C. Section 4321 *et seq.*; Executive Order 11988 42, F.R. 26951 (1977) and 11990, 42 FR 26961 (1977).

PROJECTED SCHEDULE:

a. Date of pre-notice:
b. Date of proposal: 8/29/78
c. Final Decision: 12/80

FOR FURTHER INFORMATION ON THIS DECISION, CONTRACT: Joseph R. Binder, (202) 447-3228, USDA, REA, Room 2859S, Washington, D.C. 20250.

ENDANGERED SPECIES PROCEDURES (REA 049-2)

DESCRIPTION: Addendum to REA Bulletin 20-21; 320-21, providing procedures with respect to protecting Endangered Species.

AUTHORITY: Endangered Species Act of 1973, 16 U.S.C. Section 1531 *et seq.*

PROJECTED SCHEDULE

a. Date of pre-notice: 1/81
b. Date of proposal: 3/81
c. Final Decision: 7/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Joseph R. Binder, (202) 447-3228, USDA, REA, Room 2859S, Washington, D.C. 20250.

PROTECTION OF HISTORIC AND CULTURAL PROPERTIES (REA 049-4)

DESCRIPTION: Addendum to REA Bulletin 20-21; 320-21, providing procedures with respect to protecting Historic and Cultural Resources.

AUTHORITY: National Historic Preservation Act of 1966, 16 U.S.C. Section 470 *et seq.*, Advisory Council on Historic Preservation Regulations, 36 CFR Part 800; Executive Order 11593 36, FR 8921 (1971).

PROJECTED SCHEDULE

a. Date of pre-notice: 11/80
b. Date of proposal: 1/81
c. Final decision: 5/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Joseph R. Binder, (202) 447-3228, USDA, REA, Room 2859S, Washington, D.C. 20250.

REVIEW AND POSSIBLE REVISION OF THE REGULATIONS REGARDING LOAN TERMS AND CONDITIONS. (BULLETINS 20-2, 20-9 & 20-14) (REA 060-23)

DESCRIPTION: Review as to whether REA and concurrent lenders should have common terms as to principal deferment, maturity, and method of computing the quarterly interest and principal repayments so as to facilitate REA borroweers in obtaining necessary capital needs with acceptable terms and conditions.

AUTHORITY: Rural Electrification Act of 1936, 7 U.S.C. Section 901 *et seq.*; REA Loan Procedures, 7 CFR Part 1700.

PROJECTED SCHEDULE

a. Date of pre-notice: 7/80
b. Date of proposal: 11/80
c. Final Decision: 1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Milton E. Wright, (202) 447-5755, USDA, REA, Room 3859S, Washington, D.C. 20250.

SOIL CONSERVATION SERVICE

7 CFR CHAPTER VI, PART 622, WATERSHED PROJECTS (SCS 108-2)

DESCRIPTION: Review rules and regulations for Watershed projects carried out under authority of Public Law 83-566, 68 Stat. 666, as amended.

AUTHORITY: Selected pursuant to E.O. 12044, Improving Government Regulations. The Watershed Protection and Flood Prevention Act of 1954, as amended, Sections 1-12, 16 U.S.C. 1001-1009, E.O. 12044, 7 CFR 622.1, *et seq.* (Improving Government Regulations).

PROJECTED SCHEDULE

a. Date of pre-notice: 10/3/80
b. Date of proposal: 4/1/81
c. Final Decision: 9/1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: James W. Mitchell, (202) 447-3587, USDA, SCS, Room 5229S, Washington, D.C. 20250.

SCS PUBLIC PARTICIPATION PLAN (SCS 108-4)

DESCRIPTION: SCS will adopt the policy plan that will guide public participation activities related to making decisions.

AUTHORITY: Required by Secretary's Memorandum 1955, The Watershed Protection and Flood Prevention Act of 1954, as amended Section 3, 40 FR 12475 (1975), 7 CFR 622.10(3); Soil and Water Resources Conservation Act of 1977, Section 4 (c)(3), 5(c), 16 U.S.C. 2003, 04.

PROJECTED SCHEDULE

a. Date of pre-notice: 7/18/79
b. Date of proposal: 12/1/80
c. Final Decision: 3/1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Ida Cuthbertson, (202) 447-3929, USDA, SCS, P.O. Box 2870, Washington, D.C. 20013.

PLAN FOR COMPLETING SOIL MAPPING NATIONWIDE (SCS 108-13)

DESCRIPTION: Evaluate workload remaining to complete the onceover soil mapping and set target date for completing. Evaluate soil survey publication needs in survey areas having few individual landowners with the objective of reducing publication costs.

AUTHORITY: Soil mapping nationwide is about 67% completed. Need a plan for orderly completion of remaining areas. The Soil Erosion Act of 1935, P.L. No. 74-46, 16 U.S.C. 590a-g; Soil Surveys, P.L. 89-560; 39 CFR 7415 (1974).

PROJECTED SCHEDULE

a. Date of pre-notice: 11/15/78
b. Date of proposal: 9/81
c. Final Decision: 3/82

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: R. I. Diderikson, (202) 447-7245, USDA, SCS, Room 6250S, Washington, D.C. 20250.

REVISION OF SCS POLICY RELATING TO ENDANGERED SPECIES (SCS 108-16)

DESCRIPTION: The current SCS policy 7 CFR 650.22 will be revised.

AUTHORITY: Compliance with NEPA. National Environmental Policy Act, 42 U.S.C. Section 4332(2)(c); Endangered Species Act of 1973, 16 U.S.C. 1531, *et seq.* as amended in 1978; 50 CFR Part 81; 7 CFR 650.22 (Revision).

PROJECTED SCHEDULE

a. Date of pre-notice: 8/80
b. Date of proposal: 11/80
c. Final Decision: 5/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: T. N. Shiflet, (202) 447-2587, USDA, SCS, Room 6143S, Washington, D.C. 20250.

REVISION TO COMPLY WITH NEW HISTORIC PRESERVATION REGULATIONS (SCS 108-20)

DESCRIPTION: Current SCS rules will be revised to comply with new regulations to be published June 30, 1979.

AUTHORITY: Compliance with NEPA and National Historic Preservation Act. 42 U.S.C. Section 4332(2)(c), Executive

Order No. 11514, 35 FR 4247; 16 U.S.C. Section 470 *et seq.* Sec. 1(3); Executive Order 11593; 7 CFR 2.62; 36 FR 89211; 3 CFR 1971, p. 154; 7 CFR Part 656.

PROJECTED SCHEDULE

a. Date of pre-notice: 6/79
b. Date of proposal: 5/80
c. Final Decision: 1/2/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Gary A. Margheim, (202) 447–4912, USDA, SCS, Room 5203S, Washington, D.C. 20250.

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7 CFR CHAPTER VI, SUBCHAPTER E—RESOURCE CONSERVATION AND DEVELOPMENT (SCS 069–1)

DESCRIPTION: SCS will publish final rules for the Resource Conservation and Development Program.

AUTHORITY: Need published rules for the RC&D Program Resource Conservation and Development Act, Sec. 102 Food and Agriculture Act of 1962, P.L. 87–703, 7 U.S.C. 1010, 1011; and 16 U.S.C. 590(a–f).

PROJECTED SCHEDULE

a. Date of pre-notice: 2/1/80
b. Date of proposal: 3/1/80
c. Final Decision: 10/1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: John Miner, (202) 447–5107, USDA, SCS, Room 6133S, Washington, D.C. 20013.

SOUTHEAST CHOCTAWHATCHEE RIVER WATERSHED, ALABAMA (SCS 069–10)

DESCRIPTION: Transmit watershed plan to the Office of Management and Budget.

AUTHORITY: Public Law 83–566, 16 U.S.C. 1001–1008.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 12/1/79
c. Final Decision: 3/1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: James Mitchell, (202) 447–3587, USDA, SCS, Room 5229S, Washington, D.C. 20250.

HACKLEBARNEY WATERSHED, IOWA (SCS 069–11)

DESCRIPTION: Transmit watershed plan to the Office of Management and Budget.

AUTHORITY: Public Law 83–566, 16 U.S.C. 1001–1008.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 12/1/79
c. Final Decision: 3/1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: James Mitchell, (202) 447–3587, USDA, SCS, Room 5229S, Washington, D.C. 20250.

INDIAN-VAN BUREN WATERSHED, IOWA (SCS 069–12)

DESCRIPTION: Transmit watershed plan to the Office of Management Budget.

AUTHORITY: Public Law 83–566, 16 U.S.C. 1001–1008.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 11/1/79
c. Final Decision: 2/1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: James Mitchell, (202) 447–3587, USDA, SCS, Room 5229S, Washington, D.C. 20250.

SAN BOIS CREEK WATERSHED, OKLAHOMA (SCS 069–15)

DESCRIPTION: Transmit watershed plan to the Office of Management and Budget.

AUTHORITY: Public Law 83–566, 16 U.S.C. 1001–1008.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 12/1/79
c. Final Decision: 2/1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: James Mitchell, (202) 447–3587, USDA, SCS, Room 5229S, Washington, D.C. 20250.

CALAPOOYA WATERSHED, OREGON (SCS 069–16)

DESCRIPTION: Transmit watershed plan to the Office of Management and Budget.

AUTHORITY: Public Law 83–566, 16 U.S.C. 1001–1008.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 12/15/79
c. Final Decision: 1/1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: James Mitchell, (202) 447–3587, USDA, SCS, Room 5229S, Washington, D.C. 20250.

SOUTH FORK LICKING RIVER WATERSHED, OHIO (SCS 109–22)

DESCRIPTION: Transmit the watershed plan to the Office of Management and Budget.

AUTHORITY: Watershed Protection and Flood Prevention Act of 1954, as amended, Public Law 83–566, Section 5(3), 68 Stat. 667. 16 U.S.C. 1001–1008.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 1/1/80
c. Final Decision: 1/1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: James Mitchell, (202) 447–3587, USDA, SCS, Room 5229S, Washington, D.C. 20250.

DOUGLAS WATERSHED, WYOMING (SCS 109–24)

DESCRIPTION: Transmit watershed plan to Office of Management and Budget.

AUTHORITY: Watershed Protection and Flood Prevention Act of 1954, as amended; Public Law 83–566, Section 5(3) 68 Stat. 667, 16 U.S.C. 1001–1008.

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 7/3/79
c. Final Decision: 12/1/80

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: James Mitchell, (202) 447–3587, USDA, SCS, Room 5229S, Washington, D.C. 20250.

CFR, CHAP. VI CONSERVATION OPERATION, PART 612, SNOW SURVEY AND WATER SUPPLY FORECASTING (SCS 109–25)

DESCRIPTION: SCS will make an indepth study of alternative ways to handle the program ranging from continuation of the program as now operated to a transfer of management and/or financing of some or all of the program activities to non-Federal entities. The public will be involved in helping to develop alternatives, and by comments on the selected alternative.

AUTHORITY: Departmental recommendation that SCS develop a plan for the phased and orderly transfer of the program to non-Federal control.

PROJECTED SCHEDULE

a. Date of pre-notice: 11/30/79
b. Date of proposal: 1/4/81
c. Final Decision: 6/1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Jerry S. Lee (202) 447–8578, USDA, SCS, Room 5235S, Washington, D.C. 20250.

PLANT MATERIALS CENTERS (SCS 109–26)

DESCRIPTION: SCS will prepare an in depth study of alternative ways of operating the PMC program. Alternatives will range from continuing the on-going program to a transfer of management and/or financing of some or all of the PMC program activities to non-Federal entities.

AUTHORITY: 7 CFR Agriculture, Chapter VI, Soil Conservation Service, Subchapter-B, Conservation Operations, Part 613. The Department has instructed SCS to develop a plan for the phased & orderly transfer of Plant Materials Center (PMC's) to non-Federal control.

PROJECTED SCHEDULE

a. Date of pre-notice: 1/16/80
b. Date of proposal: 7/1/80
c. Final Decision: 2/1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Thomas N. Shiflet, (202) 447–2587, USDA, SCS, Room 6143S, Washington, D.C. 20250.

REVIEW OF REGULATION—WATER RESOURCES—RIVER BASIN INVESTIGATIONS & SURVEYS (SCS 040–4)

DESCRIPTION: SCS will review policies, requirements and procedures governing the U.S. Department of Agriculture's investigations and surveys of watersheds of rivers and other waterways as a basis for the development of coordinated programs.

AUTHORITY: Executive Order 12044, 7 CFR Part 621.

PROJECTED SCHEDULE

a. Date of pre-notice: 5/15/81
b. Date of proposal: 10/1/81
c. Final Decision: 4/1/82

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Joseph W. Haas, (202) 447–4527, USDA, SCS, Room 511S, Washington, D.C. 20250.

REVIEW OF REGULATION—GREAT PLAINS CONSERVATION PROGRAM (SCS 040–6)

DESCRIPTION: Recent legislation to extend the Great Plains Conservation Program was signed into law June 6, 1980. Rules will need to be reviewed and revised to continue the program as directed by Congress and guided by public participation.

AUTHORITY: P.L. 75–430, 49 Stat. 1151 (U.S.C. 590d); P.L. 84–1021, 70 Stat. 1115 (16 U.S.C. 590p(b)); P.L. 91–118, 83 Stat. 194 (16 U.S.C. 590d), 7 CFR Part 631.

PROJECTED SCHEDULE

a. Date of pre-notice: 11/1/80
b. Date of proposal: 5/1/81
c. Final Decision: 9/1/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Guy D. McClaskey (202) 447–2324, USDA, SCS, Room 6109S, Washington, D.C. 20250.

SCIENCE AND EDUCATION ADMINISTRATION

NATIONAL AGRICULTURAL RESEARCH AWARD (SEA 039–1)

DESCRIPTION: Develop guidelines for making the award.

AUTHORITY: Food and Agriculture Act of 1977, P.L. 95–113, Section 1418, 91 Stat. 997 (1977).

PROJECTED SCHEDULE

a. Date of pre-notice:
b. Date of proposal: 11/16/79
c. Final Decision: Indefinite

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: John G. Stovall, (202) 447–8662, USDA, SEA, Room 304A, Admin. Bldg., Washington, D.C. 20250.

NUTRITION STATUS MONITORING PROGRAM (SEA 039–A)

DESCRIPTION: Develop steps to implement the Nutrition Status Monitoring Program submitted to Congress in 1978.

AUTHORITY: Food and Agriculture Act of 1977, P.L. 95–113, Section 1428, 91 Stat. 1001 (1977).

PROJECTED SCHEDULE

a. Date of pre-notice:
b. Date of proposal: 8/80
c. Final Decision: 7/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Donald Therriault, (202) 426–7627, USDA, SEA, Room 6039S, Washington, D.C. 20250.

GREEN THUMB PROJECT (SEA 039–7)

DESCRIPTION: Evaluate Green Thumb project for expansion beyond pilot counties. This project more specific local weather, market, and other agricultural information to farmers through a device that connects between the farmer's television receiver and telephone line and accesses a county computer. An evaluation of this project is planned during FY 1981.

AUTHORITY: Smith-Lever Act, as amended, 7 U.S.C. 341 *et seq.*

PROJECTED SCHEDULE

a. Date of pre-notice: None
b. Date of proposal: 8/80
c. Final Decision: 6/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Howard Lehnert, (202) 447–4681, USDA, SEA, Room 5533S, Washington, D.C. 20250.

OFFICE OF THE SECRETARY

IMPLEMENTATION OF THE RESOURCES CONSERVATION ACT OF 1977 (SEC 059–3)

DESCRIPTION: Develop: (1) An appraisal of the resource base; and (2) a program establishing the direction of future soil and water conservation efforts of the Department.

AUTHORITY: P.L. 95.192—The Soil and Water Resources Conservation Act of 1977.

PROJECTED SCHEDULE

a. First Public Comment Period: 1/28/80–3/28/80
b. Date of proposal: 12/31/80
c. Final Decision: 3/31/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Ernest Todd, (202) 447–2467, USDA, SCS, Room 5123S, Washington, D.C. 20250.

UNIFORM REGULATIONS TO IMPLEMENT THE ARCHAEOLOGICAL RESOURCES PROTECTION ACT OF 1979 (SEC 040–1)

DESCRIPTION: Interagency regulations to be jointly developed by USDA, DOI, DOD, and TVA to provide direction for protection of heritage resources from vandalism and theft to implement the ARPA.

AUTHORITY: Archaeological Resources Protection Act of 1979, Section 10, P.L. 96–95, 93 Stat 721.

PROJECTED SCHEDULE

a. Date of pre-notice: 3/19/80
b. Date of proposal: 12/15/81
c. Final Decision: 3/15/81

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Janet Friedman,, (202) 447–4751, USDA, SEC/OEQ, Room 412–A, Washington, D.C. 20250.

BILLING CODE 3410-01-M

LIST OF REGULATIONS SCHEDULED FOR REVIEW

This list provides an overview of the USDA regulations undergoing review between November 1980 and May 1981. All "significant" regulation review actions are listed first, with each entry shown under the name of the responsible USDA agency along with the CFR parts affected, a brief description, and an agency contact. Following the "significant" items, all "not significant" items are listed in a similar fashion. However, this particular list is not a request for comments. "Significant" regulations are also listed in the preceding section of this calendar, which shows a projected schedule of activity.

Regulations are reviewed and announced in the Federal Register (FR) using the same procedural rules which apply to new regulations. Each item listed is to be analyzed in a Draft Impact Analysis and announced for comment in the FR, whether substantive changes are contemplated or not. A Final Impact Statement and an FR announcement confirming the regulation or making any needed changes completes the review process.

If you wish to comment and influence decisionmaking, get in touch with the "contact" identified for the item of interest to you. Even before the Draft Impact Analysis is completed and the regulation is proposed, i.e. announced for comment, there are often background papers available that can help you understand the issues involved. The "contact" can provide you this information to help you prepare your comments.

Parts Affected	Subject	Description	Contact
Agricultural Marketing Service - Significant, Scheduled			
7 CFR 29-G (AMS 090-78)	Amendment of Flue-Cured Tobacco Grower Designation Regulations	After review of the impact resulting from emergency rulemaking procedures to assess appropriate penalties upon violators of grower designation regulations, an amendment will be proposed to incorporate the Department's decision to continue or amend penalties for 1981 and succeeding marketing years.	T. A. VonGarlem AMS, USDA, Room 502 Annex Washington, D.C. 20250 (202) 447-2567
9 CFR 201.10, .11, .12, .44, .45, .46(a), .47, .49, .50, .52 (AMS 100-85)	Registration and Recordkeeping	Second phase. This continues the Plan for Review of Existing Regulations and Policy Statements issued under the Packers and Stockyards Act. This phase will review procedures for (1) Registration of Market Agencies and Dealers, and (2) Accounts and Records of Market Agencies, Dealers, and Stockyard owners.	Jack W. Brinckmeyer AMS, USDA, Room 3038S Washington, D.C. 20250 (202) 447-4366
Agricultural Marketing Service - Not Significant, Scheduled			
7 CFR 28-0 (AMS 100-83)	Cotton Classification and Market News Survey	Defines procedures for the classification of samples of cotton in accordance with the official cotton standards of the United States. The regulations also establish procedures for providing timely information on prices for various grades and staple length of cotton.	Loyd Frazier, AMS USDA, Rm. 304 Annex Washington, D.C. 20250 (202) 447-2147
7 CFR 1250.1-.19, .250-.252 (AMS 100-84)	Egg Research and Promotion - Rules of Practice for Formulating	These rules describe the formal rulemaking process. The Egg Research and Consumer Information Act was amended on June 17, 1980. Minor changes in the Rules of Practice noting the Act has been amended, as well as revising wording relating to ex parte communications, are needed before formal rulemaking actions can be initiated should the industry submit a proposed amendment to the Order.	Ralph Tapp, AMS USDA, Room 2614S Washington, D.C. 20250 (202) 447-2068
7 CFR 34.1-.11 (AMS 100-92)	Tobacco Seed and Plant Exportation Act	AMS proposed repeal of this legislation to the Congress on April 24, 1980; if no action is taken by the Congress, AMS will review the accompanying regulations. The regulations describe permit procedures and conditions for the export of tobacco seed and live tobacco plants.	T.A. VonGarlem, AMS USDA, Room 502 Annex Washington, D.C. 20250 (202) 447-2567
7 CFR 29-0 (AMS 100-93)	Tobacco Inspection	A complete review will be conducted of the procedure for automatic termination of designation of those markets no longer conducting sales of tobacco at auction.	T.A. VonGarlem, AMS USDA, Room 502 Annex Washington, D.C. 20250 (202) 447-2567
7 CFR 160 (AMS 100-94)	Naval Stores Act of 1923	AMS proposed repeal of this legislation to the Congress on April 24, 1980; if no action is taken by the Congress, AMS will review the accompanying regulations. The Act provides regulations and standards for naval stores, including provision for analysis, inspection and grading on request.	T.A. VonGarlem, AMS USDA, Room 502 Annex Washington, D.C. 20250 (202) 447-2567
7 CFR 29-C (AMS 100-97)	Official Standard Grades for Dark Air-Cured Tobacco (U.S. Types 35, 36, and 37)	A clear language review will be conducted of the dark-air cured standards, along with on-site review of quality of tobacco by Standards Specialists. Industry concerns will also be evaluated before the Department recommends any changes in the current standards for types 35, 36, and 37.	T.A. VonGarlem, AMS USDA, Room 502 Annex Washington, D.C. 20250 (202) 447-2567

Parts Affected	Subject	Description	Contact
	Animal and Plant Health Inspection Service - Not Significant, Scheduled		
7 CFR 301.80 (APHIS 100-50)	Witchweed	Pursuant to the Plant Quarantine Act of 1912 and the Federal Plant Pest Act, this quarantine restricts the movement of certain regulated articles from North and South Carolina in order to prevent the spread of witchweed, a parasitic plant which causes a dangerous disease of corn, sorghum, and other crops of the grass family.	H.V. Autcy, APHIS USDA, Room 635 Federal Bldg. Hyattsville, Md. 20782 (301) 436-8247
7 CFR 319.41 (APHIS 100-51)	Indian Corn or Maize, Broomcorn, and Related Plants	Regulates the importation into the United States of Indian corn, broomcorn, and related plants which may carry dangerous plant pests and diseases.	H.V. Autry, APHIS USDA, Room 635 Federal Bldg. Hyattsville, Md. 20782 (301) 436-8247
7 CFR 319.8 (APHIS 100-52)	Foreign Cotton and Covers	This regulation restricts the importation into the United States of certain cotton parts or products and second-hand burlap and other fabrics used for containing cotton, grains, field seeds, and underground crops. The quarantine, pursuant to the Plant Quarantine Act of 1912, is designed to prevent entry into the U.S. of the pink bollworm, the golden nematode of potatoes, flag smut disease, and other injurious diseases and pests.	H.V. Autry, APHIS USDA, Room 635 Federal Bldg. Hyattsville, Md. 20782 (301) 436-8247
7 CFR 319.24 (APHIS 100-53)	Corn Diseases	Regulates the importation from several Southeast Asian and Pacific countries of Indian corn and closely related plants subject to certain injurious diseases.	H.V. Autry, APHIS USDA, Room 635 Federal Bldg. Hyattsville, Md. 20782 (301) 436-8247
7 CFR 318.47 (APHIS 100-54)	Cotton, Cottonseed, and Cottonseed Products	This regulation restricts the movement of cotton, cottonseed, and cottonseed products from Hawaii, Puerto Rico, and the Virgin Islands into the United States to prevent the spread of the pink bollworm and the cotton blister mite.	H.V. Autry, APHIS USDA, Room 635 Federal Bldg. Hyattsville, Md. 20782 (301) 436-8247
9 CFR 113.65-.67 (APHIS 100-55)	Live Bacterial Vaccines	Sets forth testing requirements for Brucella Abortus Vaccine, Anthrax Spore Vaccine-Nonencapsulated, and Erysipelothrix Rhusiopathiae Vaccine.	R.J. Price, APHIS USDA, Room 827 Federal Bldg. Hyattsville, Md. 20782 (301) 436-8245
9 CFR 83 (APHIS 100-56)	Screwworms	Regulation provides for the effective suppression and extermination of screwworm by prohibiting interstate movement of affected livestock and prescribing inspection and treatment procedures.	F.E. Smith, APHIS USDA, Room 733 Federal Bldg. Hyattsville, Md. 20782 (301) 436-8233
9 CFR 80 (APHIS 100-57)	Paratuberculosis in Domestic Animals	Regulation sets forth requirements for identification and destruction of cattle reacting to a recognized test for paratuberculosis; requirements for interstate movement of paratuberculosis reactors.	R. Bennett, APHIS USDA, Room 802 Federal Bldg. Hyattsville, Md. 20782 (301) 436-8715
9 CFR 82 (APHIS 100-58)	Exotic Newcastle Disease and Psittacosis or Ornithosis in Poultry	Regulation provides for restricting interstate dissemination of exotic Newcastle disease and psittacosis.	Irvin L. Peterson APHIS, USDA, Room 712 Federal Bldg. Hyattsville, Md. 20782 (301) 436-8438
9 CFR 81 (APHIS 100-59)	European Fowl Pest and Similar Poultry Diseases	Provides for restricting the interstate movement of poultry infected with or exposed to Fowl Pest or other similar poultry diseases and possible spread of these infectious agents through contaminated conveyances or other accessories.	Irvin L. Peterson APHIS, USDA, Room 712 Federal Bldg. Hyattsville, Md. 20782 (301) 436-8438

Parts Affected	Subject	Description	Contact
		Farmers Home Administration - Not Significant, Scheduled	
7 CFR 1822 (Subpart H) (FmHA 019-1)	Rural Housing Conditional Commitments	This regulation provides the policies, procedures and delegation of authority for issuing conditional commitments by FmHA to qualified developers and sellers to finance single family dwellings with rural housing loans.	A. Jennings Orr FmHA, USDA Room 5310S Washington, D.C. 20250 (202) 447-5668
7 CFR 1901 (Subpart D) (FmHA 089-55)	Davis - Bacon Act	This regulation identifies those types of loans and grants made by FmHA to which the Davis - Bacon Act applies and provides the procedures to comply with the Act. The Act applies to wage determinations.	Dan Ball, FmHA USDA, Room 6309S Washington, D.C. 20250 (202) 447-3394
7 CFR 1901 (Subpart G) (FmHA 119-105)	Environmental Impact Statements	This regulation provides FmHA policies, procedures and guidelines for compliance with Section 102(2)(c) of the National Environmental Policy Act of 1969, the Council on Environmental Quality Guidelines for Environmental Impact Statements, the Secretary of Agriculture's Memorandum 1695, Supplement 4 (revised) and Executive Office of the President Letter of 10-28-77, regarding functions of EPA.	Dan Ball, FmHA USDA, Room 6309S Washington, D.C. 20250 (202) 447-3394
7 CFR 1809 (422.1) (FmHA 100-62)	Appraisal of Farms and Leasehold Interests	This regulation prescribes the policies and procedures for the appraisal of farms securing various individual loans on other than non-farm tracts or small farms.	A. Brock, FmHA USDA, Rm. 5013S Washington, D.C. 20250 (202) 447-4671
7 CFR 1901 (Subpart I) (FmHA 100-63)	Truth in Lending - Real Estate Settlement Procedures	This regulation provides procedures for compliance with the Truth in Lending Act and Regulation Z (regarding Truth in Lending) of the Federal Reserve System as they apply to applicants for FmHA assistance.	A. Jennings Orr FmHA, USDA, Room 5310S Washington, D.C. 20250 (202) 447-5668
7 CFR 1901 (Subpart H) (FmHA 100-65)	A-95 Review, Evaluation and Coordination of Projects	This regulation provides policies and procedures regarding applicability of OMB Circular A-95 to FmHA programs. This provides regulations for federal programs having a significant impact on area and community development requiring review, evaluation and clearance by State and Area-wide clearinghouses.	Dan Ball, FmHA USDA, Room 6309S Washington, D.C. 20250 (202) 447-3394
		Farmers Home Administration - Scheduled	
FmHA has scheduled the following regulation for review for which the significance was not yet determined as of the publication deadline for this calendar.			
7 CFR 1841, 1843	Guaranteed Loans	This regulation provides policy and procedure for servicing certain FmHA guaranteed loans (farmer program loans).	A. Brock, FmHA USDA, Room 5013S Washington, D.C. 20250 (202) 447-4671
		Federal Crop Insurance Corporation - Scheduled	
FCIC has scheduled the following regulations for review for which the significance was not yet determined as of the publication deadline for this calendar.			
7 CFR 424	Rice	Prescribes regulations for insuring rice. (Regulations proposed for review in light of insuring experience and current farming practices.)	Peter Cole, FCIC USDA, Room 4088S Washington, D.C. 20250 (202) 447-3325
7 CFR 406	California Oranges	Regulations scheduled for review in light of insuring experience.	Peter Cole, FCIC USDA, Room 4088S Washington, D.C. 20250 (202) 447-3325
7 CFR 409	Arizona-Desert Valley Citrus	Regulations scheduled for review in light of insuring experience.	Peter Cole, FCIC USDA, Room 4088S Washington, D.C. 20250 (202) 447-3325
7 CFR 410	Florida Citrus	Regulations scheduled for review in light of insuring experience.	Peter Cole, FCIC USDA, Room 4088S Washington, D.C. 20250 (202) 447-3325

Parts Affected	Subject	Description	Contact
	Federal Grain Inspection Service - Scheduled		
FGIS has scheduled the following regulation for review for which the significance was not yet determined as of the publication deadline for this calendar.			
7 CFR 800.70-.73 (FGIS 100-16)	Review of Regulations - Fees	FGIS will conduct a review of that section of the regulations dealing with fees charged for official services performed by official agencies and FGIS; including the explanation of fees and the computation and payment of fees under the regulations under the U.S. Grain Standards Act.	J.W. Marshall, FGIS USDA, Room 0627S Washington, D.C. 20250 (202) 447-8497
	Food Safety and Quality Service - Significant, Scheduled		
9 CFR 303, 309, 310, 311, 312, 313, 314, 315, 316, 350, 354, and 9 CFR 381 Subpart C, I, J, K, L, M, S (FSQS 080-33)	Slaughter Inspection Standards and Procedures: Meat Inspection Regulations, Poultry Products Inspection Regulations	Regulations relating to exemptions, ante-mortem inspection, post-mortem inspection, disposal of diseased or otherwise adulterated carcasses and parts, handling and disposal of condemned or other inedible products at official establishments, rendering or other disposal of carcasses and parts passed (by inspection) for cooking, marking products and their containers, and transportation of products.	G.R. Snyder, FSQS USDA, Room 4444S Washington, D.C. 20250 (202) 447-3219
	Food Safety and Quality Service - Scheduled		
FSQS has scheduled the following regulations for review for which the significance was not yet determined as of the publication deadline for this calendar.			
7 CFR 2842.101-.142	Fruit and Vegetable (Fresh). Standards for condition of food containers	Regulations relating to purpose, definitions, procedures for stationary lot sampling and inspection, skip lot sampling and inspection procedures and miscellaneous.	J.J. Vollman, FSQS USDA, Room 2069S Washington, D.C. 20250 (202) 447-5272
7 CFR 2843.101-.106	Standards for Sampling Plan (for fresh fruits and vegetables)	Regulations relating to definitions, purpose and scope of sampling plans.	J.J. Vollman, FSQS USDA, Room 2069S Washington, D.C. 20250 (202) 447-5272
7 CFR 2850.1-.40	Rules of Practice Governing Withdrawal of Inspection and Grading Services (for fresh fruits and vegetables)	Regulations relating to temporary withdrawal of service (until certain conditions are met), proceedings and rules applicable to disciplinary withdrawal proceedings.	J.J. Vollman, FSQS USDA, Room 2069S Washington, D.C. 20250 (202) 447-5272
7 CFR 2851.1-.61	Fresh Fruits, Vegetables and Other Products (inspection and standards)	Regulations relating to administration of regulations, definitions, inspection service, appeal inspection, licensing of inspectors, schedule of fees and charges at destination markets and at shipping point areas, miscellaneous, and requirements of plants operating under continuous inspection on a contract basis.	J.J. Vollman, FSQS USDA, Room 2069S Washington, D.C. 20250 (202) 447-5272
7 CFR 2851.100-.4594	United States Standards for Fresh Fruits, Vegetables, Nuts and Other Special Products (153 individual standards for 82 different commodities)	Regulations relating to quality, condition and evaluations of fresh produce.	J.J. Vollman, FSQS USDA, Room 2069S Washington, D.C. 20250 (202) 447-5272
7 CFR 2851.6000-.6005	United States Specifications for Classification of Damaged or Repaired Packages of Fresh Fruits and Vegetables	Regulations relating to classification of packages and contents.	J.J. Vollman, FSQS USDA, Room 2069S Washington, D.C. 20250 (202) 447-5272
	Foreign Agricultural Service - Not Significant, Scheduled		
7 CFR 17.1-.4 (FAS 080-2)	Sales of Agricultural Commodities Made Available Under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended	General program statement, definition of terms, description of purchase authorizations, and sub-authorizations.	Leo D. Wallace, FAS USDA, Room 4526S Washington, D.C. 20250 (202) 447-6211

Parts Affected	Subject	Description	Contact
	Forest Service - Not Significant, Scheduled		
36 CFR 251.17 (FS 100-16)	Grantor's Right to Occupy and Use Lands Conveyed to the United States	Describes grantor's rights and obligations on said lands.	Richard Hull, FS USDA, Rm. 1010 RP-E Washington, D.C. 20013 (703) 235-8212
36 CFR 251.14 (FS 100-17)	Conditions, Rules, and Regulations to Govern Exercise of Timber Rights Reserved in Conveyances to the United States	Describes timber rights that must be made part of the deed of conveyance to the United States.	Richard Hull, FS USDA, Rm. 1010 RP-E Washington, D.C. 20013 (703) 235-8212
36 CFR 212.20 (FS 100-21)	National Forest Development Trail System Operation	Prescribes the use and protection of and maintenance of good conduct on the National Forest Development Trail System on lands within the exterior boundaries of the National Forests.	Roy Feuchter, FS USDA, Rm. 4241S Washington, D.C. 20250 (202) 447-3706
	Forest Service - Scheduled		
FS has scheduled the following regulations for review for which the significance was not yet determined as of the publication deadline for this calendar.			
36 CFR 212.21	Pacific Crest National Scenic Trail	The Forest Service shall administer the Pacific Crest National Scenic Trail primarily as a foot path and horseback riding trail.	Roy Feuchter, FS USDA, Rm. 4241S Washington, D.C. 20250 (202) 447-3706
36 CFR 251.35	Petersburg Watershed	Limits anyone from entering the Tongass National Forest without permit from the proper town officials.	Robert Tracey, FS USDA, Rm. 810 RP-E Washington, D.C. 20013 (703) 235-8096
	Rural Electrification Administration - Significant, Scheduled		
Bulletin 20-14 (REA 060-23)	Supplemental Financing for Loans Considered Under Section 4 of the Rural Electrification Act	REA loan policy for supplemental loans to electric borrowers.	C.R. Weaver, REA USDA, Room 3344S Washington, D.C. 20250 (202) 447-5900
	Rural Electrification Administration - Not Significant, Scheduled		
Bulletin 40-7 (REA 090-31)	National Electrical Safety Code ANSI C2, 1977 Edition	Regulation adopting specific edition of the National Electrical Safety Code as minimum standard for REA-financed construction.	Archie Cain, REA USDA, Room 1270S Washington, D.C. 20250 (202) 447-3813
Bulletin 80-11 (REA 090-34)	Reports of Progress of Construction and Engineering Services	Outlines the progress reports required from engineers and architects engaged in contract construction of borrowers' facilities.	Archie Cain, REA USDA, Room 1270S Washington, D.C. 20250 (202) 447-3813
Bulletin 345-3 (REA 060-22)	Acceptance of Standards, Standard Specifications, Drawings, Materials, and Equipment for the Telephone Program	Establishes the policy and procedures for the determination of standards, specifications, materials and equipment acceptable for REA financing for the telephone program.	Joseph Flanigan REA, USDA Room 1355S Washington, D.C. 20250 (202) 447-6985

Parts Affected	Subject	Description	Contact
	Rural Electrification Administration - Scheduled		
REA has scheduled the following regulations for review for which the significance was not yet determined as of the publication deadline for this calendar.			
Bulletin 2-1	Guiding Statement of REA Policy Concerning Its Relationship with Borrowers	Sets forth policy concerning the relationship between REA and its borrowers.	B. Stockton, REA USDA, Room 4024S Washington, D.C. 20250 (202) 447-4512
Bulletin 20-6	Loans for Generation and Transmission	REA loan policy for electric generation and transmission facilities.	C.R. Weaver, REA USDA, Room 3344S Washington, D.C. 20250 (202) 447-5900
Bulletin 20-22	Guarantee of Loans for Bulk Power Supply Facilities	REA loan policy for guarantees of loans made by legally organized lenders for electric bulk power supply facilities.	C.R. Weaver, REA USDA, Room 3344S Washington, D.C. 20250 (202) 447-5900
Bulletin 60-2	Electric System Capacity	States policy with respect to electrical capacity of systems financed with loan funds. Requires each system to have reasonably current long-range system engineering plans.	Archie Cain, REA USDA, Room 1270S Washington, D.C. 20250 (202) 447-3813
Bulletin 80-6	Construction, Operation, and Maintenance of Electric Lines on Land Administered by the U.S. Forest Service	States requirements for borrowers who construct and operate electric lines on national forest lands.	Archie Cain, REA USDA, Room 1270S Washington, D.C. 20250 (202) 447-3813
Bulletin 81-4:381-6	Payment to Contractor for Materials Delivered	Provides a method of payment to contractor for material delivered to the job site but not incorporated into the project due to conditions beyond the contractor's control.	Archie Cain, REA USDA, Room 1270S Washington, D.C. 20250 (202) 447-3813
Bulletin 81-8:381-13	Bidders' Qualifications	Places responsibility on the borrower to determine that prospective bidders are qualified. Provides sample forms for compiling qualification information.	Archie Cain, REA USDA, Room 1270S Washington, D.C. 20250 (202) 447-3813
Bulletin 100-1	Selection of an Attorney by an REA Borrower	REA policy for approval by REA of the selection of an attorney by a borrower.	B. Stockton, REA USDA, Room 4024S Washington, D.C. 20250 (202) 447-4512
Bulletin 100-2	Minutes of the Meetings of Boards of Directors, Members or Stockholders	REA requirements for borrowers with regard to the submission of minutes of board meetings when certain actions are taken.	C.R. Weaver, REA USDA, Room 3344S Washington, D.C. 20250 (202) 447-5900
Bulletin 100-4	Financial Security of REA Distribution Borrowers	REA policy and procedures for assisting borrowers identified as having financial problems.	C.R. Weaver, REA USDA, Room 3344S Washington, D.C. 20250 (202) 447-5900
Bulletin 112-6	Large Power Rates and Contracts	REA policies regarding large power rates and contract provisions and approvals.	C.R. Weaver, REA USDA, Room 3344S Washington, D.C. 20250 (202) 447-5900
Bulletin 114-2:414-1	Minimum Insurance and Fidelity Coverages for Electric and Telephone Borrowers	REA policy and requirements with respect to minimum insurance and fidelity coverage for electric and telephone borrowers.	J.V. Montague, REA USDA, Room 4316S Washington, D.C. 20250 (202) 447-2800
Bulletin 115-1	Sales of Capital Assets by Electric Borrowers	REA policies and procedures to be followed in the sale of mortgaged property.	C.R. Weaver, REA USDA, Room 3344S Washington, D.C. 20250 (202) 447-5900

Parts Affected	Subject	Description	Contact
	Rural Electrification Administration - Scheduled (cont.)		
Bulletin 180-6:460-2	Selection of Depositories for Funds of REA Borrowers	REA policies and procedures regarding the selection of depositories by borrowers.	Sheldon Chazin, REA USDA, Room 4307S Washington, D.C. 20250 (202) 447-7221
Bulletin 182-1	Evaluation and Enforcement of Internal Control of Borrowers' Enterprises	Discusses need for internal control procedures, sets forth characteristics of satisfactory system to include all actions to be taken if breach of internal control measures is discovered.	Sheldon Chazin, REA USDA, Room 4307S Washington, D.C. 20250 (202) 447-7221
Bulletin 300-5	General Funds	Sets forth policy with respect to general funds of telephone borrowers and establishes an appropriate level of working capital and reserve funds to be used as a guide for borrowers and REA in approving loans and advances.	John N. Rose, REA USDA, Room 2913S Washington, D.C. 20250 (202) 447-5252
Bulletin 300-7	Member Service Program - Telephone	Covers the policy of REA concerning the expansion and improvement of services and benefits to subscribers of telephone cooperative borrowers. Provides guidelines for use by borrowers in developing and executing comprehensive member service programs.	John N. Rose, REA USDA, Room 2913S Washington, D.C. 20250 (202) 447-5252
Bulletin 320-3	Working Capital in Loans to Telephone Borrowers	Outlines REA policy with respect to including funds for working capital in loans to telephone borrowers if requested and found necessary.	John N. Rose, REA USDA, Room 2913S Washington, D.C. 20250 (202) 447-5252
Bulletin 320-13	Loans for Switched Facilities	Sets forth REA's policy with respect to loans for switched (service station) facilities.	John N. Rose, REA USDA, Room 2913S Washington, D.C. 20250 (202) 447-5252
Bulletin 322-2	Rural Area Coverage-Telephone Loans	Sets forth REA policy covering the provision of telephone service to rural users on an area coverage basis as directed by the Rural Electrification Act.	John N. Rose, REA USDA, Room 2913S Washington, D.C. 20250 (202) 447-5252
Bulletin 323-1	Determination by Administrator with Respect to Non-Duplication of Lines, Facilities, or Systems	Provides guidelines to prevent duplication of lines, facilities or systems in a state with no public service commission. No loan can be made unless the Administrator makes a determination of non-duplication in these states.	John N. Rose, REA USDA, Room 2913S Washington, D.C. 20250 (202) 447-5252
Bulletin 328-1	Community Antenna Television (CATV) Financing Under the Consolidated Farm and Rural Development Act	Offers guidance to persons interested in obtaining financing under the Consolidated Farm and Rural Development Act for CATV services or facilities in rural areas.	John N. Rose, REA USDA, Room 2913S Washington, D.C. 20250 (202) 447-5252
Bulletin 342-1	Architectural Services for Telephone Borrowers	Sets forth the policy on the selection of architects by telephone borrowers and the procedures to be followed in contracting for architectural services.	Joseph Flanigan REA, USDA Room 1355S Washington, D.C. 20250 (202) 447-6985
Bulletin 344-1	Methods of Purchasing Materials and Equipment for Use on System of Telephone Borrowers	Outlines the methods and procedures to be employed by borrowers in purchasing materials and equipment with REA loan funds for the construction of telephone facilities.	Joseph Flanigan REA, USDA Room 1355S Washington, D.C. 20250 (202) 447-6985
Bulletin 345-5	Defective and Non-Standard Materials and Equipment	Covers the responsibilities of telephone borrowers, borrowers' engineers and contractors with regard to the proper inspection of materials and equipment and the replacement of defective or non-standard materials and equipment.	Joseph Flanigan REA, USDA Room 1355S Washington, D.C. 20250 (202) 447-6985

Parts Affected	Subject	Description	Contact
	Rural Electrification Administration - Scheduled (cont.)		
Bulletin 345-45 (REA 100-36)	Field Trials of Telephone Construction Materials and Equipment	Sets forth the REA policy and procedure concerning the use of telephone construction materials and equipment prior to their consideration for inclusion in the "List of Materials Acceptable for Use On Telephone Systems of REA Borrowers."	Joseph Flanigan REA, USDA Room 1355S Washington, D.C. 20250 (202) 447-6985
Bulletin 402-1	Mortgage Restrictions on Dividends and Other Distributions - Telephone	Outlines the typical mortgage restrictions on dividends and other distributions of capital in order to stress that any proposed distribution of capital is allowable under a borrower's agreement with REA as well as all applicable laws.	John N. Rose, REA USDA, Room 2913S Washington, D.C. 20250 (202) 447-5252
	Soil Conservation Service - Significant, Scheduled		
7 CFR 613 (SCS 109-26)	Conservation Operations - Plant Materials Centers	Provides Soil Conservation Service policy on the operations of plant materials centers for the assembly, testing, and release of plant materials needed in resource conservation and development programs.	Paul Howard, SCS USDA, Room 5207S Washington, D.C. 20250 (202) 447-4630
	Soil Conservation Service - Scheduled		
SCS has scheduled the following regulations for review for which the significance was not yet determined as of the publication deadline for this calendar.			
7 CFR 610	Conservation Operations (CO) - Technical Assistance	Sets forth Soil Conservation Service policies and procedures for furnishing technical assistance in conservation operations.	Cletus Gilman, SCS USDA, Room 5002S Washington, D.C. 20250 (202) 447-7145
7 CFR 663	Wellton-Mohawk Irrigation Improvement Program	Provides for cost sharing and technical assistance through contracts with landowners and operators for irrigation system improvement in the Wellton-Mohawk Irrigation and Drainage District (WMIDD), Arizona, to increase irrigation efficiencies and reduce return flows.	Joe Haas, SCS USDA, Room 5111S Washington, D.C. 20250 (202) 447-4527

LIST OF REGULATIONS PROPOSED FOR REVIEW

The following USDA regulations are proposed for review to be initiated between May 1981 and November 1981. The regulations are listed by USDA agency, along with the CFR parts affected, a brief description, and an agency contact.

Public comment is requested as to whether these regulations should be reviewed in the May 1981 - November 1981 time period, or whether other regulations deserve higher priority and should be reviewed then. Suggestions regarding meaningful groupings of regulations or emphasis on specific aspects of a regulation would be particularly helpful. Comments should be sent to the individual shown as the "contact" on the list no later than January 23, 1981.

The agency responsible for the regulation may initiate review at any time after the close of the above comment period. This is done by sending forward a Decision Log providing a projected schedule for the action, briefly summarizing the nature and extent of the impact of the regulation, etc.

Parts Affected	Subject	Description	Contact
	Agricultural Marketing Service - Proposed		
9 CFR Chapter II Part 201	Rates and Charges	Third phase. This continues the Plan for Review of Existing Regulations and Policy Statements Issued under the Packers and Stockyards Act. This phase will review procedures for filing and amending schedules of rates and charges filed by market agencies and stockyard operators.	Jack Brinckmeyer AMS, USDA, Room 3038S Washington, D.C. 20250 (202) 447-4366
7 CFR 1250.200-207	Amendment of Egg Research and Promotion Order	This Order provides for the conduct of research and promotion activities on behalf of eggs and egg products, funded by assessments paid by commercial egg producers. If the egg industry submits to USDA an appropriate proposed amendment to the Order based on the June 17, 1980 amendment to the Egg Research and Consumer Information Act, a formal rulemaking procedure could begin which would include a public hearing, recommended and final decisions on an amended Order, as well as a referendum on an amended Order.	Ralph L. Tapp, AMS USDA, Room 2614S Washington, D.C. 20250 (202) 447-2068
7 CFR 103	Tobacco Warehouses	These regulations are applicable to tobacco warehouses applying for license or licensed under provisions of the United States Warehouse Act. They define acceptable warehousing practices and specify basic responsibilities of licensees.	Orval Kerchner, AMS USDA, Room 2720S Washington, D.C. 20250 (202) 447-3821
7 CFR 104	Wool Warehouses	These regulations are applicable to wool warehouses applying for license or licensed under provisions of the United States Warehouse Act. They define acceptable warehousing practices and specify basic responsibilities of licensees.	Orval Kerchner, AMS USDA, Room 2720S Washington, D.C. 20250 (202) 447-3821
7 CFR 35	Regulations Under the Export Grape and Plum Act	These regulations require that, prior to shipment, any person shipping or offering for shipment, vinifera species table grapes to any foreign destination must have the fruit inspected by the Federal or Federal-State Inspection Service and certified as meeting specified quality and other requirements. Copies of the "Export Form Certificate" or Memorandum of Inspection issued by the Inspector must be retained by the export carrier for a period of not less than three years after the date of export.	M. E. McGaha, AMS USDA, Room 2532S Washington, D.C. 20250 (202) 447-5975
7 CFR 48	Regulations for the Enforcement of the Produce Agency Act	This regulation imposes accounting requirements on consignment transactions involving fresh produce received in interstate commerce.. It specifies the evidence needed to justify dumping of produce.	M.D. Price, AMS USDA, Room 2095S Washington, D.C. 20250 (202) 447-4180
	Animal and Plant Health Inspection Service - Proposed		
7 CFR 319.56	Fruits and Vegetables	In order to prevent the introduction into the United States of certain injurious insects, including fruit and melon flies, this regulation restricts the importation of fruits and vegetables and of plants used as packing material in shipments of fruits and vegetables.	H.V. Autry, APHIS USDA, Room 635 Federal Bldg. Hyattsville, Md. 20782 (301) 436-8247
7 CFR 318.58	Fruits and Vegetables from Puerto Rico or Virgin Islands	This regulation limits the movement of raw or unprocessed fruits and vegetables from Puerto Rico and the U.S. Virgin Islands to prevent the spread of certain dangerous insect infestations, including certain fruit flies and the bean pod borer. It also restricts the movement of cactus plants from the U.S. Virgin Islands to the U.S. to prevent the spread of a cactus borer.	H.V. Autry, APHIS USDA, Room 635 Federal Bldg. Hyattsville, Md. 20782 (301) 436-8247
7 CFR 318.13	Hawaiian Fruits and Vegetables	This regulation prescribes the conditions under which Hawaiian fruits and vegetables, cut flowers, rice straw, mango seeds and cactus plants are allowed into the continental United States. This quarantine is designed to prevent the spread of several dangerous plant diseases and insect infestations, including the Mediterranean fruit fly.	H.V. Autry, APHIS USDA, Room 635 Federal Bldg. Hyattsville, Md. 20782 (301) 436-8247

Parts Affected	Subject	Description	Contact
	Animal and Plant Health Inspection Service - Proposed (cont.)		
7 CFR 318.16	Sugarcane	This section quarantines Hawaii, Puerto Rico, and the U.S. Virgin Islands to prevent the spread of certain dangerous plant diseases and insect infestations of sugarcane.	H.V. Autry, APHIS USDA, Room 635 Federal Bldg. Hyattsville, Md. 20782 (301) 436-8247
7 CFR 319.15	Sugarcane	Prohibits the importation into the United States of canes, cuttings, or leaves of sugarcane and bagasse from all foreign countries and localities to avoid pest risk.	H.V. Autry, APHIS USDA, Room 635 Federal Bldg. Hyattsville, Md. 20782 (301) 436-8247
7 CFR 322	Importation of Adult Honeybees into the United States	Places restrictions upon the importation of adult honeybees from any country other than Canada in an effort to prevent the introduction of diseases dangerous to the adult honeybee.	H.V. Autry, APHIS USDA, Room 635 Federal Bldg. Hyattsville, Md. 20782 (301) 436-8247
9 CFR 55	Cattle Destroyed Because of Anaplasmosis	Provides agreement with State of Hawaii to enforce quarantine restrictions for control and eradication of anaplasmosis. Provides 50% of expenses to purchase and dispose of affected cattle.	J.D. Kopec, APHIS USDA, Room 810 Federal Bldg. Hyattsville, Md. 20782 (301) 436-8713
9 CFR 113.50-.55	Ingredient Requirements	Gives standards of purity and quality for all ingredients used in a licensed biological product.	R.J. Price, APHIS USDA, Room 827 Federal Bldg. Hyattsville, Md. 20782 (301) 436-8245
	Farmers Home Administration - Proposed		
7 CFR 1806 426.1	Real Property Insurance	Prescribes the authorizations, methods and procedures for obtaining and servicing property insurance.	George Moore, FmHA USDA, Room 5310S Washington, D.C. 20250 (202) 447-4597
7 CFR 1901-K	Certificates of Beneficial Ownership and Insured Notes	Prescribes policies and procedures for certificates of beneficial ownership and insured notes.	LaVerne Isenberg FmHA, USDA Room 6325S Washington, D.C. 20250 (202) 447-4871
7 CFR 1823 442.11	Loans to Indian Tribes and Tribal Corporations	Provides policies and procedures for making initial and subsequent insured loans to Indian tribes or tribal corporations for the acquisition of land within tribal reservations and Alaskan communities.	George Moore, FmHA USDA, Room 5310S Washington, D.C. 20250 (202) 447-4597
7 CFR 1904-G	Section 504 Rural Housing Loans and Grants	Sets forth policies and procedures and delegates authority for making initial and subsequent Rural Housing loans and/or grants.	A. Jennings Orr FmHA, USDA Room 5335S Washington, D.C. 20250 (202) 447-5668
7 CFR 1927-A	Federal Statute of Limitations	Outlines procedures for preventing the Federal Statute of Limitations from being asserted as a defense in suits on FmHA claims.	George Moore, FmHA USDA, Room 5310S Washington, D.C. 20250 (202) 447-4597
7 CFR 1980-E	Business and Industrial Loan Program	Contains regulations for Business and Industrial loans guaranteed by FmHA.	Robert Butler, FmHA USDA, Room 5420S Washington, D.C. 20250 (202) 447-5243
7 CFR 1980-A	General - Guaranteed Loan Programs	Contains regulations for FmHA guaranteed loan programs.	Robert Butler, FmHA USDA, Room 5240S Washington, D.C. 20250 (202) 447-5243

Parts Affected	Subject	Description	Contact
	Federal Grain Inspection Service - Proposed		
7 CFR 800.0	Review of Regulations - Meaning of Terms	FGIS will conduct a review of that section of the regulations under the U.S. Grain Standards Act dealing with the definitions of terms used throughout the regulatons.	J.T. Abshier, FGIS USDA, Room 2405 Auditors Bldg. Washington, D.C. 20250 (202) 447-8262
7 CFR 800.2-.8	Review of Regulations - Administrative Procedures	FGIS will conduct a review of that section of the regulations under the U.S. Grain Standards Act dealing with the administration of responsibilities and policies as outlined in the reglations.	J.T. Abshier, FGIS USDA, Room 2405 Auditors Bldg. Washington, D.C. 20250 (202) 447-8262
7 CFR 810.201 -.211	Review of Regulations - United States Standards for Barley	FGIS will conduct a review of the United States Standards for Barley.	J. Driscoll, FGIS USDA, Richards-Gebaur AFB, Bldg. 221, Grandview, Mo. 64030 (816) 348-2861
7 CFR 68.101 122 and 7 CFR 68.230 138	Review of Regulations - United States Standards for Beans	FGIS will conduct a review of the United States Standards for Beans.	J. Driscoll, FGIS USDA, Richards-Gebaur AFB, Bldg. 221, Grandview, Mo. 64030 (816) 348-2861
7 CFR 68 201 213	Review of Regulations - United States Standards for Rough Rice	FGIS will conduct a review of the United States Standards for Rough Rice.	J. Driscoll, FGIS USDA, Richards-Gebaur AFB, Bldg. 221, Grandview, Mo. 64030 (816) 348-2861
7 CFR 68.251 -.264	Review of Regulations - United States Standards for Brown Rice for Processing	FGIS will conduct a review of the United States Standards for Brown Rice for Processing.	J. Driscoll, FGIS USDA, Richards-Gebaur AFB, Bldg. 221, Grandview, Mo. 64030 (816) 348-2861
7 CFR 68.301-.316	Review of Regulations - United States Standards for Milled Rice	FGIS will conduct a review of the United States Standards for Milled Rice.	J. Driscoll, FGIS USDA, Richards-Gebaur AFB, Bldg. 221, Grandview, Mo. 64030 (816) 348-2861
	Food and Nutrition Service - Proposed		
7 CFR 230	Child Nutrition Programs - Food Service Equipment Assistance	Food Service Equipment Assistance rules define priorities for awarding funds to local school districts to purchase or upgrade equipment used to prepare school meals.	Vicky Urcuyo, FNS USDA, Room 754 GHI Washington, D.C. 20250 (202) 447-5548
	Forest Service - Proposed		
36 CFR 200.3	Forest Service Functions	Defines broad responsibilities of the Forest Service	Charles Teague, FS USDA, Room 4218S Washington, D.C. 20250 (202) 447-3716
36 CFR 292.14-.16 Subpart C	Sawtooth National Recreation Area - Private Lands	Establishes standards for the use, subdivision and development of privately owned property within the boundaries of the Sawtooth National Recreation Area in Idaho.	Roy Feuchter, FS USDA, Room 4241S Washington, D.C. 20250 (202) 447-3706
	Rural Electrification Administration - Proposed		
Bulletin 20-5:320-2	Extensions of Payments of Principal and Interest	Sets forth provision under Section 12 of Rural Electrification Act which permits borrowers to request extensions of principal payments under certain conditions.	C.R. Weaver, REA USDA, Room 3344S Washington, D.C. 20250 (202) 447-5900

Parts Affected	Subject	Description	Contact
	Rural Electrification Administration - Proposed (cont.)		
Bulletin 20-20	Deferment of Principal Repayments for Investment in Supplemental Lending Institutions	Sets forth criteria for providing assistance to borrowers to aid investment in supplemental financing organizations	C.R. Weaver, REA USDA, Room 3344S Washington, D.C. 20250 (202) 447-5900
Bulletin 42-1	Architectural Services for Electric Borrowers	States the REA policy regarding selection of architects by REA electric borrowers, and the procedures to be followed in contracting for architectural services.	Archie Cain, REA USDA, Room 1270S Washington, D.C. 20250 (202) 447-3813
Bulletin 60-10	Construction Work Plans, Electric Distribution Systems	Requires that each electric borrower follow the practice of having two-year construction work plans prepared, and provides guidance in the preparation, use and approval of construction work.	Archie Cain, REA USDA, Room 1270S Washington, D.C. 20250 (202) 447-3813
Bulletin 20-8	Purchase of Real Estate by Electric Borrowers	Sets forth requirements and procedures concerning the purchase of real estate by electric borrowers with REA loan funds or borrowers' general funds.	C.R. Weaver, REA USDA, Room 3344S Washington, D.C. 20250 (202) 447-5900
Bulletin 81-7:381-11	Changes or Corrections in Line Construction	Provides a procedure and a sample form for use for authorizing changes in contract construction (construction change order) where the cost of the change is to be borne by the borrower.	Archie Cain, REA USDA, Room 1270S Washington, D.C. 20250 (202) 447-3813
Bulletin 86-2	Pre-Construction Activities for Headquarters Facilities for Electric Borrowers	Sets forth REA requirements and procedures for the contract construction of borrower headquarters facilities.	Archie Cain, REA USDA, Room 1270S Washington, D.C. 20250 (202) 447-3813
Bulletin 86-3	Headquarters Facilities for Electric Borrowers	Sets forth REA policy and procedures under which borrowers may obtain financing for headquarters facilities.	Archie Cain, REA USDA, Room 1270S Washington, D.C. 20250 (202) 447-3813
Bulletin 111-1	Wholesale Contracts for Purchase and Sale of Electric Energy	Sets forth REA policy concerning wholesale power supply contracts.	C.R. Weaver, REA USDA, Room 3344S Washington, D.C. 20250 (202) 447-5900
Bulletin 111-4	Electric Wholesale Rates - Power Supply Borrowers	Sets forth REA policy and general recommendations with respect to electric wholesale rates charged by REA power supply borrowers. Wholesale rates include all rates and charges for electric power sold for resale.	C.R. Weaver, REA USDA, Room 3344S Washington, D.C. 20250 (202) 447-5900
Bulletin 320-4	Preloan Procedures for Telephone Loan Applicants	Sets forth REA policy and procedures relating to applications for financing the improvement and extension of telephone service to the widest practicable number of rural users.	John N. Rose, REA USDA, Room 2913S Washington, D.C. 20250 (202) 447-5252
Bulletin 320-9	Organization and Capital Structure of Telephone Borrowers	Sets forth REA policy relating to the organization and capital structure of loan applications in order to minimize legal complications affecting loan security.	John N. Rose, REA USDA, Room 2913S Washington, D.C. 20250 (202) 447-5252
Bulletin 320-14	Loans for Telephone System Improvements and Extensions	Sets forth procedures and requirements for supplemental loans to existing borrowers for telephone system improvements and extensions.	John N. Rose, REA USDA, Room 2913S Washington, D.C. 20250 (202) 447-5252
Bulletin 320-23	Construction Certification Procedures for Designated Telephone Borrowers	Establishes the REA policies and requirements relating to post-loan procedures for telephone borrowers with substantial and continuing construction programs.	Joseph Flanigan, REA, USDA, Room 1355S Washington, D.C. 20250 (202) 447-6985

Parts Affected	Subject	Description	Contact
	Rural Electrification Administration - Proposed (cont.)		
Bulletin 324-1	Loans for Refinancing Outstanding Indebtedness of Telephone Borrowers	Outlines REA policy on the provision of loan funds to refinance outstanding indebtedness of telephone borrowers.	John N. Rose, REA USDA, Room 2913S Washington, D.C. 20250 (202) 447-5252
Bulletin 325-1	Financing Lines, Facilities on Systems Outside of Rural Areas	Sets forth guidelines to be used by the Administrator of REA in determining that loans for the improvement, expansion, acquisition, and operation of telephone lines, facilities or systems outside of rural areas are necessary to furnish or improve telephone service in rural areas.	John N. Rose, REA USDA, Room 2913S Washington, D.C. 20250 (202) 447-5252
Bulletin 326-1	Acquisitions of Telephone Facilities and Systems	Sets forth factors to be considered by telephone borrowers (loan applicants) planning to acquire existing telephone lines, facilities, or systems with REA loan funds.	John N. Rose, REA USDA, Room 2913S Washington, D.C. 20250 (202) 447-5252
Bulletin 381-8	Contract Construction Telephone Borrowers' Initial System Outside Plant Facilities	Sets forth the requirements and procedures pertaining to the contract construction of telephone borrowers' initial system outside plant facilities. Initial system meaning the basic system to be constructed in each central office area to serve the subscribers estimated to be taking service at time of cutover.	Joseph Flanigan REA, USDA Room 1355S Washington, D.C. 20250 (202) 447-6985
Bulletin 383-1	Preparation of Plans and Specifications for Construction of Outside Plant Facilities	Furnishes telephone borrowers and their engineers with a guide for preparing the plans and specifications for the construction of telephone systems outside plant facilities.	Joseph Flanigan REA, USDA, Room 1355S Washington, D.C. 20250 (202) 447-6985
Bulletin 383-4	Post-Loan Engineering Design Requirements for Supplemental Loans	Presents the post-loan engineering design requirements and procedures for loans to existing telephone borrowers (supplemental loans).	Joseph Flanigan REA, USDA Room 1355S Washington, D.C. 20250 (202) 447-6985
Bulletin 384-3	Central Office Equipment Contracts and Specifications	Announces the issuance of new or revised central office equipment, contracts, or specifications. It also provides a list of current editions of central office equipment contracts and specifications.	Joseph Flanigan REA, USDA Room 1355S Washington, D.C. 20250 (202) 447-6985
Bulletin 385-1	Preloan Procedures and Requirements for Two-way Radiotelephone Service	Sets forth considerations, requirements and procedures for loan applications to provide two-way radiotelephone equipment.	John N. Rose, REA USDA, Room 2913S Washington, D.C. 20250 (202) 447-5252

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Friday
November 14, 1980

Part III

Environmental Protection Agency

Pesticide Chemical Active Ingredients; Proposed Registration Standards Ranking Scheme

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Chapter I

[OPP 30040; FRL 1625-6]

Pesticide Chemical Active Ingredients; Proposed Registration Standards Ranking Scheme

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed registration standards ranking scheme.

SUMMARY: This informational notice is not a proposal that will result in rulemaking, but rather is an attempt to provide interested parties with an idea as to the fashion in which EPA will prioritize the various pesticide active ingredients under the Registration Standards Program. Under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), EPA is required to review the more than 38,000 pesticide products currently registered in order to determine whether they pose unreasonable effects on man or the environment. EPA announced in an advanced notice of proposed rulemaking entitled "Registration Standards for the Registration of Pesticides" that it would review these products based on their active ingredients, allowing many products with the same active ingredient to be registered under the same standard (44 FR 76311, published in the **Federal Register** of December 26, 1979).

This document discusses in detail EPA's proposed method to order the registration standards review of these active ingredients based on their production and exposure.

DATES: Written comments should be submitted on or before December 15, 1980.

ADDRESS: Written comments should be submitted to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Rm. E-447, Environmental Protection Agency, 401 M St, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Ann Dizard or Emily White, Special Pesticide Review Division (TS-791), Office of Pesticide Programs, Rm. 1002-B, Crystal Mall #2, Environmental Protection Agency, 401 M St. SW, Washington, D.C., (703-557-1127).

SUPPLEMENTARY INFORMATION: This document sets out EPA's proposal to group the more than 600 active ingredients into "clusters" according to similarity of major uses (e.g., herbicides, insecticides, fungicides, disinfectants) and in cases when clusters are very large, to disaggregate them further according to the sites on which they are applied. Once the chemicals are assigned to clusters, a ranking equation, based on chemical production and exposure, will be used to assign point values to clusters. Clusters with high point values (i.e., high exposure and production) will be ranked high priority and will be reviewed ahead of lower-ranked clusters; however, EPA reserves the right to bypass the ranking order for single chemicals or entire clusters when such action seems appropriate based on new data, public concern, or other circumstances. EPA simultaneously will develop standards for each chemical included in the clusters; thus standards for alternative chemicals will be consistent and available within the approximate same time frame. During the development of the standards, data on the risks and uses of alternative chemicals will be collected which will facilitate subsequent, more detailed reviews if a chemical poses a substantial risk to humans and the environment. EPA feels that this approach will fulfill its Congressional mandate to review and reregister pesticides in an efficient, responsible way. A second **Federal Register** notice describing the ranking results will be prepared at a later date.

I. Introduction to the Registration Standards Ranking Scheme

Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is responsible for registering all new pesticide products and reviewing the acceptability of each of the 38,000 currently registered pesticide products, imposing restrictions on these products when necessary to protect human health and the environment. This authority has been described in detail in the advance notice of proposed rulemaking entitled "Registration Standards for the Registration of Pesticides" published in the **Federal Register** of December 26, 1979 (44 FR 76311). The reader should consult this notice for specific details of EPA's review and reregistration process.

Of particular relevance to this **Federal Register** document is EPA's approach to the review and reregistration of the 38,000 currently registered pesticide products. EPA has proposed to organize, review, and reregister these products according to their generic chemical ingredients. EPA intends to develop a document called a "registration standard" which states the agency's regulatory position with respect to a group of pesticide products containing the same active ingredient. This approach greatly reduces the number of items requiring detailed review; approximately 600 generic chemicals have been identified to date.

Even though this approach greatly reduces the number of items requiring review, EPA still must address the problem of how to order the chemicals for review. EPA has estimated that it could take 10 to 15 years to process all Registration Standard chemicals. Thus, some scheme to order the review of these chemicals must be developed.

II. The Cluster Concept

A. Definition

EPA has responded to the problem of ordering chemicals for review by developing the cluster concept of ranking. Under this scheme, EPA has grouped the approximately 600 generic chemicals into 48 clusters.

A cluster is a group of chemicals and a group of sites that are closely correlated, e.g., 10 insecticides used on citrus and grapes. Chemicals were first divided into major classes according to use, such as insecticides, herbicides, growth regulators, preservatives, and others. Some classes, such as the growth regulators and preservatives, contained a small number of chemicals which were assigned to these groups based on documentation in common published sources. The chemicals in each of the three classes of insecticides, herbicides, and fungicides, however, were too numerous to be contained in one cluster; therefore EPA used pesticide use data to break them down into smaller groups. Chemicals and sites were assigned to the same cluster when both of the following criteria were met:

1. More of each chemical in the cluster is used on one or more of the sites identified in the cluster than on any other cluster of sites, and

2. Each site in the cluster is treated with more of one or more of the chemicals within the cluster than with chemicals in any other cluster. The number of chemicals within each cluster group ranges between one and 26, with most clusters limited to less than 20. This limitation was necessary to preserve the aim of clustering, which is to provide for the review and reregistration of major chemical alternatives in the same approximate time frame.

B. Advantages to the Cluster Approach

The cluster approach presents three main advantages:

1. *Equity to the registrant.* Chemicals within the same cluster would be reviewed at about the same time. Thus no single registrant would have a commercial advantage over registrants

of pesticides used to treat similar problems.

2. *Advantages to user.* Labels of all products containing the chemicals in the clusters would be revised and made consistent at about the same time. In addition, due to the grouping of chemicals in clusters, alternative treatments for a common pest problem would receive simultaneous review. Users would have maximum flexibility to choose the pesticide best suited for their needs.

3. *Expeditious reregistration system.* EPA's proposed approach allows review to proceed on a variety of similar use compounds within a common time frame. Data on alternatives will be available at the same time; if one or more of the chemicals hits a Rebuttable Presumption Against Registration (RPAR) trigger, the RPAR review will be expedited by enabling risk data on alternative chemicals to be compared to see whether lower risk compounds can be substituted for the high risk one undergoing RPAR.

C. Detailed Discussion of the Cluster Concept

1. *Methodology.* As stated earlier, pesticide use data were employed to break down the three large classes of insecticides, herbicides, and fungicides into smaller groups that could be reviewed more easily. Chemicals and sites were assigned to the same cluster when the usage data showed that: (1) more of the chemicals were used to treat the sites in the cluster and (2) the sites were treated most often by those chemicals. For example, a cluster might originally include only grapes as a site. Initially, chemicals most heavily used to treat grapes would be assigned to that cluster. In the second iteration, citrus and grapes might both be heavy users of the same chemical, and so the cluster would be expanded to include both sites. In subsequent iterations, large clusters, such as corn (which is treated by many chemicals), tended to bring in other site/applications; therefore EPA had to limit the number of iterations when the clusters were becoming too large. This limitation was necessary to preserve the aim of the cluster concept, which is to create small groups of alternative chemicals used to treat similar sites, thus allowing simultaneous review of these chemicals.

2. *Limitations of the analysis.* EPA had to strike a balance between cluster error, defined as out of cluster use, and cluster size. Thus, if corn, citrus, and grapes all were treated by one of the same chemicals, but at the same time also were treated with other chemicals more specifically tailored to pest problems at the individual sites, EPA had to choose between assigning the chemical to only one of the sites on which it was used, or consolidating clusters. In some instances EPA consolidated clusters, but when it seemed appropriate to maintain the divisions of certain clusters, EPA would assign the chemical to the cluster of sites on which it was most heavily used.

The accuracy of this approach is reflected in the following examples. Insecticide use within cluster groups varied from 50 to 87 percent, i.e., individual chemicals within the clusters represented from 50 to 87 percent of the chemicals used to treat those sites. On a weighted average basis, the chemicals grouped with the sites represented 82.5 percent of the chemicals actually used. The overall error rate for the broad category of insecticides, then, is indicated by the remaining 17.5 percent, which represents the percentage of chemicals used at the sites, but which are not included in the cluster.

Similarly, the average error rate for herbicides is 14.6 percent. An error rate for the fungicides could not be determined because the usage data were not in an accessible format. Error rates for other groupings are not applicable, since uses were determined from common published sources rather than by a quantified analysis of use data.

The main result of these error rates is that in some cases a cluster will not include the major chemicals used on the sites listed. For example, this problem occurred with Cluster H–2, Corn, and Cluster H–4, Sorghum, Rice, and Small Grains. A major chemical was used most often to treat problems in both clusters; however, it was used most heavily on corn and was therefore assigned to that cluster. As a result, chemicals listed in Cluster H–4 represented the minor chemicals used to treat that cluster. Alternatively, Cluster H–4 could have been included in Cluster H–2, but as stated earlier, this would have made the cluster for corn too large and would have defied the purpose of clustering, which is to group chemicals in a way that allows for judicious and expeditious review. In addition, it should be noted that all uses of a chemical undergoing review will be considered, not just the use related to the cluster in which the chemical is grouped. Consideration of all uses for a chemical at one time will greatly alleviate any problems raised by incorrect clustering. For the most part, chemicals and sites were closely correlated and the major alternative chemicals are included in the same cluster.

3. *Review of cluster groupings.* Once chemicals were assigned to clusters, either by computer analysis or literature review, the logic of the groupings was reviewed by scientists within EPA.

4. *Resulting clusters.* As a result of EPA's effort, more than 600 chemicals have been grouped into 48 clusters. A chemical is placed in the most appropriate cluster, even if it is used to treat several other sites. However, in a few, limited circumstances, a chemical may be used substantially to treat many sites. Chemicals falling in this category and having similar uses are grouped in a cluster with across the board sites (e.g., Cluster F–1 of the fungicides, which includes the EBDC's, benomyl, captan, copper compounds, thiram, and chlorothalonil). Under IV of this notice is a list of the chemicals contained in each of the 48 clusters. EPA invites comments on the assignment of chemicals into clusters, particularly if the placement of a chemical seems inappropriate.

5. *Review schedule for clusters.* In order to determine the review schedule for clusters, EPA has developed an equation, based on pesticide production and exposure, to assign point values to each cluster. The equation and, particularly, the rationale for including production and exposure as the major determinants of priority, are discussed in detail in III of this notice.

III. The Ranking Equation

A. Selection of the Equation

EPA has developed the following equation to assign point values to chemicals within each cluster:

$X = (2E_1 + E_2)\{P\}$
P = Production
E_1 = Human Exposure
E_2 = Fish and Wildlife Exposure

Human and fish and wildlife exposure were computed as a summation of the various elements which comprise the exposure estimate (see the following pages for an explicit breakdown of each item and range of point values).

A factor for risk originally was included in the ranking equation; however, several problems arose that precluded its inclusion in the final equation. The primary reason was that detailed data on the toxicity of most chemicals were not available. In addition, during preliminary runs of the equation, EPA found that the inclusion or exclusion of risk did not affect the overall results of the equation, primarily because exposure was weighted heavily. The fish and wildlife portion of the equation, however, does include a factor for toxicity because such information was readily available for most

chemicals. Human exposure is multiplied by two because of the greater risk involved with direct hazards to human health rather than indirect hazards to human health resulting from fish and wildlife exposure. Therefore, direct human exposure should receive greater emphasis in determining the order in which to review chemicals. EPA will maintain a certain amount of flexibility once the equation is adopted and reserves the right to bypass the ranking order for chemicals in cases when new data reveal hazards formerly unknown, public concern for a chemical warrants attention, or other situations when EPA determines it appropriate to review a chemical or an entire cluster ahead of its scheduled review time.

B. Detailed Discussion of Point Values in the Equation

The following paragraphs discuss the way production and exposure values (both human and fish and wildlife) were determined for each chemical.

1. *Production.* Chemicals are ranked high, medium, or low according to how many pounds of active ingredient are produced on an annual basis. 20 percent of the pesticide active ingredients fall into the high priority category, 40 percent in medium and 40 percent in low.

Ranking

>1 million lbs/year=high=5
25,000 to 1 million lbs/year=medium=3
<25,000 lbs/year=low=1

2. *Human exposure* (E_1). For each chemical, overall point values for human exposure were derived from the food uses of the chemical, product formulation, reentry potential, bystanders potentially affected, home uses, agricultural uses, and human residue/environmental contamination. Each of these parameters is discussed below.

a. *Food uses.* Food use chemicals were ranked according to the percent of acceptable daily intake (ADI) which had been met or, when that information was unavailable, the number of tolerances. Numerical values were assigned as follows:

Ranking

81%—100% ADI=4
41%—80% ADI=2
0.1%—40% ADI=1
<0.1% ADI=0
or
>20 tolerances=4
11 to 20 tolerances=2
1 to 10 tolerances=1
No tolerances=0

b. *Applications.* Exposure will be affected by the form of application of a chemical, e.g., a dust or aerosol formulation will result in higher exposure than a granular or closed system formulation. Point values are:

Ranking

Liquid, dust, aerosol, gas=4
Granular=2
Limited Application [1]=0

c. *Reentry.* People may be exposed to a chemical after it has been applied, e.g., workers harvesting a chemically treated crop may inhale or have physical contact with the chemical residue on the crop.

This parameter considers reentry only from phosphate or carbamate chemicals used on fruits or vegetables or other uses because of the likelihood that the chemicals would be sufficiently persistent to result in exposure to harvesters. In addition, these chemicals are most acutely toxic because of cholinesterase inhibition and reentry exposure likely would occur because fruits and vegetables are often picked manually.

The following values were assigned:

Ranking

Phosphate or carbamate used on fruits or vegetables=4
Phosphate or carbamate only=2
Other categories=0

d. *Bystanders.* This category assigns point values for non-target human exposure in outdoor chemical applications:

Ranking

Aerial sprays=4
Other outdoor applications=2
Virtually no non-target exposure=0

e. *Home uses.* This category assigns values to exposure resulting from home/closed working space uses of a chemical:

Ranking

Aerosol, dust, or spray=4
Weed & feed, flea collars, other low concentration products=2
Enclosed traps, etc.=1
No home uses=0

f. *All agricultural uses (to account for mixing, loading, and cleaning).* This category was included to account for incidental agricultural exposure occurring when people mix, load, or clean with pesticide chemicals for both crop and non-crop farm use. It also helps implement section 3(g) of the Act which requires that special consideration be given to pesticides that result in post-harvest residues in or on food or feed crops.

Ranking

Any agricultural uses=2
No agricultural uses=0

g. *Human data.* Chemicals which are persistent in human tissue or in air, soil, and water, present a higher level of exposure opportunity. In cases where data are known to exist, point values were assigned as follows:

Ranking

Residue found in humans=10
Known environmental contamination=5
No residues found in humans=0

3. *Fish and wildlife exposure* (E_2). Fish and wildlife exposure was measured by the toxicity of a given chemical and the extent to which exposure might occur. The information on toxicity was taken from the pesticide labels. Other parameters included were: application site data, cultural practices, frequency of application, application rate (lbs/acre), and method of application. Each of these criteria is discussed below.

a. *Toxicity.* Toxicity to mammals, birds, fish and aquatic invertebrates was determined by information on individual pesticide labels as follows:

(1) Mammals:

Ranking

Symbol of Skull & Crossbone appears on the label=3
Word "Danger" "Warning" or "Caution" appears on the label=1
The above symbol or words do not appear on the label=0

(2) Birds:

Ranking

Bird warning appears on label=3
No bird warning on label=0

(3) Fish:

Ranking

Fish warning appears on label=3
No fish warning on label=0

(4) Aquatic Invertebrates:

Ranking

Aquatic invertebrate (shrimp, crabs, oysters) warning appears on label=3
No aquatic inverterbrate warning on label=0

b. *Site of application.* Three factors were used to determine exposure resulting from different site/application characteristics: (1) cropland as percentage of total land resource, (2) average potential annual direct runoff, and (3) cultural practices. Factors one and two represent situations in which a chemical is used on a large portion of land and/or heavy precipitation occurs in that area, thus increasing the potential for fish and wildlife exposure. Factor three reflects exposure differences in field crops (rotational) versus nonrotational crops, e.g., orchards.

[1] Limited application refers to those methods which would result in little or no exposure to applicators. Examples of such applications include fumigation, Japanese beetle traps, roach traps, and fly paper.

(1) Cropland as percentage of total land resource area.[2]

Ranking

76—100% = 2.0
51—75% = 1.5
26—50% = 1.0
0.1—25% = 0.5
0% = 0

(2) Average potential annual direct runoff:[2]

Ranking

>7" = 2.0
3.1 to 7" = 1.5
1.1 to 3" = 1.0
0.1 to 1" = 0.5
0" = 0

(3) Cultural practices:

Ranking

Rotational annual crops = 1
Nonrotational (perennial) crops only = 2
No crops use = 0

c. *Frequency of application.* This parameter ranks chemicals on how frequently they are applied to the site:

Ranking

High application rate (5 or more times/year) = 4
Medium application rate (2 to 4 times/year) = 3
Low application rate (one time/year or less) = 2
No outdoor application = 0

d. *Application volume.* This parameter ranks chemicals on amount of active ingredient applied:

Ranking

High (>5 lb/acre) = 4
Medium (1–5 lb/acre) = 3
Low (<1 lb/acre) = 2
No outdoor application = 0

e. *Method of application.* This parameter assigns point values for the likelihood that non-target species will be affected by the application of the chemical:

Ranking

Aerial spray (including thermal fogging) = 3
Other outdoor applications = 2
No outdoor applications = 0

C. Use of Point Values

Based on the equation described in III. A., point values will be assigned to each chemical within a cluster. For each cluster, these values will be summed and then divided by the number of chemicals in the cluster to produce an average. Clusters with the highest average will be reviewed ahead of clusters with lower averages, and standards for each of the generic chemicals within these clusters will be developed. The final assignment of chemicals to clusters will follow receipt of comments to this notice. To be considered, comments should be received within 30 days of publication of this notice. Once chemical assignments to clusters are finalized, the final ranking of clusters will be made and a second notice describing the ranking will be published.

[2]This information was taken from maps showing average annual potential direct runoff and croplands as percentages of total land resource areas appearing in B.A. Steward, Woolhiser, D.A., Wischmeier, W.H., Caro, J.H., and Frere, M.H., "Control of Water Pollution Runoff from Cropland," Vol. 1, November 1975. EPA-600/2-75-026a.

IV. List of Clusters

The master listing of chemicals indicating the placement of individual chemicals in the 48 clusters, and itemized listing of each cluster follows:

Master Chemical List

Chemical Name and Group

Abietylamine, R–11
Acephate (orthene), I–1
Acetic Acid, R–6
Acifluorfen, H–3
Acrolein, H–7
Alachlor, H–2
Aldicarb (Temik), I–1
Aldrin, I–10
Aliquat 21, R–4
Alkyl Bis (Hydroxyethyl) Methyl Ammonium Chloride, R–8
Alkyl Bis (2-Hydroxyethyl) Sodium Ammonium Acetate, R–4
Alkyl (5-Hydroxy-4 Oxo-2 (4H) Pyranyl Methyl) Dimethyl Ammonium Chloride, R–8
Alkyl Monoethanol Amide, R–8
Allethrin, I–8
Allyl Alcohol F–10
Allyl isothiocyanate (mustard oil), R–14
Aluminum Chloride R–11
Aluminum Hydroxy Benzene Sulfonate, R–4
Aluminum Phosphide (phostoxin), I–9
Aluminum Powder, R–8
Aluminum Sulfate, R–9
Ametryn, H–5
Amical, R–1
Aminocarb (matacil), I–11
4-Aminopyridine (Avitrol), R–13
Amitraz (BAAM), I–3
Amitrol, H–7
Ammonium Arsenite, R–7
Ammonium Fluosilicate (Dri-Die), I–8
Ammonium Polysulfide, F–2
Ammonium Sulfamate (AMS), H–7
Amyl Acetate (banana oil), R–14
Ancymidol, R–10
Anethole (anise camphor), R–14
Anilazine, F–3
Antu, R–15
Arbanol Dee, R–5
Arsenic Acid, R–10
Arsenic Pentoxide, R–7
Aspon (o,o,o,o-tetrapropyl dithiopyrophosphate), I–11
Asulam, H–5
Atrazine, H–2
Azinphos-methyl (Guthion), I–3
Bacillus Popillae and B-lentimarbus, I–11
Bacillus thuringiensis, I–5
Barban, H–4
Baygon (Propoxur), I–8
Bayluscide, R–12
Bendiocarb (Ficam), I–8
Benefin, H–8
Benomyl, F–1
Bensulide, H–8
Bentazon, H–3
Benzaldehyde, I–7
Benzalkonium Chlorine, R–1
Benzene, I–6
Benzoic Acid, R–6
Benzyl Benzoate, I–6
O-Benzyl-p-chlorophenol, R–8
Bifenox, H–3
Bioallethrin (D-Trans allethrine), I–8
Bioban 1487, R–3
Biobor, R–1
Biomet 4, R–1
Biomet—12 (tri-n-butytin chloride), R–15
Biomet 204, R–8
Biphenyl, F–4
Bis (trichloromethyl) sulfone, R–2
1,4-Bis (Bromoacetoxy) -2-Butene, R–2
2,6-Bis (dimethylamino) methyl cyclohexanone, R–2
Bisethylxanthogen, H–9
Bitrex (Benzyl diethyl 2,6 xylylcarbamoylmethyl Ammonium benzoate), R–14
Blood, R–14
Bomyl, I–6
Bone oil (Dippel's oil), I–6
Boric Acid, I–8
Bromacil, H–5
4-Bromoacetoxymethyl-M-Dioxolane, R–2
Bromophos (nexion), I–11
Bromoxynil, H–4
BTC–E–2125, R–4
Bufencarb (Bux), I–2
Busan 40, R–2
Busan 77, R–2
Busan 90, R–2
Butachlor (Machete), H–4
Butanoic Anhydride, R–4
Butonate, I–6
Butoxy Polypropylene glycon (Stabilene) (Crag Fly Repellent), I–6
Butralin, H–8
Butylate, H–2 3
Cacodylic Acid, R–10
Cadmium Compounds, F–9
Calcium Arsenate, R–7
Calcium Cyanamide, F–3
Calcium Cyanide (cyonogas), I–9
Calcium Hypochlorite, R–8
Calcium Sulfate, R–5
Camphor, I–7
Capsaicin, R–14
Captafol, F–3
Captan, F–1
Carbaryl (Sevin), I–2
Carbofuran (Furadan), I–2
Carbon disulfide, I–9
Carbon Tetrachloride, I–9
Carbonates: Mg, K, Am, Na, R–4
Carbophenothion (Trithion), I–2
Carboxin, F–5
Castor oil, R–13
CDAA, H–9
CDEC, H–9
Cetyl Pyridinium Bromide, R–1
Chloramben (Amiben), H–3
Chlordane, I–10
Chlordimeform (Galecron, Fundal), I–1
Chlordimeform hydrochloride (Galecron SP, Fundal SP), I–1
Chlorfenethol (Dimite, Qikron), I–11

Chlorfenvinphos (Supona), I–6
Chlorflurenol (Maintain), R–10
Chlorhexidine, R–8
Chlorinated glycoluril, R–9
Chlorinated isocyanurates, R–9
Chlorinated levulinic Acids, R–2
Chlorine-B, R–8
Chlorine Dioxide, R–9
Chlorobenzene, R–11
Chlorobenzilate (Acaraben), I–4
Chlorobromuron, H–3
Chloroform, I–9
Chloroneb, F–15
Chloronitropropane, F–5
Chlorophacinone (Rozol), R–15
2-Chlorophenol, R–1
2-(3-Chlorophenoxy) Propanoic Acid, R–10
Chloropicrin, I–9
Chloropropylate (Acaralate), I–3
Chlorothalonil, F–1
Chlorothene (1,1,1-Trichloroethane), R–5
Chloroxuron, H–7
Chlorpropham (CIPC), H–9
Chlorpyrifos (Lorsban, Dursban), I–2
Chromic Acid, R–11
Citral, R–14
Citronella, oil of, I–7
Citrus oil, R–14
Coal Tar Oils, R–7
Cobalt Naphthenate, R–7
Copper Acetoarsenite (Paris Green), I–12
Copper Compounds, F–1
Copper Oxalate, R–13
Coumaphos (Co-Ral), I–6
Creosote, R–7
Cresylic Acid, R–14
Crotoxyphos (Ciodrin), I–6
Crufomate (Ruelene), I–6
Cryolite (Kryocide), I–4
Cyanazine (Ethiolate), H–2
Cycloate, H–6
Cycloheximide, F–9
Cyhexatin (plictran), I–3
Cyprazine, H–2
2,4-D (plus salts and esters), H–1
Dalapon, H–6
Daminozide, R–10
Dazomet, H–8
2,4-DB, H–3
DCNA, F–3
DCPA (Dacthal), H–9
DDT, I–13
DEET, I–7
DEF, R–10
Demeton (Systox), I–1
Desmediphen, H–6
Dialifor (Torak), I–3
Dialkyl Methyl Benzyl Ammonium Chloride, R–9
Diallate, H–6
Diamidfos, I–13
Diazinon (Spectracide), I–3
Dibromochloropropane (DBCP), I–9
2,3-Dibromopropionaldehyde, R–2
4,5-Dibromosalicylanicide, R–4
3,5-Dibromosalicylanilide, R–4
Dicamba, H–2
Dichlobenil, H–5
Dichlofenthion (Mobilawn), I–11
Dichlofop Methyl, H–3
Dichlone, F–3
Dichloroethyl Ether, F–8
Dichlorophene, R–1
Dichloropropane, I–9
Dichlorprop, H–7
Dichlorvos (DDVP), I–6
Dicofol (Kelthane), I–4
Dicrotophos (Bidrin), I–1
Dieldrin, I–10
Diethanolamide, R–14
Difenzoquat, H–4
Diflubenzuron (Dimilin), I–1
Diisobutyl Phenoxyethanol (Flys-off), I–6
Dimethoate (Cygon, Defend), I–4
Dimethoxane, R–1
Dimethrin, I–12
Dimethyl Phthalate (DMP), I–6
Dimetilan (Snip), I–13
Dinitramine, H–3
Dinocap (Karathane), I–3
Dinoseb, H–6
Dioxathion (Delnav), I–4
Diphacinone (Diphacin), R–15
Diphacinone, Sodium Salt, R–15
Diphenamid, H–9
Diphenylamine (DPA), I–6
Dipropetryn, H–4
Diquat, H–7
Disparlure, I–11
Disulfoton (Di-Syston), I–2
Ditalimfos, F–10
Dithianon, F–2
2,2-Dithiobisbenzothiazole, F–2
Diuron, H–5
Dodecyl Dimethyl Benzyl Ammonium Chloride, R–1
Dodine, F–2
Dormant oils, I–3
Dowicides, R–11
Dowicil A–40, R–11
DPX 1108, R–10
DSMA, H–3
EBDC's (6), F–1
EDTA, R–4
EGT, H–3
Endosulfan (thiodan), I–3
Endothall, H–9
Endrin, I–1
EPIC liquid algacide, R–9
Epichlorohydrin, I–9
EPN, I–1
Epsom salts, R–12
EPTC, H–2
Erbon, H–10
Ethephon, R–10
Ethion (Nialate), I–4
Ethofumesate, H–6
Ethoprop (Mocap), I–2
Ethoxyquin, R–10
Ethyl Formate, I–9
Ethyl hexanediol (Rutgers 612), I–7
Ethylene, R–10
Ethylene dibromide (EDB), I–9
Ethylene Dichloride (EDC), I–9
Ethylene glycol ether of pinene (DHS activator), I–8
Ethylene Oxide (ETO), I–9
Ethylenediamine, R–8
Eucalyptus, R–14
Eugenol, I–11
Famphur (Famophos), I–6
Fatty Alcohols, R–10
Fenac, H–7
Fenaminosulf, F–5
Fenamiphos, I–9
Fenchlorphos (Ronnel), I–6
Fenitrothion (Sumithion), I–11
Fensulfothion (Dasanit), I–2
Fenthion (Baytex), I–12
Fentin hydroxide, F–2
Fenvalerate (Pydrin), I–1
Ferbam, F–2
Ferrous Sulfate heptahydrate, H–8
Fluchloralin, H–3
Fluometuron, H–3
Fluoroacetamide (Fluorakil 100), R–15
Fluorosalan, R–1
Folpet, F–2
Fonofos (Dyfonate), I–2
Formaldehyde, R–8
Formetanate hydrochloride (carzol SP), I–4
Fosamine, H–7
Fumaric Acid, R–6
Fumarin (Coumafuryl), R–15
Furfural, R–8
Geranium Oil, R–14
Gibberellic Acid, R–10
Gluconic Acid, R–8
Glutaraldehyde, R–8
Glycolic Acid, R–8
Glyodin, F–2
Glyphosate isopropylamine salt, H–3
Gophacide (Phosacetin), R–15
Gossyplure, I–1
Grandlure Mixture, I–1
Groton, R–3
Gypchek, I–11
Halazone, R–9
HCl, R–4
Heliothis Polyhedrosis (virus elcar), I–1
Heptachlor, I–10
HEX, I–1
Hexachloroacetone, R–10
Hexachlorobenzene, F–5
Hexachlorophene, F–3
Hexahydro–1,3,5-Tris (2-Hydroxypropyl)-S-Triazine, R–8
Hexazinone, H–5
Hexylene glycol, R–11
Hyamine 3500, R–4
Hydrogen cyanide (cyclon), I–9
Indalone, I–7
Indole 3-Butyric Acid, R–10
Iodine Compounds, R–8
Iprodione, F–9
Isobutyric Acid, F–7
Isooctyl Phenoxy Polythoxy Ethanol, R–8
Isopropalin, H–9
Isothan, F–6
Isothymyl Chloroethyl ether, I–8
2-Isovaleryl 1,3 Indandione, Calcium Salt, R–15
Karathane, F–2
Karbutilate, H–7
Kathon 886, R–1
Kerosene, I–12
Kinoprene (Enstar), I–11
Lamprecide, R–12
Landrin I–2
Lavender oil R–14
Lead Arsenate, Acid, I–13
Lead Arsenate, basic, I–13
Lemongrass oil, R–14
Lethane 384, I–8
Lethane 60+Lethane A–70, I–8
Lime, R–11
Lindane, I–6
Linseed oil, I–6
Linuron, H–3
Magnesium Chloride, R–8
Malathion, I–5
Maleic Hydrazide, R–10
MAMA, H–7
MCPA, H–4
MCPB, H–6
Mecoprop, H–8
Menthol, R–14
Mercaptobenzothiazole, R–1

Merphos, R–10
Metabromuron, H–9
Metaldehyde, R–12
Metam-Sodium, I–9
Metasol J–26, R–2
Methamidophos (Monitor), I–5
Methazole, H–4
Methidathion (Supracide), I–2
Methiocarb (Mesurol), R–12
Methomyl (lannate, Nudrin), I–1
Methoprene (Altosid), I–12
Methoxychlor, I–5
Methyl bromide, I–9
Methyl-2-3-Dibromopropionate, R–2
Methyl Esters of fatty acids, R–10
Methyl Eugenol, I–11
Methyl Nonyl Ketone, R–14
Methyl Parathion, I–1
Methyl P-Hydroxybenzoate, R–6
Methyl Salicylate (Wintergreen), R–4
Methyl Trithion, I–13
Methylene Bis (thiocyanate), R–1
Methylene Chloride, I–9
Metolachlor, H–2
Metribuzin, H–3
Mevinphos (Phosdrin), I–5
Mexacarbate (zectran), I–11
MG Silicate, R–4
MGK 264, I–8
MGK Repellent eleven, I–7
MGK Repellent 326, I–7
MGK Repellent 874, I–8
Mitin FF, I–8
Mobam, I–13
Molinate, H–4
Monocrotophos (Azodrin), I–1
Monohydrate, R–1
Monuron, H–7
Morpholine, R–8
MSMA, H–7
Muscalure, I–6
NAA, R–10
NAAM, R–10
Nabam, R–2
Naled (Dibrom), I–4
N-Alkyl-N-Ethyl Morpholinium Ethyl Sulfate, R–8
2-Naphthol Beta-Naphthol, I–3
Napropamide, H–5
Naptalam (Alanap), H–3
Naphthalene, I–8
Neburon, H–10
Neomycin, R–4
Nickel Sulfate, F–9
Nicotine, I–5
Nicotine Sulfate, I–5
Nitralin, H–3
Nitrapyrin, R–11
Nitrofen, H–9
N-Laurel Diethylenetriamme, R–4
NMPD, R–3
Norea (Herbam), H–9
Norflurazon, H–4
N-Propyl Isome, R–5
Nuclear polyhedrosis virus of Douglas fir tussock moth, I–11
Nvosept 95, R–1
Omadine Sodium, R–11
Onyxide, R–1
Ornitrol, R–13
Ortho-dichlorobenzene, I–13
Oryzalin, H–3
Ovex (Chlorfenson), I–3
Oxadiazon, H–4
Oxamyl (vydate L), I–5
10, 10 Oxybisphenoxarsine, R–1
Oxydemeton-methyl (metasystox-R), I–5
Oxyfluorfen (Goal), H–3
Oxythioquinox, F–2
Paloja, R–13
Para-dichlorobenzene, I–8
Paraquat, H–5
Parathion, I–1
Parinol, F–8
P-Chlorophenoxyacetic Acid, R–10
Pebulate, H–6
Pendimethalin, H–3
Pentac (Dienochlor), I–11
Pentachloronitrobenzene-(PCNB), F–5
Pentachlorophenol, R–7
Pentanethiol, R–14
Pentasodium diethylenetriamine pentaacetate, R–5
Perchloroethylene, I–9
Perfluidone, H–3
Permethrin (Ambush, Pounce), I–1
Phenmedipham, H–6
Phenol, R–4
Phenothiazine, I–6
Phorate (thimet), I–2
Phosalone (Zolone), I–3
Phosmet (Imidan, Prolate), I–3
Phosphamidon (Dimecron), I–1
Phosphorus, R–15
Phyomone, R–10
Picloram, H–4
Pine Tar, I–13
Piperalin, F–8
Piperazine dihydrochloride, I–6
Piperonyl butoxide, R–5
Pirimicarb (pirimor), I–5
Pirimiphos-ethyl (primicid), I–5
Pival (Pivalyn), R–15
PMP (Valone) , R–15
Polybutene, R–13
Polychlorobicyclopentadiene, H–8
Polyethylene, R–13
Polyethylene Polyamine N-Oleylamine Hydrochloride, R–3
Polyisobutylene, R–13
Potassium Bifluoride, R–7
Potassium Bisulfate, R–2
Potassium Bromide, R–4
Potassium Chromate, R–2
Potassium Cyanate, H–8
Potassium Iodate, R–11
Potassium Permanganate, R–11
Profenofos (Curacron), I–1
Profluralin, H–3
Prolin (Warfarin + Sulfaquinoxaline), R–15
Prometon (Pramito)l, H–10
Prometryn, H–10
Pronamide, H–3
Propachlor, H–3
Propazine, H–4
Propham, H–6
Propanil, H–4
Propargite (Omite), I–3
Propionic Acid, F–7
Propylene Oxide, I–9
Propylene Glycol, R–8
Proxel, R–6
Pyrazon, H–6
Pyrethrins, I–8
Pyridine, R–14
Quinone (1,4 benzoquinone), R–13
R–55 (tert-butyl dimethyltrithioperoxycarbamate), R–15
Red Squill, R–15
Resmethrin, I–8
Rotenone, I–5
Ryanodine (Ryania), I–5
Sabidilla, I–5
Saltpeter, I–13
Sec-butylamine, F–4
Sesame Oil, R–5
Siduron, H–8
Silica gel, I–8
Silicon Dioxide, I–8
Silver, R–9
Silvex, H–7
Simazine, H–2
Slimitrole, R–2
Soap, I–13
Sodium Acetate, R–11
Sodium and potassium hydroxide, R–4
Sodium Arsenate, I–13
Sodium Arsenite, R–7
Sodium Bisulfate, R–4
Sodium Bisulfite, R–4
Sodium Bromide, R–9
Sodium Chloride, R–11
Sodium Chromate, R–2
Sodium Cyanide, R–15
Sodium Dehydroacetate, F–6
Sodium Diacetate, R–6
Sodium Fluoride, I–8
Sodium Fluoroacetate, R–15
Sodium Fluosilicate, I–8
Sodium Hypochlorite, F–6
Sodium Lauryl Sulfate, R–4
Sodium N-Methyl-N-Oleoyltaurate, R–1
Sodium Pentachlorophenate, I–13
Sodium Persulfate, R–9
Sodium Phosphates, R–11
Sodium Polysulfide, F–2
Sodium Pyroarsenate, R–7
Sodium Sulfate, R–4
Sodium TCA, H–6
Sodium Thiosulfate, F–2
Sorbic Acid, F–10
Starlicide, R–13
Streptomycin, F–2
Strychnine, R–15
Strychnine Sulfate, R–15
Sulfonated Cresol, R–2
Sulfonated Vegetable oil, R–5
Sulfotepp, I–9
Sulfoxide, R–5
Sulfur, F–2
Sulfuric Acid, R–10
Sulfuryl Fluoride (Vikane), I–10
Sulprofos (Bolstar), I–1
Sumithrin (d-phenothrin), I–8
Summer oil, I–4
2,4,5-T, H–7
Tabutrex, I–6
Talon (brodifacoum), R–15
Tar, R–7
TCBC, H–2
TCC, R–4
Tebuthiuron, H–7
Temephos (Abate), I–12
TEPP, I–2
Terbacil, H–5
Terbufos (Counter), I–2
Terbutol, H–8
Terbutryn, H–4
Terrazole, F–5
4-Tert-Amylphenol, R–8
Tetrachlorvinphos (Gardona, Rabon), I–6
Tetradifon (Tedion), I–4
Tetramethrin (Neo-Pyanamin), I–8
Tetrasul (Animert), I–3
TFM, R–12
Thanite (isobornyl thiocyanoacetate), I–8
Thiabendazole, F–4
Thidiazuron (Dropp), R–10

Thiophanates, F–9
Thiram, F–1
Thymol, R–14
TIBA, R–10
Toxaphene, I–1
Trans-1,2,bis (Propylsulfonyl) ethylene, F–5
Triallate, H–4
Triadimefon (Bayleton), F–3
3,4,5-Tribromosalicylanilide, R–8
Tributyltin Chloride, R–6
Trichlopyr, H–7
Trichlorfon (Dylox), I–2
Trichloroethylene, R–14
2,4,5 Trichlorophenol, R–1
2,4,6 Trichlorophenol, R–2
Tridemorph (Calixin), F–7
Triethanolamine salt of lauryl sulfate, R–14
Trifluralin, H–3
Triforine, F–8
Trisodium Nitrilotriacetate, R–4
Trisodium Phosphate, R–8
Tropital, R–5
Vendex (Hexakis), I–3
Vernolate, H–3
Vinyzene, R–1
Visco P–25–F, R–1
Warfarin, R–15
Warfarin, Sodium Salt, R–15
XD–1603, R–2
Zinc Fluosilicate, I–8
Zinc Oxide, R–13
Zinc Phosphide, R–15
ZIP, R–12
Ziram, F–2

Insecticides, Group I–1

This group contains 23 chemicals for use on cotton, soybeans, peanuts, wheat, and tobacco.

Acephate (Orthene)—Registration Standard.[1]
Aldicarb (Temik)
Chlordimeform (Galecron, Fundal)
Chlordimeform hydrochloride (Galecron SP, Fundal SP)
Demeton (Systox)
Dicrotophos (Bidrin)—Registration Standard
Diflubenzuron (Dimilin)
Endrin—RPAR review completed
EPN—RPAR [2]
Fenvalerate (Pydrin)
Gossyplure
Grandlure Mixture
Heliothis polyhedrosis virus (Elcar)
HEX
Methomyl (Lannate, Nudrin)—Registration Standard
Methyl parathion
Monocrotophos (Azodrin)
Parathion
Permethrin (Ambush, Pounce)
Phosphamidon (Dimecron)
Profenofos (Curacron)
Sulprofos (Bolstar)
Toxaphene—RPAR

Insecticides, Group I–2

This group contains 15 chemicals for use on corn, alfalfa, and sorghum.

Bufencarb (Bux)
Carbaryl (Sevin)—pre-RPAR
Carbofuran (Furadan)
Carbophenothion (Trithion)
Chlorpyrifos (Lorsban, Dursban)
Disulfoton (Di-Syston)
Ethoprop (Mocap)
Fensulfothion (Dasanit)
Fonofos (Dyfonate)
Landrin
Methidathion (Supracide)—Registration Standard
Phorate (Thimet)
Terbufos (Counter)
Trichlorfon (Dylox)—Pre-RPAR
TEPP

Insecticides, Group I–3

This group contains 16 chemicals to be used on fruit and nut trees, excluding citrus and grapes.

Amitraz (BAAM)—RPAR review completed
Azinphos methyl (Guthion)
Chloropropylate (Acaralate)
Cyhexatin (Plictran)
Dialifor (Torak)—Registration Standard
Diazinon (Spectracide)
Dinocap (Karathane)
Endosulfan (Thiodan)—Registration Standard
2-Naphthol (Beta-naphthol)
Ovex (Chlorfenson)
Phosalone (Zolone)—Registration Standard
Phosmet (Imidan, Prolate)
Propargite (Omite)
Tetrasul (Animert)
Vendex (Hexakis)
Dormant oils

Insecticides, Group I–4

This group contains 10 chemicals for use on citrus and grapes.

Chlorobenzilate (Acaraben)—RPAR review completed
Cryolite (Kryocide)
Dicofol (Kelthane)—Registration Standard
Dimethoate (Cygon, Defend)—RPAR
Dioxathion (Delnav)
Ethion (Nialate)
Formetanate hydrochloride (Carzol SP)
Naled (Dibrom)—pre-RPAR
Summer oils
Tetradifon (Tedion)

Insecticides, Group I–5

This group contains 14 chemicals for use on vegetables.

Bacillus thuringiensis
Malathion
Methamidophos (Monitor)—Registration Standard
Methoxychlor
Mevinphos (Phosdrin)
Nicotine
Nicotine sulfate
Oxamyl (Vydate L)
Pirimicarb (Pirimor)
Rotenone—Pre-RPAR
Ryanodine (ryania)
Sabidilla
Oxydemeton-methyl (Metasystox-R)
Pirimiphos-ethyl (Primicid)

Insecticides, Group I–6

This group contains 24 chemicals for use on livestock and domestic animals.

Benzene—Pre-RPAR
Benzyl Benzoate
Bomyl
Bone oil (Dippel's Oil)
Butonate
Butoxy polypropylene glycol (Stabilene) (Crag Fly Repellent)
Chlorfenvinphos (Supona)
Coumaphos (Co-Ral)—Registration Standard
Crotoxyphos (Ciodrin)
Crufomate (Ruelene)
Diisobutyl phenoxyethanol (Flys-Off)
Dichlorvos (DDVP)—pre-RPAR
Dimethyl phthalate (DMP)
Diphenylamine (DPA)—pre-RPAR
Famphur (Famophos)
Fenchlorphos (Ronnel)
Lindane—RPAR
Linseed Oil
Muscalure
Phenothiazine
Piperazine dihydrochloride
Proban (Cythioate, Cyflee)
Tetrachlorvinphos (Gardona, Rabon)
Tabutrex

Insecticides, Group I–7

This group contains 9 chemicals for use as insect repellents at non-agricultural sites.

Camphor
Citronella, oil of
Deet—Registration Standard
Ethyl hexanediol (Rutgers 612)—Registration Standard
Indalone
MGK Repellent eleven
MGK Repellent 326
Benzaldehyde
N–butyl Acetanilide

Insecticides, Group I–8

This group contains 25 chemicals for use as domestic bug control and in food processing plants.

Allethrin
Ammonium fluosilicate (Dri-Die)
Baygon (Propoxur)
Bendiocarb (Ficam)
Bioallethrin (D-trans allethrin)
Boric acid—Registration Standard
Para-dichlorobenzene—Pre-RPAR
Ethylene glycol ether of pinene (DHS activator)
Isothymyl chloroethyl ether
Lethane 384
Lethane 60 + Lethane A–70
MGK Repellent 874
MGK 264
Naphthalene—Registration Standard
Thanite (isobornyl thiocyanoacetate)
Mitin FF
Pyrethrins
Resmethrin
Silica Gel
Silicon dioxide
Sodium fluoride (Florocid) Ethylene
Sodium fluosilicate
Sumithrin (d-phenothrin)
Tetramethrin (Neo-pyanamin)
Zinc fluosilicate

Insecticides, Group I–9

This group contains 21 chemicals for use as fumigants and nematicides.

Aluminum phosphide (Phostoxin)—Registration Standard
Calcium cyanide (Cyanogas)
Carbon disulfied
Carbon tetrachloride—Pre-RPAR
Chloroform—RPAR

[1] These chemicals have been selected for Registration Standard Review.
[2] Now undergoing Rebuttable Presumption Against Registration (RPAR) review.

Chloropicrin—Registration Standard
Dibromochloropropane (DBCP)—RPAR review completed
Dichloropropane—Pre-RPAR
Ethyl formate
Ethylene dibromide (EDB)—RPAR
Ethylene dichloride (EDC)—Pre-RPAR
Ethylene oxide (ETO)—RPAR
Fenamiphos
Hydrogen cyanide (Cyclon)
Methyl bromide
Methylene chloride
Propylene oxide
Sulfotepp
Epichlorohydrin—Pre-RPAR
Perchloroethylene—Pre-RPAR
Metam-Sodium

Insecticides, Group I–10

This group contains 5 chemicals used for termite control.

Aldrin—Most uses cancelled
Chlordane
Dieldrin—Most uses cancelled
Heptachlor
Sulfuryl fluoride (Vikane)

Insecticides, Group I–11

This group contains 15 chemicals for use on lawns, ornamentals, and forest trees.

Aspon (o,o,o,o-tetrapropyl dithiopyrophosphate)—Registration Standard
Bacillus popillae and B-lentimorbus
Bromophos (Nexion)
Methyl eugenol
Chlorfenethol (Dimite, Qikron)
Eugenol
Dichlofenthion (Mobilawn)
Disparlure
Fenitrothion (Sumithion)
Gypchek
Mexacarbate (Zectran)
Pentac (Dienochlor)
Aminocarb (Matacil)
Nuclear polyhedrosis virus of Douglas fir tussock moth
Kinoprene (Enstar)

Insecticides, Group I–12

This group contains 6 chemicals for use as mosquito larvacides.

Copper acetoarsenite (Paris Green)—RPAR; some products cancelled
Fenthion (Baytex)
Kerosene
Methoprene (Altosid)—Registration Standard
Temephos (Abate)—Registration Standard
Dimethrin

Insecticides, Group I–13

This group contains 13 chemicals for miscellaneous uses.

DDT
Dimetilan (Snip)
Sodium pentachlorophenate
Lead arsenate, acid—RPAR
Lead arsenate, basic—RPAR
Saltpeter
Soap
Pine tar
Diamidfos
Ortho-dichlorobenzene
Methyl trithion
Mobam Sodium Arsenate—RPAR

Herbicides, Group H–1

This group contains 1 chemical with a broad spectrum of uses.

2,4-D (plus salts and esters)

Herbicides, Group H–2

This group contains 10 chemicals for use on corn.

Atrazine
Alachlor
EPTC
Dicamba
Cyanazine
Metolachlor—Registration Standard
Cyprazine
TCBC
Simazine
Butylate

Herbicides, Group H–3

This group contains 26 chemicals for use on soybeans, cotton, peanuts, and alfalfa.

Propachlor
Glyphosate isopropylamine salt
Trifluralin—RPAR
DSMA
Bifenox—Registration Standard
Metribuzin
Bentazon
Chloramben
Naptalam
Dinitramine
Nitralin
Oryzalin
Pendimethalin
Profluralin
Pronamide—RPAR review completed
Fluometuron—Registration Standard
Fluchloralin
Linuron—Registration Standard
Vernolate
EGT
Oxyfluorfen
Acifluorfen
Dichlofop methyl
Perfluidone
2,4-DB
Chlorobromuron—Registration Standard

Herbicides, Group H–4

This group contains 15 chemicals for use on sorghum, rice, and small grains.

Bromoxynil
Difenzoquat
Dipropetryn
Methazole—Pre-RPAR
Propanil
Picloram
Barban
MCPA—Registration Standard
Norflurazon
Terbutryn
Propazine
Triallate—Pre-RPAR
Butachlor
Molinate
Oxadiazon

Herbicides, Group H–5

This group contains 9 chemicals for use on citrus, tree fruits, nuts, and surgarcane.

Ametryn
Terbacil—Registration Standard
Paraquat—Pre-RPAR
Dichlobenil
Bromacil—Registration Standard
Diuron—Registration Standard
Napropamide
Asulam
Hexazinone

Herbicides, Group H–6

This group contains 12 chemicals for use on sugarbeets, beans, and peas.

Dalapon
Pyrazon
Sodium TCA
Phenmedipham
MCPB
Dinoseb
Ethofumesate
Cycloate
Pebulate
Diallate—RPAR
Propham—Pre-RPAR
Desmediphen

Herbicides, Group H–7

This group contains 16 chemicals for use on drainage ditches, rights of way, forestry, and ponds.

(AMS) Ammonium Sulfamate—Registration Standard
Acrolein
Amitrole—Pre-RPAR
Karbutilate—Registration Standard
2,4,5-T—RPAR review completed; some uses suspended
Chloroxuron—Registration Standard
Diquat
Silvex—Some uses suspended
Dichlorprop
Fosamine
Trichlopyr
MSMA—Pre-RPAR
Fenac
Monuron—Registration Standard
Tebuthiuron—Registration Standard
MAMA—Pre-RPAR

Herbicides, Group H–8

This group contains 10 chemicals for use on turf.

Butralin
Benefin
Potassium cyanate
Polychlorobicyclopentadiene
Terbutol
Siduron—Registration Standard
Bensulide
Ferrous sulfate heptahydrate
Dazomet
Mecoprop

Herbicides, Group H–9

This group contains 11 chemicals for use on vegetables and tobacco.

Nitrofen—Pre-RPAR
Endothall
Diphenamid
Norea (Herbam)—Registration Standard
DCPA—Pre-RPAR
Chlorpropham
CDEC—Registration Standard
Bisethylxanthogen
Isopropalin—Registration Standard
CDAA
Metabromuron—Registration Standard

Herbicides, Group H–10

This group contains 4 chemicals for unclassified uses.

Neburon—Registration Standard
Prometryn
Erbon—Pre-RPAR
Prometon (Pramitol)

Fungicides, Group F–1

This group contains 11 chemicals with a broad spectrum of uses.

EBDC's (6)—RPAR
Benomyl—RPAR
Captan—Pre-RPAR
Copper Compounds
Thiram—Pre-RPAR
Chlorothalonil

Fungicides, Group F–2

This group contains 15 chemicals for use on walnuts, pecans, almonds, apples, pears, peaches, cherries, plums, prunes, and grapes.

Sodium Thiosulfate
Sulfur—Registration Standard
Dodine
Karathane
Ferbam
Dithianon
2,2'-Dithiobisbenzothiazole
Ammonium Polysulfide
Glyodin
Sodium Polysulfide
Streptomycin
Folpet—Pre-RPAR
Oxythioquinox
Fentin hydroxide
Ziram

Fungicides, Group F–3

This group contains 7 chemicals for use on vegetables.

Dichlone—Registration Standard
DCNA
Anilazine
Hexachlorophene
Calcium cyanamide
Captafol
Triadimefon (Bayleton)

Fungicides, Group F–4

This group contains 3 chemicals for use on citrus.

Sec-butylamine
Thiabendazole
Biphenyl

Fungicides, Group F–5

This group contains 8 chemicals for use as seed treatments.

Hexachlorobenzene—Pre-RPAR
Trans-1,2,bis(propylsulfonyl) ethylene
Fenaminosulf
Chloroneb—Registration Standard
Chloronitropropane
Carboxin—Registration Standard
Terrazole—Registration Standard
Pentachloronitrobenzene (PCNB)—RPAR

Fungicides, Group F–6

This group contains 3 chemicals for use on post-harvest fruit and vegetables.

Isothan
Sodium Hypochlorite—Registration Standard
Sodium Dehydroacetate

Fungicides, Group F–7

This group contains 3 chemicals for use on grain storage.

Propionic Acid
Isobutyric Acid
Tridemorph

Fungicides, Group F–8

This group contains 4 chemicals for use on ornamentals.

Piperalin
Parinol
Triforine
Dichloroethyl Ether

Fungicides, Group F–9

This group contains 5 chemicals for use on turf.

Cadmium Compounds—RPAR
Nickel Sulfate
Thiophanates—RPAR
Cycloheximide—Registration Standard
Iprodione

Fungicides, Group F–10

This group contains 3 chemicals for unclassified uses.

Allyl Alcohol
Sorbic Acid
Ditalimfos

Industrial Preservatives, Group R–1

This group contains 21 chemicals for use in plastics, paints, textiles, paper, and adhesives.

Amical
Dimethoxane
Dodecyl Dimethyl Benzyl Ammonium Chloride
Fluorosalan
Monohydrate
Visco P–25–F
Nuosept 95
Vinyzene
2,4,5 Trichlorophenol—RPAR; some products cancelled
Dichlorophene
Benzalkonium Chlorine
Sodium N-Methyl-N-Oleoyltaurate
Kathon 886
Cetyl Pyridinium Bromide
Mercaptobenzothiazole
Biomet 4
Biobor
Methylene Bis (Thiocyanate)
10,10 Oxybisphenoxarsine—Registration Standard
Onyxide
2-Chlorophenol

Slimicides, Group R–2

This group contains 19 chemicals for use in pulp and paper, cooling towers, and sugar mills.

1,4-Bis (Bromoacetoxy)–2-Butene
2,6-Bis [(Dimethylamino) methyl] cyclohexanone
Bis (Trichloromethyl) Sulfone
4-Bromoacetoxymethyl-M-Dioxolane
Busan 90
Chlorinated Levulinic Acids
XD–1603
2,3-Dibromopropionaldehyde
Metasol J–26
Busan 40
Sodium Chromate
Potassium Chromate
Busan 77
Potassium Bisulfate
Sulfonated Cresol
Methyl-2-3-Dibromopropionate
Nabam
Slimitrole
2,4,6 Trichlorophenol

Industrial Microbiocides, Group R–3

This group contains 4 chemicals for use as cutting oils and oil well additives.

Grotan
NMPD
Polyethylene Polyamine N-Oleylamine Hydrochloride
Bioban 1487

Sanitizers, Group R–4

This group contains 24 chemicals for use in dairies, food processing, restaurants, and air treatment.

Potassium Bromide
Sodium Bisulfate
Sodium Bisulfite
Sodium Lauryl Sulfate
Sodium Sulfate
3,5-Dibromosalicylanilide
Sodium & Potassium Hydroxide
EDTA
Hyamine 3500
Phenol
Aliquat 21
Aluminum Hydroxy Benzene Sulfonate
Butanoic Anhydride
Carbonates: Mg, K, Am, Na
HCl
Alkyl Bis (2-Hydroxyethyl) Sodium Ammonium Acetate
Trisodium Nitrilotriacetate
TCC
Mg Silicate
BTC–E–2125
N-Laurel Diethylenetriamine
Neomycin
4',5-Dibromosalicylanicide
Methyl Salicylate (wintergreen oil)

Synergists, Group R–5

This group contains 10 chemicals used as insecticide synergists, surfactants, cheleating agents, and carriers.

N-Propyl Isome
Piperonyl Butoxide—Pre-RPAR
Sulfoxide
Tropital
Sesame Oil
Arbanol Dee
Sulfonated Vegetable Oil
Calcium Sulfate
Pentasodium Diethylenetriamine Pentaacetate
Chlorothene (1,1,1-trichloroethane)

Food Preservatives, Group R–6

This group contains 7 chemicals for use in food.

Tributyltin Chloride
Sodium Diacetate
Methyl P-Hydroxybenzoate
Acetic Acid
Proxel
Fumaric Acid
Benzoic Acid

Wood Preservation, Group R–7

This group contains 11 chemcials for industrial, commercial, and marine use.

Cobalt Naphthenate

Potassium Bifluoride
Pentachlorophenol—RPAR
Tar
Coal Tar Oils—RPAR
Arsenic Pentoxide—RPAR
Ammonium Arsenite—RPAR
Sodium Pyroarsenate—RPAR
Calcium Arsenate—RPAR
Sodium Arsenite—RPAR; some products cancelled
Creosote—RPAR

Disinfectants, Group R–8

This group contains 25 chemicals for medical, industrial, institutional, household, veterinary, poultry, and livestock uses.

Alkyl Bis (Hydroxyethyl) Methyl Ammonium Chloride
N-Alkyl-N-Ethyl Morpholinium Ethyl Sulfate
Alkyl (5-Hydroxy-4-Oxo-2(4H) Pyranyl Methyl) Dimethyl Ammonium Chloride
Alkyl Monoethanol Amide
Aluminum Powder
Calcium Hypochlorite
Chlorine-B
Ethylenediamine
Gluconic Acid
Glutaraldehyde
Glycolic Acid
Isooctyl Phenoxy Polythoxy Ethanol
Magnesium Chloride
Iodine Compounds
3,4,5-Tribromosalicylanilide—Pre-RPAR
O-Benzyl-p-Chlorophenol
4-Tert-Amylphenol
Propylene Glycol
Formaldehyde
Biomet 204
Furfural
Morpholine
Trisodium Phosphate
Chlorhexidine
Hexahydro-1, 3, 5-Tris (2-Hydroxypropyl)-S-Triazine

Water Disinfection, Group R–9

This group contains 10 chemicals for use in swimming pools, sewage effluents, and potable water.

Chlorinated Glycoluril
Sodium Bromide
Chlorine Dioxide
EPIC Liquid Algacide
Sodium Persulfate
Halazone
Chlorinated Isocyanurates
Aluminum Sulfate
Silver
Dialkyl Methyl Benzyl Ammonium Chloride

Plant Regulators, Defoliants, and Desiccants, Group R–10

This group contains 25 chemicals for all uses.

NAA-Registration Standard
NAAM
Maleic Hydrazide—RPAR
Daminozide—Pre-RPAR; Registration Standard
Ethephon
Gibberellic Acid
P-Chlorophenoxyacetic Acid
Indole-3-Butyric Acid
Phyomone
DPX 1108
Hexachloroacetone
Sulfuric Acid
Arsenic Acid—RPAR
Methyl Esters of Fatty Acids
DEF—Pre-RPAR
Ethoxyquin—Registration Standard
Fatty alcohols
Cacodylic Acid—Pre-RPAR
Merphos—Pre-RPAR
Chlorflurenol
Thidiazuron
2-(3-chlorophenoxy) Propanoic Acid
Ethylene
Ancymidol
TIBA

Preservatives, Disinfectants, Slimicides, Group R–11

This group contains 15 unclassified chemicals.

Chromic Acid
Chlorobenzene
Omadine-Sodium
Dowicil A–40
Sodium Acetate
Dowicides
Nitrapyrin
Sodium Chloride
Hexylene Glycol
Aluminum Chloride
Abietylamine
Lime
Potassium Iodate
Potassium Permanganate
Sodium Phosphates

Molluscides and Miscellaneous Vertebrate Control Agents, Group R–12

This group contains 7 chemicals for all uses.

Bayluscide
Epsom Salts
Lamprecide
Metaldehyde
Methiocarb (Mesurol)
TFM
ZIP

Bird Chemosterilants, Toxicants and Repellents, Group R–13

This group contains 11 chemicals for all uses.

4-Aminopyridine (Avitrol)—Registration Standard
Castor Oil
Copper Oxalate
Ornitrol
Paloja
Polybutene
Polyethylene
Polyisobutylene
Quinone (1,4 benzoquinone)
Starlicide
Zinc Oxide

Dog and/or Cat Repellents, Group R–14

This group contains 21 chemicals for all uses.

Allyl Isothiocyanate (mustard oil)
Amyl Acetate (banana oil)
Anethole (anise camphor)
Bitrex (benzyl diethyl 2,6-xylylcarbamoylmethyl ammonium benzoate)
Blood
Capsaicin
Citral
Citrus Oil
Cresylic Acid
Diethanolamide
Eucalyptus
Geranium Oil
Lavender Oil
Lemongrass Oil
Menthol
Methyl Nonyl Ketone
Pentanethiol
Pyridine
Thymol
Trichloroethylene—pre-RPAR
Triethanolamine Salt of Lauryl Sulfate

Rodent Toxicants, Anticoagulants, and Predator Control, Group R–15

This group contains 23 chemicals for all uses.

Antu (Alpha-napthylthiourea)
Biomet-12 (tri-n-butytin chloride)
Chlorophacinone (Rozol)
Diphacinone (Diphacin)
Diphacinone, Sodium Salt
Fluoroacetamide (Fluorakil 100)
Fumarin (Coumafuryl)—Registration Standard
Gophacide
2-Isovaleryl-1, 3-Indandione, Calcium Salt
Phosphorus—pre-RPAR
Pival (Pivalyn)
PMP (Valone)
Prolin (warfarin + sulfaquinoxaline)
R–55 (tert-butyl dimethyltrithioperoxycarbamate)
Red Squill
Sodium Fluoroacetate (1080)–RPAR
Strychnine—RPAR
Strychnine Sulfate—RPAR
Talon (brodifacoum)
Warfarin—Registration Standard
Warfarin, Sodium Salt
Zinc Phosphide—Registration Standard
Sodium Cyanide

Interested persons may, on or before December 15, 1980, submit to the Document Control Officer (TS–793), Rm. E–447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding this notice. Three copies of all comments should be submitted if possible, although single copies of comments will be accepted. The comments are to be identified with the document control number "[OPP–30040]". Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

Dated: September 15, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80–31009 Filed 11–13–80; 8:45 am]

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federal register

Friday
November 14, 1980

Part IV

Office of Personnel Management

Regulations Concerning Post Employment Conflict of Interest; Final Regulations

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 737

Regulations Concerning Post Employment Conflict of Interest

AGENCY: Office of Personnel Management.

ACTION: Final regulation.

SUMMARY: The Office of Personnel Management is issuing a final regulation under the Ethics in Government Act of 1978 which (1) designates certain positions subject to the post employment conflict of interest regulations applicable to "Senior Employees," and (2) designates certain statutory and non-statutory agencies/bureaus for the purpose of limiting the application of 18 U.S.C. 207(c).

DATE: Effective date: November 14, 1980.

ADDRESS: Office of Government Ethics, Room 436H, 1900 E Street, NW., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: H. Lawrence Garrett or Gary Davis at (202) 632–7642.

SUPPLEMENTARY INFORMATION: Subsection 207(d)(1)(C) of title 18 U.S.C., contained in Title V of the Ethics in Government Act of 1978, as amended ("the Act"), (Pub. L. 95–521), gives the Director of the Office of Government Ethics ("OGE") authority to designate (1) certain employee positions for purposes of the restrictions of 18 U.S.C. subsections 207(b)(ii) and 207(c), and (2) agencies and bureaus, within a parent department or agency, having separate and distinct subject matter jurisdiction, i.e., "separate non-statutory agencies/bureaus." Regulations implementing this authority were published April 3, 1979 (44 FR 19974) and February 1, 1980 (45 FR 7402). Those regulations designated as "Senior Employees" all employees in a position in any pay system for which the basic rate of pay is equal to or greater than that for GS–17 of the General Schedule, as prescribed by 5 U.S.C. 5332, or positions which are established within the Senior Executive Service (SES) pursuant to the Civil Service Reform Act of 1978, subject to specific exemptions to be made by OGE. The regulations also set forth those separate statutory (18 U.S.C. 207(e)) agencies and bureaus and those separate non-statutory agencies/bureaus (18 U.S.C. 207(d)(1)(C)) as determined by the Director, OGE, qualified for designation at the time of publication.

Regarding "Senior Employee" designations, upon review of agency recommendations, made pursuant to the requirement set forth in § 737.25(b)(1), the Director, OGE, determined that only those non-exempted positions, i.e., those subject to the prohibitions of 18 U.S.C. 207(b)(ii) and (c), would be published in the **Federal Register.** A partial list of such "designated" positions was contained in the February 1, 1980 **Federal Register** publication (45 FR 7402). That list was followed by another partial list which published on February 8, 1980 (45 FR 8544). The combined lists represented all section 207(d)(1)(C) positions which were not exempted by the Director, OGE. This regulation consolidates and amends the previously published lists and is based upon a review of agency annual submissions made pursuant to section 737.25(b)(1). All positions designated pursuant to § 207(d)(1)(C) not previously designated are marked by an asterisk. In accordance with 5 CFR 737.25(d), designation of such positions shall not become effective until the last day of the fifth full calendar month after this publication. Those positions marked by a double asterisk are former Executive level positions which were converted to SES positions. Such positions were designated by law effective July 1, 1980.

Section 737.25 of the final regulations sets forth the standards and procedures to be applied in determining which positions shall be designated. OGE also issued a memorandum to heads of departments, independent agencies, commissions and Government corporations/designated agency ethics officials dated April 26, 1979, giving additional information and guidance on this subject. Section 737.11 sets forth the standards and procedures to be applied in determining which separate statutory and non-statutory agencies and bureaus shall be designated.

The Director, OGE, in consultation with each department or agency concerned, has determined that the positions set forth below qualify for designation as "Senior Employee" positions. 5 CFR 737.33 is hereby amended accordingly. The Director has further determined, in consultation with each department or agency concerned, the separate statutory and non-statutory agencies/bureaus set forth below qualify for such designation.

The "Senior Employee" positions listed constitute all such positions designated under the provisions of subsection 207(d)(1)(C) of title 18 U.S.C. for the departments and agencies listed. In accordance with 5 CFR 737.25(d), subsequent designation of positions within the departments or agencies listed shall not be effective until the last day of the fifth full calendar month after the first publication of a notice by the Director, OGE, of intention to so designate. Such fair notice shall not apply to subsequent designations made under the rule concerning position shifting set forth in 5 CFR 737.25(i).

In several cases, a position in one agency has been designated while a position of similar title in another has not. OGE has, in the exercise of its discretion, accorded some deference to the decision of a department or agency to designate a position where that decision was in favor of designation above minimum OGE standards. As OGE conducted the review necessary for these designations, it became apparent that, because of the subject matter of a department's or agency's business, the gravity of the "revolving door" problems varied significantly from agency to agency. Moreover, positions which were ostensibly similarly titled and described nevertheless had different roles from agency to agency. Also, OGE believes it desirable that the balance between post employment restrictions and impact or recruiting and retention be adjudged on an agency level, as long as minimum standards are met.

Positions automatically designated by 18 U.S.C. 207(d)(1)(A) and (B) are not included in this publication.

This is a final, not a proposed regulation. It is interpretive in nature, exempt from 5 U.S.C. 553. The Director of the Office of Personnel Management, Alan K. Campbell, acting pursuant to 5 U.S.C. 553(b)(3)(B), has found good cause for dispensing with the notice of proposed rulemaking. The Director has determined this to be a nonsignificant regulation within the meaning of Executive Order 12044.

Office of Personnel Management.

Kathryn Anderson Fetzer,

Assistant Issuance System Manager.

Accordingly, the Office of Personnel Management is revising 5 CFR 737.31, 737.32, and 737.33 to read as follows:

§ 737.31 Separate statutory agencies: Designations.

In accordance with the provisions of 18 U.S.C. 207(e) and § 737.13, each of the following departments or agencies is determined, for purposes of 18 U.S.C. 207(c), to have within it separate statutory agencies or bureaus as set forth below:

Parent Agency: DEPARTMENT OF THE TREASURY

Separate Statutory Components:

Bureau of Alcohol, Tobacco and Firearms
Bureau of Engraving and Printing
Bureau of the Mint
Comptroller of the Currency

Internal Revenue Service
United States Customs Service
United States Secret Service
Parent Agency: FEDERAL EMERGENCY MANAGEMENT AGENCY
Separate Statutory Components:
United States Fire Administration
Parent Agency: OFFICE OF PERSONNEL MANAGEMENT
Separate Statutory Components:
Office of Government Ethics
Parent Agency: DEPARTMENT OF HEALTH AND HUMAN SERVICES
Separate Statutory Components:
Education Division
Food and Drug Administration
Public Health Service
Social Security Administration
Parent Agency: DEPARTMENT OF TRANSPORTATION
Separate Statutory Components:
Federal Aviation Administration
Federal Highway Administration
Federal Railroad Administration
National Highway Traffic Safety Administration
Saint Lawrence Seaway Development Corporation
United States Coast Guard
Urban Mass Transportation Administration
Parent Agency: DEPARTMENT OF LABOR
Separate Statutory Components:
Bureau of Labor Statistics
Mine Safety and Health Administration
Occupational Safety and Health Administration
Parent Agency: DEPARTMENT OF JUSTICE
Separate Statutory Components:
Bureau of Prisons (including Federal Prison Industries, Inc.)
Community Relations Service
Drug Enforcement Administration
Federal Bureau of Investigation
*Law Enforcement Assistance Administration
*National Institute of Justice
*Bureau of Justice Statistics
*Office of Justice Assistance, Research and Statistics
Immigration and Naturalization Service
United States Parole Commission
Parent Agency: DEPARTMENT OF DEFENSE
Separate Statutory Components:
Department of the Army
Department of the Navy
Department of the Air Force
Defense Civil Preparedness Agency
Defense Mapping Agency
Parent Agency: DEPARTMENT OF ENERGY
Separate Statutory Components:
Federal Energy Regulatory Commission
Parent Agency: DEPARTMENT OF COMMERCE
Separate Statutory Components:
Economic Development Administration
Patent and Trademark Office
Maritime Administration
National Oceanic and Atmospheric Administration
Bureau of the Census

*These four components shall not, for purposes of 18 U.S.C. 207(c), be considered separate from one another but only from other separate components of the Department of Justice.

§ 737.32 Separate components of agencies or bureaus: designations.

In accordance with the provisions of 18 U.S.C. 207(d)(1)(C) and § 737.14, each of the component agencies or bureaus as set forth below is determined, for purposes of 18 U.S.C. 207(c) and this Part 737, to be separate from the remaining agencies and bureaus of its parent agency (except such agencies and bureaus as specified):

Parent Agency: DEPARTMENT OF HEALTH AND HUMAN SERVICES
Separate Components:
Health Care Financing Administration
Parent Agency: DEPARTMENT OF TRANSPORTATION
Separate Components:
Alaska Railroad
Parent Agency: DEPARTMENT OF LABOR
Separate Components:
Employment and Training Administration
Employment Standards Administration
Labor-Management Services Administration
Parent Agency: DEPARTMENT OF DEFENSE
Separate Components:
Defense Communications Agency
Defense Intelligence Agency
Defense Nuclear Agency
National Security Agency
Parent Agency: DEPARTMENT OF STATE
Separate Components:
Foreign Service Grievance Board
International Joint Commission, United States and Canada (American Section)
Parent Agency: DEPARTMENT OF JUSTICE
Separate Components:
Office of United States Attorney (for each judicial district (95))—however, each such Office is not designated as separate from the Office of the U.S. Marshal for the same judicial district.
Office of United States Marshal (for each judicial district (95))—however, each such Office is not designated as separate from the Office of the U.S. Attorney for the same judicial district.
Antitrust Division
Civil Rights Division
Land and Natural Resources Division
Tax Division
Civil Division
Criminal Division
Office for Improvements in the Administration of Justice
Parent Agency: DEPARTMENT OF COMMERCE
Separate Components:
National Telecommunication and Information Administration
Bureau of Industrial Economics

§ 737.33 "Senior employee" designations.

(a) In accordance with § 737.25(b)(1), the following employee positions have been designated as "Senior Employee" positions for purposes of subsections 207(b)(ii) and (c) of title 18, U.S.C., as amended.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT, (OFFICE OF ADMINISTRATION)

Positions: No section 207(d)(1)(C) designations

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT, (DOMESTIC POLICY STAFF)

Positions:
AD Associate Directors (14)
AD Expert/Drug Policy

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT, (COUNCIL ON ECONOMIC ADVISERS)

Positions: No section 207(d)(1)(C) designations

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT, (COUNCIL ON ENVIRONMENTAL QUALITY)

Positions:
GS–18 General Counsel
GS–18 Executive Director

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT, (PRESIDENT'S COMMISSION ON EXECUTIVE EXCHANGE)

Positions: No section 207(d)(1)(C) designations

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT, (OFFICE OF MANAGEMENT AND BUDGET)

Positions: Grade and Title
ES–04 General Counsel
ES–4 Deputy Associate Director, Regulatory and Information Policy
ES–4 Deputy Associate Director, Intergovernmental Affairs
ES–4 Domestic Reorganization Coordinator
ES–4 Deputy Associate Director for Economic and Regional Development Organization
ES–4 Deputy Associate Director for Natural Resources, Energy and Environment Reorganization
ES–4 Deputy Associate Director for General Government Reorganization
ES–5 Deputy Associate Director for Budget Review
ES–4 Deputy Associate Director for International Affairs
ES–4 Deputy Associate Director for National Security
ES–4 Deputy Associate Director for Management, National Security and International Affairs
ES–4 Deputy Associate Director for Health and Income Maintenance
ES–4 Deputy Associate Director for Transportation, Commerce and Housing
ES–4 Deputy Associate Director for Natural Resources
ES–4 Deputy Associate Director for Energy and Science
ES–4 Assistant to the Director for Public Affairs
ES–1 *Assistant to the Director for Civil Rights

ES–4 Assistant to the Director for Administration
ES–6 Assistant Director for Legislative Affairs
ES–5 Deputy Assistant Director for Legislative Reference
GS–17 Deputy Assistant Director for Economic Policy
ES–4 Deputy Associate Director for Regulatory Policy and Reports Management
ES–4 Chief, Financial Management Branch, Budget Review
ES–3 Chief, Fiscal Analysis Branch, Budget Review
ES–4 Deputy Chief, International Affairs Division
ES–4 Deputy Chief, National Security Division
ES–6 *Associate Deputy Chief, National Security Division
ES–4 Deputy Associate Director for Labor, Veterans and Education
ES–4 Deputy Division Chief (Labor) Labor, Veterans and Education
ES–4 Deputy Associate Director for Management, Human Resources, Veterans and Labor
ES–4 Deputy Division Chief, Transportation, Commerce and Housing
ES–4 Deputy Associate Director for Justice, Treasury and General Management
ES–4 Deputy Associate Director for Management, Economics and Government
ES–4 Deputy Division Chief, Energy and Science
ES–4 Deputy Associate Director for Management, Natural Resources, Energy and Science
ES–2 Deputy General Counsel
ES–6 *Executive Director, President's Commission on National Agenda for the 1980's
ES–6 **Executive Associate Director for Budget
ES–6 **Executive Associate Director for Management
ES–6 **Associate Director, Management and Regulatory Policy
ES–6 **Associate Director, National Security and International Affairs
ES–6 **Associate Director, Human Resources, Veterans and Labor
ES–6 **Associate Director, National Resources, Energy and Science
ES–6 **Associate Director, Economics and Government
ES–5 **Associate Director, Economic Policy
ES–5 **Assistant Director, Budget Review
ES–5 **Assistant Director, Legislative Reference
ES–5 **Assistant Director, Management Improvement and Evaluation
ES–5 **Assistant Director, Federal Personnel Policy

OFFICE OF FEDERAL PROCUREMENT POLICY

ES–4 Associate Administrator for Systems and Technology
ES–4 Associate Administrator for Regulations and Procedure
ES–4 Associate Administrator for Acquisition Law
ES–4 Assistant Administrator for Logistics
SES/V Assistant Administrator for Regulations
ES–3 Assistant Administrator for Commercial Products
ES–4 Director, Federal Acquisition Institute

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT, (NATIONAL SECURITY COUNCIL)

Positions:

GS–18 *Staff Member (Foreign Affairs Officer)
GS–18 *Foreign Affairs Officer—Staff Member, Strategic Planning
GS–18 *Foreign Affairs Officer (Western Europe)
GS–18 *Staff Member, International Affairs (Foreign Affairs Officer)
GS–18 *Director for Policy Analysis
GS–17 *Strategic Technology Specialist

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT, (OFFICE OF SCIENCE AND TECHNOLOGY POLICY)

Positions:

SES Associate Director for National Security, International and Space Affairs
SES Associate Director for Human Resources and Social and Economic Services
SES Associate Director for Natural Resources and Commercial Services
SES Senior Policy Analyst (3)

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT, (OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS)

Positions:

ES–6 General Counsel
ES–5 Assistant U.S. Trade Representative—Trade Policy Development
ES–6 *Associate STR—Interagency Coordination
ES–4 *Assistant U.S. Trade Representative—Interagency Coordination
ES–5 *Assistant U.S. Trade Representative—Bilaterial Affairs
ES–5 *Assistant U.S. Trade Representative—Bilaterial Affairs
ES–5 *Assistant U.S. Trade Representative—Industrial Trade Policy
ES–5 *Assistant U.S. Trade Representative—Tariff Agreements
ES–4 *Assistant U.S. Trade Representative—Textiles
ES–2 *Assistant U.S. Trade Representative—Agricultural Trade Policy
ES–5 *Assistant U.S. Trade Representative—Congressional and Public Affairs
ES–2 *Deputy General Counsel
ES–3 *Director, Computer Operations
ES–2 *Deputy Assistant U.S. Trade Representative—Trade Policy
ES–2 *Assistant U.S. Trade Representative—GATT Affairs

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT, (OFFICE OF THE VICE PRESIDENT OF THE UNITED STATES)

Positions:

AD Chief of Staff
AD Counsel to the Vice President and Deputy Chief of Staff
AD Executive Assistant to the Vice President
AD Assistant to the Vice President for National Security Affairs
AD Assistant to the Vice President and Press Secretary
AD *Assistant to the Vice President for Domestic Policy

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT, (COUNCIL ON WAGE AND PRICE STABILITY)

Positions:

SES Deputy Director
SES General Counsel
SES Deputy General Counsel
SES *Assistant Director for Public Affairs
SES Assistant Director, Office of Government Programs and Regulations
SES *Assistant Director for Administration and Management
SES Assistant Director, Office of Price Monitoring
SES *Deputy Assistant Director, Office of Price Monitoring
GS–17 *Consultant, Office of Price Monitoring

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT, (THE WHITE HOUSE OFFICE)

Positions: No section 207(d)(1)(C) designations

AGENCY: DEPARTMENT OF AGRICULTURE

Positions:

OFFICE OF THE SECRETARY

SES **Director, Economics, Policy Analysis and Budget
SES **Assistant Secretary for Administration
SES Executive Assistant to the Secretary
SES Deputy Assistant Secretary for Administration
SES Deputy Assistant Secretary for Food and Consumer Services
SES Deputy Assistant Secretary for Natural Resources and Environment
SES Deputy Assistant Secretary for Rural Development
SES Deputy Under Secretary for International Affairs
SES Deputy Under Secretary for Commodity Programs
SES Deputy Assistant Secretary for Marketing and Transportation Services
SES Deputy Director for Economics, Policy Analysis, and Budget
SES Special Assistant for International Scientific and Technical Cooperation

OFFICE OF THE INSPECTOR GENERAL

SES *Deputy Inspector General
GS–17 Assistant Inspector General for Auditing
SES Assistant Inspector General for Investigations
SES Deputy Assistant Inspector General for Auditing
SES Deputy Assistant Inspector General for Investigations

OFFICE OF GOVERNMENTAL AND PUBLIC AFFAIRS

SES Associate Director

OFFICE OF THE GENERAL COUNSEL

SES Deputy General Counsel

OFFICE OF ADMINISTRATIVE LAW JUDGES

No section 207(d)(1)(C) designations

OFFICE OF PERSONNEL

SES Director

OFFICE OF EQUAL OPPORTUNITY

No section 207(d)(1)(C) designations

OFFICE OF OPERATIONS AND FINANCE

SES Director
SES Director, National Finance Center

OFFICE OF BUDGET, PLANNING AND EVALUATION

SES Director
SES Deputy Director for Management and Budget

WORLD FOOD AND AGRICULTURAL OUTLOOK AND SITUATION BOARD

SES Chairperson

ECONOMICS, STATISTICS, AND COOPERATIVES SERVICE

SES Administrator
SES Deputy Administrator for Statistics
SES Deputy Administrator for Cooperatives
SES Deputy Administrator for Economics

RURAL ELECTRIFICATION ADMINISTRATION

SES Deputy Administrator

FARMERS HOME ADMINISTRATION

SES Associate Administrator
SES Deputy Administrator, Financial and Administrative Operations
SES Deputy Administrator, Rural Development
SES Deputy Administrator, Farm and Family Programs
SES Associate Administrator for Rural Development Policy Management and Coordination

SCIENCE AND EDUCATION ADMINISTRATION

SES **Director
SES Associate Director
SES Administrator, Human Nutrition Center
SES Associate Administrator, Human Nutrition Center
SES Assistant Director for Program Management
SES Chief, International Programs
SES Deputy Director for Extension
SES Associate Deputy Director for Extension
SES Deputy Director, Cooperative Research
SES Associate Deputy Director, Cooperative Research
SES Deputy Director for Administrative Management
SES Administrator for Agricultural Research
SES Associate Deputy Director for Agricultural Research

SOIL CONSERVATION SERVICE

SES **Administrator
SES Associate Administrator
SES Deputy Chief for Administration
SES Deputy Chief for Natural Resource Assessments
SES Deputy Chief for Technology Development and Application

FOREST SERVICE

SES **Chief
SES Associate Chief
SES Deputy Chief for Administration
SES Deputy Chief for Research
SES Associate Deputy Chief for Research (2)
GS–18 Deputy Chief, National Forest System
SES Associate Deputy Chiefs, National Forest System (2)
SES Deputy Chief, State and Private Forestry
GS–17 Associate Deputy Chief, State and Private Forestry
GS–18 Deputy Chief for Programs and Legislation
GS–17 Associate Deputy Chief for Programs and Legislation

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SES **Administrator
SES Associate Administrator
SES Deputy Administrator, State and County Operations
SES Deputy Administrator, Management
SES Deputy Administrator, Commodity Operations

FEDERAL CROP INSURANCE CORPORATION

SES Manager
SES Deputy Manager

FOREIGN AGRICULTURAL SERVICE

SES **Administrator
SES Associate Administrator
SES Deputy Assistant Administrator, Commodity Programs
SES General Sales Manager

FOOD SAFETY AND QUALITY SERVICE

SES Administrator
SES Associate Administrator
SES Deputy Administrator, Commodity Services
SES Deputy Administrator, Meat and Poultry Inspection, Field Operations
SES Deputy Administrator, Administrative Management

FOOD AND NUTRITION SERVICE

SES Administrator
SES Associate Administrator

AGRICULTURAL MARKETING SERVICE

SES **Administrator
SES Deputy Administrator, Marketing Program Operations
SES Deputy Administrator, Packers and Stockyards

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SES **Administrator
SES Associate Administrator
SES Deputy Administrator, Veterinary Services
SES Deputy Administrator, Plant Protection and Quarantine
SES Deputy Administrator for Management

FEDERAL GRAIN INSPECTION SERVICE

SES Deputy Administrator, Program Operations

AGENCY: DEPARTMENT OF COMMERCE

Positions:

OFFICE OF THE SECRETARY

SES Special Assistants to the Secretary of Commerce (2)
SES Assistant to the Secretary of Commerce
SES Counsellor to the Secretary of Commerce
SES **Chief Economist

Office of Regional Affairs and Regional Coordination

SES Associate Deputy Secretary
SES Chairperson, Federal Regional Council, Region V

Office of Congressional Affairs

SES Deputy Assistant Secretary for Congressional Affairs

Office of Public Affairs

SES Director, Public Affairs

Office of General Counsel

SES Deputy General Counsel

Office of Assistant Secretary for Policy

SES Deputy Assistant Secretary for Ocean, Resource and Scientific Policy
SES Deputy Assistant Secretary for International Policy Coordination
SES Deputy Assistant Secretary for Domestic Economic Policy and Coordination

Office of Assistant Secretary for Tourism

SES Deputy Assistant Secretary

Minority Business Development Administration

SES Director, Minority Business Development Administration
SES Deputy Director, Minority Business Development Administration
SES Special Assistant for Minority Enterprise

OFFICE OF ASSISTANT SECRETARY FOR MARITIME AFFAIRS

SES Deputy Assistant Secretary

Office of the General Counsel

SES General Counsel
SES Deputy General Counsel

Policy and Administration

SES Assistant Administrator for Policy and Administration

Maritime Aids

SES Assistant Administrator for Maritime Aids
SES Deputy Assistant Administrator for Maritime Aids (Trade)

SES Deputy Assistant Administrator for Maritime Aids (Finance)

Operations

SES Assistant Administrator for Shipbuilding and Ship Operations
SES Deputy Assistant Administrator
SES Director, Office of Ship Construction
SES Director, Office of Shipbuilding Costs

Commercial Development

SES Assistant Administrator for Commercial Development
SES Deputy Assistant Administrator for Commercial Development

Regional Offices

No section 207(d)(1)(C) designations

U.S. Merchant Marine Academy

SES Superintendent

INTERNATIONAL TRADE ADMINISTRATION

Office of the Under Secretary for International Trade

SES Deputy Under Secretary

Office of the Assistant Secretary for International Economic Policy

SES Deputy Assistant Secretary
SES Deputy Assistant Secretary for Textiles and Apparel
SES Deputy Assistant Secretary for Trade Agreement
SES Deputy Assistant Secretary for Finance, Investment and Services
SES Deputy Assistant Secretary for Policy Planning and Analysis

Office of the Assistant Secretary for Trade Administration

SES Deputy Assistant Secretary for Import Administration
SES Deputy to the Deputy Assistant Secretary for Import Administration
SES Deputy Assistant Secretary for Export Administration
SES Deputy to the Deputy Assistant Secretary for Export Administration

Office of the Assistant Secretary for Trade Development

SES Deputy Assistant Secretary for U.S. Commercial Service
SES Deputy to the Deputy Assistant Secretary for U.S. Commercial Service
SES Deputy Assistant Secretary for Export Development
SES Deputy to the Deputy Assistant Secretary for Export Development

OFFICE OF ASSISTANT SECRETARY FOR ADMINISTRATION

SES Deputy Assistant Secretary

Office of the Controller

SES Controller

Office of Budget and Program Evaluation

SES Director
SES Deputy Director, Budget

Office of Procurement and Automatic Data Processing Management

SES Director

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SES Deputy Assistant Secretary

Office of Planning and Policy Coordination

SES Director
SES Chief Counsel

Office of International Affairs

SES Director

Office of Federal Systems and Spectrum Management

SES Associate Administrator for
SES Deputy Associate Administrator

Office of Policy Analysis and Development

SES Associate Administrator
SES Deputy Associate Administrator

Office of Telecommunications Applications

SES Associate Administrator

Institute for Telecommunications Sciences

SES Associate Administrator
SES Deputy Associate Administrator

OFFICE OF THE CHIEF ECONOMIST

SES Chief Economist
SES Deputy Chief Economist
SES Director for Federal Statistical Policy & Standards

Bureau of Industrial Economics

SES Director
SES Deputy Director

Bureau of Economic Analysis

SES Director
SES Deputy Director

Bureau of the Census

SES Deputy Director

Demographic Fields

SES Associate Director

Information Technology

SES Associate Director

Statistical Standards and Methodology

SES Associate Director

Field Operations

SES Associate Director

Economic Fields

SES Associate Director

OFFICE OF ASSISTANT SECRETARY FOR SCIENCE AND TECHNOLOGY

SES Deputy Assistant Secretary

Office of Environmental Affairs

SES Deputy Assistant Secretary

Office of Product Standards

SES Deputy Assistant Secretary

National Technical Information Service

SES Director
SES Deputy Director

NATIONAL BUREAU OF STANDARDS

SES Deputy Director
SES Associate Director for International Affairs
SES Associate Director for Programs, Budget and Finance

Institute for Basic Standards

SES Director
SES Deputy Director

National Measurement Laboratory

SES Director
SES Deputy Director for Resources & Operations

National Engineering Laboratory

SES Director
SES Deputy Director

Institute for Computer Sciences and Technology

SES Director
SES Deputy Director
SES Associate Director for Teleprocessing and Supporting Communications Technology
SES Associate Director for Automatic Data Processing Standards

OFFICE OF ASSISTANT SECRETARY FOR ECONOMIC DEVELOPMENT (ECONOMIC DEVELOPMENT ADMINISTRATION)

SES Deputy Assistant Secretary
SES Deputy Assistant Secretary for Development Finance

Office of Chief Counsel

SES Chief Counsel

Office of Special Projects

SES Director

Economic Development Policy and Planning

SES Deputy Assistant Secretary

Economic Development Operations

SES Deputy Assistant Secretary
SES Director, Office of Public Works

PATENT AND TRADEMARK OFFICE

GS–18 Deputy Commissioner

Board of Patent Interferences

No section 207(d)(1)(C) designations

Office of Assistant Commissioner for Patents

GS–18 Assistant Commissioner
SES Deputy Assistant Commissioner

Office of Assistant Commissioner for Trademarks

GS–17 Assistant Commissioner

Office of the Solicitor

SES Solicitor
SES Deputy Solicitor

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

GS–17 4500 Special Counsel for Law of the Sea

Office of the General Counsel

SES **General Counsel
SES Deputy General Counsel

Office of Policy and Planning

SES **Assistant Administrator for Policy and Planning

Coastal Zone Management

SES **Assistant Administrator

National Marine Fisheries Service

SES **Assistant Administrator for Fisheries
SES Deputy Assistant Administrator

Office of Research and Development

SES **Assistant Administrator for Research and Development

Environmental Research Laboratories

SES Director

Office of Sea Grants

SES Director

Oceanic and Atmospheric Services

SES **Assistant Administrator
SES Deputy Assistant Administrator

National Weather Service

SES Director
SES Deputy Director

National Ocean Survey

O7–O8 Director
SES Deputy Director

Environmental Data and Information Service

SES Director
SES Deputy Director

National Earth Satellite Service

SES Director
SES Deputy Director

NOAA CORPS

O7–O8 Director

AGENCY: DEPARTMENT OF DEFENSE

Positions:

ASSISTANT SECRETARY OF DEFENSE (MANPOWER, RESERVE AFFAIRS, AND LOGISTICS)

SES Principal Deputy Assistant Secretary
SES Special Assistant for Weapons Support Improvement
SES Director, Office of Economic Adjustment (OEA)
SES Deputy Director, OEA
SES Deputy Assistant Secretary, Equal Opportunity (EO)
SES Director for Equal Opportunity (Military)
SES *Director for Equal Opportunity (Civilian)
SES Deputy Assistant Secretary, Program Management (PM)
SES Staff Director, (PM)
SES Director for Department of Defense Dependent Schools (DODDS) (PM)
SES Deputy Assistant Secretary; Supply, Maintenance, and Transportation (SM&T)
SES Director for Supply Management Policy (SM&T)
SES Director for Transportation and Distribution Policy (SM&T)
SES Director for Maintenance Policy (SM&T)
SES Deputy Assistant Secretary, Installations & Housing (I&H)
SES Director for Installation Management and Planning (I&H)
SES Director for Construction and Design (I&H)
SES Director for Facilities Programming (I&H)
O–7 Director for Construction Operations & Facilities Management (I&H)
SES Special Assistant to the DASD, Reserve Affairs (RA)
O–8 *Deputy Assistant Secretary, Military Personnel Policy
SES Director for Accession, Policy, Military Personnel Policy (MP)
SES Deputy Assistant Secretary, Civilian Personnel Policy (CP)
SES Staff Director/Director for Personnel Managment (CP)
SES Director for Compensation & Position Management (CP)
SES Director for Staffing and Career Development (CP)
SES Director for Labor/Management Relations (CP)
SES *Director, Overseas & Nonappropriated Funds Personnel Policy (CP)
SES Deputy Assistant Secretary, Energy, Environment, and Safety (EES)
SES Director for Energy Policy (EES)
SES Director for Safety Policy (EES)
SES Deputy Assistant Secretary, Requirements, Resources & Analysis (RRA)
SES Director for Resource Management & Analysis (RRA)
SES Director for Logistics Programs, Budget & Analysis (RRA)
SES Director for Research & Data (RRA)
SES Director for International Logistics & Support Analysis (RRA)
SES *Director, Special Projects
SES Director, Organizational Development

OFFICE OF THE UNDER SECRETARY OF DEFENSE (POLICY)

SES *Deputy Under Secretary of Defense (Policy Planning), OUSD/P
SES *Deputy Under Secretary of Defense (Policy Review), OUSD/P
SES *Principal Deputy Assistant Secretary of Defense (ISA)
FSO Deputy Assistant Secretary of Defense, Inter-American Affairs, OASD/ISA
SES Deputy Assistant Secretary of Defense, European & NATO Affairs
FSO Deputy Assistant Secretary of Defense, East Asia & Pacific Affairs
SES Deputy Assistant Secretary of Defense, Near Eastern, African and South Asian Affairs
SES Deputy Assistant Secretary of Defense, International Economic and Technology Affairs
SES Director, Near Eastern & South Asian Region
SES *Director, Foreign Military Rights Affairs, OASD/ISA
SES *Director, Africa Region, ODASD/NEASA, OASD/ISA
SES *Director, International Economic Affairs, ODASD/IETA, OASD/ISA
SES *Director, Technology and Arms Transfer Policy, OSASD/IETA, OASD/ISA
SES *Director, European and NATO Affairs, ODASD/EUR/NATO, OASD/ISA
SES Assistant Deputy Under Secretary of Defense (Policy Planning), ODUSD/PP
O–8 *Principal Director, Plans and Policy, ODUSD/PP
SES *Director, General Purposes Forces, Policy, ODUSD/PP
SES Director, Theater Nuclear Policy, ODUSD/PP
SES *Director, Strategic Policy, ODUDS/PP
SES *Deputy Director, DOD SALT Task Force
SES *Deputy Director, Plans and Programs, ODASD/SA
O–8 *Director, Intelligence Policy, ODUSD/PR
SES Assistant Deputy Under Secretary of Defense (Policy Review), ODUSD/PR
SES Director for Communications, Command and Control Policy
SES Director for Counterintelligence and Security Policy
SES *Director, Net Assessment
SES *Deputy Director, Net Assessment
AD Deputy Director, DSAA
AD Comptroller, DSAA
AD Director, Operations, DSAA
AD Director, Plans & Programs, ODASD/SA

ASSISTANT SECRETARY OF DEFENSE (COMPTROLLER)

SES Principal Deputy Assistant Secretary (Comptroller)
SES Deputy Assistant Secretary (Program/Budget)
GS–17 Director for Program & Financial Control
GS–17 Director for Construction
GS–17 Director for Procurement
GS–17 Director for Research and Development
GS–17 Director for Operations
GS–18 Deputy Assistant Secretary (Management Systems)
GS–17 Principal Assistant to Deputy Assistant Secretary (Management Systems)

UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING AND ASSISTANT SECRETARY OF DEFENSE (COMMUNICATIONS, COMMAND, CONTROL AND INTELLIGENCE)

SES Deputy Under Secretary R&E (Acquisition Policy)
SES Deputy Under Secretary R&E (International Programs and Technology)
SES Deputy Under Secretary R&E (Research and Advanced Technology)
SES Deputy Under Secretary R&E (Strategic and Space Systems)
SES Deputy Under Secretary R&E (Tactical Warfare Programs)
SES Director, Defense Test & Evaluation

ASSISTANT SECRETARY OF DEFENSE (COMPTROLLER)

GS–17 Director for Accounting Policy
SES Deputy Assistant Secretary (Audit)/Director, Defense Audit Service
SES Deputy Controller for Audit Policy
GS–18 Deputy Assistant Secretary (Administration)
SES *Director for Data Automation
SES *Director for Management Information Control and Analysis
SES *Director for Banking, International Finance and Professional Development

ASSISTANT SECRETARY OF DEFENSE (PROGRAM ANALYSIS AND EVALUATION)

SES Principal Deputy Assistant Secretary of Defense (Program Analysis and Evaluation)
SES Deputy Assistant Secretary of Defense (General Purpose Programs)

SES Deputy Assistant Secretary of Defense (Strategic Programs)
SES Deputy Assistant Secretary of Defense (Regional Programs)
SES *Deputy Assistant Secretary of Defense (Resource Analysis)
SES Director, Land Forces Division
SES *Director, Mobility Forces Division
SES Director, Naval Forces Division
SES *Director, Tactical Air Division
SES *Special Assistant for Air Defense Programs
SES Director, Asia Division
SES Director, Europe Division
SES *Director, Special Regional Studies Division
SES Director, Cost & Economic Analysis
SES Director, Strategic Offensive Forces & Arms Limitations Division
SES *Director, Strategic Defensive & Theater Nuclear Forces Division

ASSISTANT SECRETARY OF DEFENSE (PUBLIC AFFAIRS)

SES *Principal Deputy Assistant Secretary (Public Affairs)
O–8 Deputy Assistant Secretary (Public Affairs)
SES Director, American Forces Information Service
SES Director for Freedom of Information and Security Review

ASSISTANT SECRETARY OF DEFENSE (HEALTH AFFAIRS)

SES Principal Deputy Assistant Secretary of Defense
O–8 *Deputy Assistant Secretary of Defense (Health Resources & Programs)
O–7 *Deputy Assistant Secretary of Defense (Drug and Alcohol Abuse Prevention)

ASSISTANT TO THE SECRETARY OF DEFENSE (ATOMIC ENERGY)

O–8 *Deputy Assistant to the Secretary of Defense (Atomic Energy) (Military Applications)
SES *Deputy Assistant to the Secretary of Defense (Atomic Energy) (Assessment)

DEFENSE ADVANCED RESEARCH PROJECTS AGENCY

AD Director, Tactical Technology Office
AD Director, Strategic Technology Office
AD *Director, Defense Sciences Offices
AD *Director, Information Processing Techniques Office
AD *Director, Directed Energy Office

DEFENSE AUDIT SERVICE

SES *Deputy Director

DEFENSE CONTRACT AUDIT AGENCY

SES *Director
SES *Deputy Director

JOINT CHIEFS OF STAFF

O–7/O–8 Vice Director, Joint Staff
O–7/O–8 Vice Director, Plans and Policy Directorate
O–7/O–8 Deputy Director for Tactical/Theater Systems, Command Control and Communications Systems Directorate

DEPARTMENT OF THE AIR FORCE (CIVILIAN)

SAF/AA

SES Administrative Assistant to the Secretary of the Air Force

SAF/AL

SES *Principal Deputy Assistant Secretary of the Air Force (Research, Development and Logistics)
SES Principal Deputy Assistant Secretary for Research and Development
SES Deputy Assistant Secretary for Logistics
SES Deputy Assistant Secretary for Programs and Acquisitions
SES Deputy for Programs and Production
SES Deputy for Acquisition
SES Deputy for Supply and Maintenance
SES *Deputy for Transportation and Civil Aviation

SAF/FM

SES Principal Deputy Assistant Secretary
SES Deputy for Financial Systems and Analysis
SES Principal Deputy Assistant Secretary for Programs and Budget

SAF/GC

SES **The General Counsel
SES Deputy General Counsel
SES Assistant General Counsel, Procurement

SAF/MI

SES Principal Deputy Assistant Secretary for installations
SES Principal Deputy Assistant Secretary for Manpower Resources and Military Personnel
SES Deputy Assistant Secretary (Reserve Affairs)

SAF/US

SES Deputy Under Secretary (Space Systems)
SES Director, Office of Space Systems

AF/AC

SES Deputy Comptroller
SES Assistant Director of Budget
SES Deputy Director of Accounting and Finance Center

AF/MPK

SES Deputy Assistant Secretary (Civilian Personnel Policy) and Director of Civilian Personnel

AF/LE

SES Associate Director, Engineering and Services
SES Associate Director, Logistics Plans and Programs

AF/PA

SES Associate Director, Directorate of Programs

AF/RD

SES Associate Director, Procurement Policy
SES Director, Office of Small and Disadvantaged Business

AFLC

SES Assistant DCS/Maintenance
SES Assistant DCS/Logistics Operations
SES Assistant DCS/Procurement and Production
SES Assistant DCS/Plans and Programs
SES Deputy Director, Materiel Management (SA–ALC)
SES Deputy Director, Materiel Management (OC–ALC)
SES Deputy Director, Materiel Management (WR–ALC)
SES Deputy Director, Materiel Management (OO–ALC)
SES *Director of Materiel Requirements and Financial Resource Management
SES *Deputy for Contracting and Manufacturing
SES Deputy Director, Materiel Management (SM–ALC)
SES Chairman, AFLC Procurement Committee

AFAA

SES *The Auditor General
SES Deputy Auditor General

AFSC

SES Principal Assistant, DCS/Procurement and Manufacturing
SES Chairman, Procurement Committee
SES Director of Manufacturing (HQ/AFSC)
SES Assistant Deputy for Procurement and Manufacturing (ASD)
SES Assistant Deputy for Procurement and Manufacturing (ESD)
SES Deputy Chief, Procurement and Manufacturing (SAMSO)
SES Deputy, Command and Management Systems (ESD)
SES Research and Development Executive (Director)(AFWL)
SES Research and Development Executive (Director)(AFML)
SES Research and Development Executive (Director)(AFOSR)
SES Director of Aerospace Sciences (AFOSR)
SES Director of Chemical Sciences (AFOSR)
SES Director of Life Sciences (AFOSR)
SES Director of Math and Information Sciences (AFOSR)
SES Director of Electronics and Solid State Sciences (AFOSR)

MILITARY

Office of the Secretary of the Air Force

O–7/O–8 *Deputy Auditor General and Commander, Air Force Audit Agency
O–7/O–8 Director of Special Projects and Deputy Commander for Satellite Programs, SAMSO

Office of Air Force Reserve

O–7/O–8 Chief of Air Force Reserve and Commander, AFRES

National Guard Bureau

O–7/O–8 Director, Air National Guard

Office of the Judge Advocate General

O–7/O–8 The Judge Advocate General
O–7/O–8 The Assistant Judge Advocate General

Comptroller of the Air Force

O–7/O–8 Director of Budget

O-7/O-8 Deputy Director of Budget
O-7/O-8 Commander, Air Force Accounting and Finance Center; Director, Accounting and Finance; and Assistant Director, Defense Security Assistance Agency for Foreign Military Sales

Deputy Chief of Staff, Logistics and Engineering

O-7/O-8 Director, Logistics Plans and Programs
O-7/O-8 Director, Engineering and Services
O-7/O-8 Director, Transportation
O-7/O-8 *Commander, Air Force Commissary Service

Deputy Chief of Staff, Programs and Evaluation

O-7/O-8 Director of Programs
O-7/O-8 Director of International Programs

Deputy Chief of Staff, Research, Development and Acquisition

O-7/O-8 Assistant Deputy Chief of Staff, Research, Development and Acquisition
O-7/O-8 Director, Development and Programming
O-7/O-8 Director of Space Systems and Command, Control, Communications
O-7/O-8 Director, Contracting and Acquisition Policy
O-7/O-8 Assistant Deputy Chief of Staff, Research, Development and Acquisition for Space Shuttle Development and Operations
O-7/O-8 Special Assistant for MX Matters

Deputy Chief of Staff, Operations, Plans and Readiness

O-7/O-8 Director, Plans

Studies and Analysis

O-7/O-8 Assistant Chief of Staff, Studies and Analysis

Air Force Communications Service

O-7/O-8 Commander, Air Force Communications Command

Air Force Logistics Command

O-7/O-8 Chief of Staff
O-7/O-8 Deputy Chief of Staff, Logistics Operations
O-7/O-8 Deputy Chief of Staff, Maintenance
O-7/O-8 Deputy Chief of Staff, Contracting and Manufacturing
O-7/O-8 Deputy Chief of Staff, Plans and Programs
O-7/O-8 Staff Judge Advocate
O-7/O-8 Commander, San Antonio Air Logistics Command
O-7/O-8 Commander, Oklahoma City Air Logistics Center
O-7/O-8 Commander, Warner Robins Air Logistics Center
O-7/O-8 Commander, Ogden Air Logistics Center
O-7/O-8 Commander, Sacramento Air Logistics Center
O-7/O-8 Vice Commander, Air Force Acquisition Logistics Division
O-7/O-8 Commander, International Logistics Center

Air Force Systems Command

O-7/O-8 Deputy Chief of Staff, Systems
O-7/O-8 Director, Science and Technology
O-7/O-8 Deputy Chief of Staff, Procurement and Manufacturing
O-7/O-8 Staff Judge Advocate
O-7/O-8 Commander, Armament Division
O-7/O-8 Commander, Air Force Contract Management Division
O-7/O-8 Deputy for F-16, ASD
O-7/O-8 Deputy Commander, Development and Acquisition Armament Division
O-7/O-8 Vice Commander, Aeronautical Systems Division
O-7/O-8 Vice Commander, Space Division
O-7/O-8 Vice Commander, Electronics Systems Division
O-7/O-8 Deputy for AWACS
O-7/O-8 Deputy for Communications and Information Systems, ESD
O-7/O-8 Commander, Ballistic Missile Office
O-7/O-8 *Deputy for Reconnaissance and Electronic Warfare Systems, ASD
O-7/O-8 *Deputy for Airlift and Trainer Systems and C-X System Program Director
O-7/O-8 Vice Commander, Armament Division

Military Airlift Command

O-7/O-8 Deputy Chief of Staff, Air Transportation

DEPARTMENT OF THE ARMY

Office, Secretary of the Army

SES Administrative Assistant to the Secretary of the Army
SES Deputy Administrative Assistant

Office of the General Counsel

SES **General Counsel
SES Principal Deputy General Counsel

Office of the Under Secretary

SES Deputy Under Secretary of the Army (Operations Res)
SES Assistant Deputy Under Secretary of the Army (Operations Res)

Office, Assistant Secretary of the Army (Installations, Logistics & Financial Management)

SES Principal Deputy ASA (IL&FM)
SES Deputy for Installations & Housing
SES Deputy for Logistics
SES Assistant Deputy for Installations & Housing
SES Assistant Deputy for Logistics
SES Deputy for Resource Analysis
SES Deputy for Management System
SES Assistant Deputy for Resource Analysis
SES Assistant for Small Business & Economic Utilization
SES *Deputy for Environment Safety & Occupational Health

Office, Assistant Secretary of the Army (Manpower & Reserve Affairs)

SES Principal Deputy & Deputy ASA for Reserve Affairs (M&RA)
SES Deputy ASA (DA Review Boards and Personnel Security)

Office, Small & Disadvantaged Business Utilization

SES *Director, Small & Disadvantaged Business Utilization

Office, Assistant Secretary of the Army (Civil Works)

SES Principal Deputy ASA (CW)

Office, Assistant Secretary of the Army (Research, Development & Acquisition)

SES Deputy ASA (R&D)
SES Deputy ASA (Acquisition)
SES Deputy for Science & Technology
SES Deputy for Materiel Acquisition Management
SES Deputy for Procurement Policy
SES Deputy for Management & Budget
SES Deputy for Air & Missile Defense
SES Deputy for Communications & Target Acquisition
SES *Associate Director for Procurement & Management Review

Ballistic Missile Defense Program Office (Washington)

SES Deputy BMD Program Manager
SES Director, BMDPO

Ballistic Missile Defense Systems Command (Huntsville)

SES Chief, Contracts Office
SES Director, Systems Technology Project Office

Ballistic Missile Defense Advance Technology Center (Huntsville)

SES Director, BMD Advance Technical Center

Office of the Chief of Staff

SES *Director, Study Management Program

U.S. Army Operational Test and Evaluation Agency (OCSA)

SES Scientific Advisor

Assistant Chief of Staff for Automation and Communications

SES Deputy Assistant Chief of Staff Auto & Commo
SES Director, USA Management Systems Spt Agency
SES *Director, U.S. Army Computer Systems Selection Acquisition Agency

Deputy Chief of Staff for Logistics

SES *Special Assistant to the DCSLOG/ Chief Aviation Logistics

Program Analysis and Evaluation Directorate (OCSA)

SES Deputy Director for Programming

Comptroller of the Army

SES Deputy Comptroller

Army Audit Agency (OSA)

SES The Auditor General (OCSA)
SES Deputy Auditor General (OSA)
SES Director, Logistical and Financial Audits (OSA)
SES Director, Acquisition and Force Management Audits (OSA)

Office of the Judge Advocate General

SES Special Assistant for Comm, Trans & Utilities

U.S. Army Materiel Development & Readiness Command (DARCOM) Headquarters

SES Deputy Comptroller

SES Command Counsel
SES Deputy Command Counsel
SES Chief, Patent Law Division
SES Director, Management Information Systems
SES Director for Quality Assurance
SES Principal Assistant Deputy for Materiel Development
SES *Assistant Deputy for Resource Management
SES Assistant Deputy for Science & Technology
SES Assistant Deputy for International Research, Development and Standardization
SES Chief, Office of Manufacturing Technology
SES Deputy Director for Development & Engineering
SES Assistant Deputy for Materiel Readiness
SES Deputy Director for Materiel Management
SES Associate Director for Requirements & Resources
SES Associate Director for Procurement
SES Deputy Director, Security Assistance
SES Deputy Director for Procurement & Production

Nuclear Munitions Project Office

SES Deputy Project Manager

Project Office (PATRIOT)

SES Deputy Project Manager
SES Assistant Project Manager for Development and Acquisition Operations

BETA Joint Project Office

SES Director, Beta Joint Project Office

U.S. Army Materiel Systems Agency Analysis (AMSAA)

SES Director, Army Materiel Systems Analysis Agency

U.S. Army Materiels and Mechanics Research Center (AMMRC)

SES *Director

Army Research Office (ARO) Durham

SES Technical Director
SES Director, Electronics Division
SES Director, Metallurgy & Materials Science
SES Director, Physics Division
SES Director, Mathematics Division
SES Director, Engineering Sciences Division

U.S. Army Armament Research & Development Command (ARRADCOM) Headquarters

SES Technical Director

ARRADCOM

SES Associate Technical Director (R&T) & Director, BRL

U.S. Army Armament Material Readiness Command (ARRCOM)

SES *Deputy for Procurement and Production

Chemical Systems Lab

SES Deputy Director

Large Caliber Weapon Systems Laboratory

SES Deputy Director

Small Caliber Weapon Systems Lab

SES Deputy Director

U.S. Army Aviation R&D Command (AVRADCOM) Headquarters

SES Technical Director
SES Director, Aeromechanics Lab
SES Director, Structures Lab
SES Director, Propulsion Lab
SES Director, Research & Technology Lab

U.S. Army Communication and Electronics Material Readiness Command (CERCOM)

SES *Chief Counsel

U.S. Army Communications R&D Command (CORADCOM)

SES Technical Director
SES *Director, Communications System Center
SES *Director, Tactical Computer Systems Center
SES *Director, Systems Engineering and Integration Center
SES Technical Director, (SATCOMA)
SES Deputy Project Manager, (ARTADS)

U.S. Army Depot Systems Command (DESCOM)

SES *Deputy for Tactical Operations

U.S. Army Electronics R&D Command (ERADCOM) Headquarters

SES Technical Director
SES Director, Night Vision & Electronic Optics Lab
SES Director, Signals Warfare Lab
SES Director, Electronic Warfare Lab
SES Director, Electronics Technology & Devices Lab
SES Deputy Director, Combat Surveillance & Target Acquisition Lab
SES Technical Director, Harry Diamond Lab

Mobility Equipment Research and Development Command (MERADCOM)

SES Technical Director

U.S. Army Missile Command (MICOM)

SES *Director, Army Missile Lab
SES Director, Engineering Lab
SES Director, Technology Lab
SES *Director for Procurement and Production
SES *Chief, Counsel
SES Deputy Project Manager, High Energy Laser
SES Deputy Project Manager, Roland

Natick Research & Development Command (NARADCOM)

SES Technical Director
SES Deputy Technical Director, Clothing & Equipment Systems Program
SES Director, Clothing Equipment & Materiel Engineering Lab
SES Director, Food Sciences Lab
SES Director, Food Engineering Lab
SESSES Deputy Technical Director, Food Service System Program

XM-1 Tank systems Project Office

SES Chief Engineer/Chief Systems Engineering Division

Office of the Project Manager, Fighting Vehicle Systems (FVS)

SES Deputy Project Manager

U.S. Army Tank-Automotive Materiel Readiness Command (TARCOM)

SES *Chief Counsel
SES Director, Procurement & Production

Army Tank-Automotive Research and Development Command (TARADCOM)

SES Technical Director

U.S. Army Test and Evaluation Command (TECOM)

SES *Technical Director
SES Director for Analysis
SES Associate Director, Materiel Test Dir (APG)
SES Scientific Director (DPG)
SES Technical Director, Elec Prov Grnd (EPG)
SES Technical Director, National Range Opinions (WSMR)
SES Technical Director & Chief Scientist (WSMR)

U.S. Army Troop Support and Aviation Materiel Readiness Command (TSARCOM)

SES Director for Procurement & Production

Foreign Science and Technology Center

SES Deputy Director, FSTC

U.S. Army Human Engineering Laboratory

SES Director, HEL

Army Materiel and Mechanics Research Center (AMMRC)

SES Director, AMMRC

TRADOC System Analysis Activity (WSMR)

SES Director, TRASANA

The Army Staff

O–8 Director, Management
O–8 Chief, Army Force Modernization Coordination Office
O–8 Director, Program Analysis and Evaluation
O–8 Assistant Deputy Chief of Staff for Personnel
O–8 *Assistant Deputy Chief of Staff for Operations and Plans
O–8 Assistant Deputy Chief of Staff for Operations and Plans for Joint Affairs
O–8 Assistant Deputy Chief of Staff for Logistics (Acting DCSLO6)
O–8 ADCSRDA & ADCSRDA for International Programs
O–8 Director, of Army Budget
O–8 Chief, Army Reserve
O–7 Deputy Chief, Army Reserve
O–8 Chief, National Guard Bureau
O–8 Director, Army National Guard
O–8 Assistant Chief of Staff for Automation and Communications
O–7 Director of Systems Integration
O–8 Assistant Chief of Staff for Intelligence
O–7 Deputy Assistant Chief of Staff for Intelligence
O–8 The Adjutant General
O–7 Deputy TAG
O–8 Chief of Chaplains
O–8 The Judge Advocate General
O–8 The Assistant Judge Advocate General
O–8 The Deputy Surgeon General

O–7 *Assistant Surgeon General (Research & Development)
O–8 Deputy Chief of Engineers and Chairman, Board of Engineers for Rivers and Harbors

Army Staff Field Operating Agencies

Office, Chief of Staff

O–8 Commanding General, Ballistic Missile Defense Systems Command, Huntsville, Alabama
O–8 Commanding General, U.S. Army Operational Test and Evaluation Agency, Falls Church, Virginia

Office, Deputy Chief of Staff for Personnel

O–8 Commanding General, USA Military Personnel Center, Alexandria, Virginia
O–8 Commanding General, USA Recruiting Command, Fort Sheridan, Illinois
O–7 Deputy Commanding General, USA Recruiting Command, Fort Sheridan, Ilinois (2)
O–7 Deputy Superintendent, U.S. Military Academy—West Point, New York

Office, Deputy Chief of Staff for Logistics

O–7 Commanding General, U.S. Army Troop Support Agency, Fort Lee, Virginia

Office, Assistant Chief of Staff for Automation and Communications

O–8 Commanding General, U.S. Army Computer Systems Command, Fort Belvoir, Virginia
O–7 Deputy Commanding General, U.S. Army Computer Systems Command, Fort Belvoir, Virginia

Office, The Adjutant General

O–7 Commanding General, U.S.Army Reserve Components Personnel and Administration, St. Louis, Missouri

Office, The Judge Advocate General

O–7 Commanding General, Chief Judge, U.S. Army Legal Services Agency/United States Court of Military Review, Falls Church, Virginia

Office, The Surgeon General

O–7/O–8 Commanding General, U.S. Army Medical Research and Development Command, Fort Detrick, Maryland

U.S. Army Training and Doctrine Command—Fort Monroe, Virginia

O–8 Chief of Staff
O–8 Deputy Chief of Staff, Combat Developments
O–7 Commanding General, Combat Developments Experimentation Command, Fort Ord, California
O–8 Commanding General, TRADOC Combined Arms Test Activity, Fort Hood, Texas

U.S. Army Materiel Development and Readiness Command, Alexandria, Virginia

O–8 Deputy Commander For Resources and Management
O–7/O–8 Director, Development & Engineering
O–8 Director, Procurement & Production
O–7 Director, Materiel Management
O–7/O–8 Director, U.S. Army Security Assistance Center
O–8 Comptroller
O–7 Director, Battlefield Systems Integration
O–8 Commanding General, U.S. Army Tank-Automotive Materiel Readiness Command, Warren, Michigan
O–7 Deputy Commanding General, U.S. Army Tank-Automotive Materiel Readiness Command, Warren, Michigan
O–8 Commanding General, U.S. Army Tank-Automotive Research and Development Command, Warren, Michigan
O–8 Commanding General, U.S. Army Aviation Research and Development Command, St. Louis, Missouri
O–8 Commanding General, U.S. Army Troop Support and Aviation Materiel Readiness Command—St. Louis, Missouri
O–7 Deputy Commanding General, U.S. Army Troop Support and Aviation Materiel Readiness Command—St. Louis, Missouri
O–8 Commanding General, U.S. Army Armament Materiel Readiness Command—Rock Island, Illinois
O–7 Deputy Commanding General, U.S. Army Armament Materiel Readiness Command—Rock Island, Illinois
O–8 Commanding General, U.S. Army Armament Research and Development Command—Picatinny Arsenal, New Jersey
O–7 Deputy Commanding General, U.S. Army Armament Research and Development Command—Picatinny Arsenal, New Jersey
O–8 Commander, U.S. Army Missile Command—Redstone Arsenal, Alabama
O–7 Deputy Commander/Deputy for Readiness and Procurement, U.S. Army Missile Command—Redstone Arsenal, Alabama
O–7 *Deputy Commander/Deputy for Research and Development, U.S. Army Missile Command
O–7 Commanding General, U.S. Army Missile Research and Development Command—Redstone Arsenal, Alabama
O–7 Project Manager, Roland U.S. Army Missile Command—Redstone Arsenal, Alabama
O–8 Commanding General, U.S. Army Communications & Electronics Materiel Readiness Command
O–7 Deputy Commander/Deputy for Procurement, U.S. Army Communications & Electronics Materiel Readiness Command
O–7 Project Manager, ARTADS/Deputy Commander, U.S. Army Communications & Electronics Materiel Readiness Command
O–8 Commanding General, U.S. Army Electronics Research & Development Command—Adelphi, Maryland
O–8 Commanding General, U.S. Army Test & Evaluation Command—Aberdeen Proving Grounds, Maryland
O–7 Deputy Commander, TECOM, Commanding General, White Sands Missile Range—White Sands, New Mexico
O–8 Commanding General, U.S. Army Communication Research & Development Command, Fort Monmouth, New Jersey
O–7 Commanding General, U.S. Army Depot System Command—Chambersburg, Pennsylvania
O–8 Project Manager, Separate Project Managers XM–1 Tank—Warren, Michigan
O–8 Project Manager, Patriot—Redstone Arsenal, Alabama
O–7 Project Manager, Fighting Vehicle Systems—Warren, Michigan
O–7 Program Manager, Advanced Attach Helicopter Program—St. Louis, Missouri
O–7 Project Manager, Saudi Arabian National Guard Modernization—Saudi Arabia

U.S. Army Communications Command

O–8 Commanding General, U.S. Army Communications Command, Fort Huachuca, Arizona
O–7 Commanding General, U.S. Army Communications Systems Agency, Fort Monmouth, New Jersey

Other Commands

O–8 Commander, Military Traffic Management Command, Washington, D.C.
O–8 Commanding General, U.S. Army Intelligence and Security Command, Arlington, Virginia
O–8 Commanding General, U.S. Army Military District of Washington, Washington, D.C.
O–8 Commanding General, U.S. Army Criminal Investigation Command, Falls Church, Virginia
O–8 Commanding General, U.S. Army Health Services Command, Fort Sam Houston, Texas

Major Overseas Commands

U.S. Europe and Seventh Army

O–8 Chief of Staff
O–8 Deputy Chief of Staff, Engineer
O–8 Commanding General, U.S. Army Southern European Task Force

U.S. Army Japan/IX Corps

O–7/O–8 Chief of Staff, United States Army, Japan/IX Corps

U.S. Army Western Command

O–8 Commanding General, U.S. Army Western Command

Special Activities

American Battle Monuments Commission

Army and Air Force Exchange Service

O–8 *Commander, Army and Air Force Exchange Service—Dallas, TX

DEPARTMENT OF THE NAVY (CIVILIAN)

Secretariat

SES Deputy Under Secretary of the Navy
SES Principal Deputy Assistant Secretary of the Navy (Logistics)
SES Principal Deputy Assistant Secretary of the Navy (Manpower and Reserve Affairs)
SES Director of Navy Laboratories
SES Deputy Assistant Secretary of the Navy (Research and Applied & Space Technology)
SES Deputy Assistant Secretary of the Navy (Command, Control, Communications and Intelligence)
SES Deputy Assistant Secretary of the Navy (Manpower)
SES Deputy Assistant Secretary of the Navy (Reserve Affairs)
SES Deputy Assistant Secretary of the Navy (Equal Opportunity)
SES Director, Office of Small and Disadvantaged Business Utilization

SES Associate Deputy Assistant Secretary of the Navy (Systems Engineering)
SES **General Counsel
SES Principal Deputy General Counsel
SES Director, Resources and Policy Evaluation
SES Deputy General Counsel, Procurement
SES *Principal Deputy Assistant Secretary of the Navy (Research, Engineering and Systems)
SES *Special Assistant to ASN(FM) for Data Automation
SES *Deputy Assistant Secretary for Advanced Concepts

Office of the Navy Comptroller

SES Director of Banking and Contract Financing
SES Deputy Assistant Comptroller, Financial Management Systems

Naval Audit Service

SES Deputy Audit General/Deputy Director
SES *Auditor General of the Navy

Office of Naval Research

SES Director, Acquisition

Office of the Chief of Naval Operations

SES Assistant Deputy Chief of Naval Operations (CP/EEO)
SES Financial Director, Navy Programs Planning Office

Office of the Chief of Naval Operations Organizations

SES Principal Civilian Adviser for Education and Training

Navy Data Automation Command

SES Technical Director

Naval Security Group Command, Headquarters

PL Technical Director

Military Sealift Command

SES Deputy Executive Director

Marine Corps

SES Assistant Deputy Chief of Staff for Installations and Logistics
SES Director, Contracts Division
SES Fiscal Director of the Marine Corps

Naval Supply Systems Command

SES Assistant Deputy Commander, Plans and Systems Design

Naval Material Command, Headquarters

SES Head, Tri-Service Negotiation Staff
SES Executive Director for Contracts and Business Management
SES Assistant Deputy Chief of NAVMAT (Operations and Logistics)
SES *Deputy Chief of Naval Material
SES Director, Procurement Control and Clearance Division
SES Assistant Deputy Chief of Naval Material (Reliability and Engineering)

Strategic Systems Project Office

SES Director, Plans and Programs Division

Naval Air Systems Command

SES Executive Director for Procurement Management

Naval Electronic Systems Command

SES Technical Director, Material Acquisition Engineering Directorate
PL Technical Director
SES Executive Director, Contracts

Naval Sea Systems Command

SES Assistant Deputy Commander for Contracts

Naval Facilities Engineering Command

SES Deputy Assistant Commander for Contracts

Navy Resale System

SES Financial Management Group Director
SES Division Director, Industrial Relations Division

MILITARY

Flag Officers

O-7/O-8 Vice Commander, Naval Air Systems Command
O-7/O-8 Deputy Commander for Plans and Programs, Naval Air Systems Command
O-7/O-8 Assistant Commander for Contracts, Naval Air Systems Command
O-7/O-8 Assistant Commander for Logistics and Fleet Support, Naval Air Systems Command
O-7/O-8 Assistant Commander for Systems and Engineering, Naval Air Systems Command
O-7/O-8 Assistant Commander for Test and Evaluation, Naval Air Systems Command
O-7/O-8 Commander, Naval Aviation Logistics Center, Naval Air Systems Command
O-7/O-8 Deputy Chief of Naval Material for Logistics, HDQTRS NAVMATCOMD
O-7/O-8 Deputy Chief of Naval Material for Development/Chief of Naval Development
O-7/O-8 Deputy Chief of Naval Material for Acquisition HDQTRS NAVMATCOMD
O-7/O-8 Project Manager, TRIDENT System, Naval Material Command
O-7/O-8 *Major Project Manager, LAMPS, NAVAIRSYSCOM
O-7/O-8 *Director, Saudi Naval Expansion Program, NAVMAT
O-7/O-8 *Project Manager, Navy Space Project, NAVELECSYSCOM
O-7/O-8 Director, Joint Cruise Missile Project, Joint Cruise Missiles Project Office (JPM-3)
O-7/O-8 Director, Strategic Systems Project Office, SSPO
O-7/O-8 Technical Director, Strategic Systems Projects, SSPO
O-7/O-8 Commander, ASW Systems Project Office (Manager, ASW Systems Project Office) Anti-Submarine Warfare Systems Project Office
O-7/O-8 Vice Commander, Naval Sea Systems Command
O-7/O-8 Deputy Commander for Plans, Programs and Financial Management/ Comptroller, Naval Sea Systems Command
O-7/O-8 Deputy Commander for Contracts, NAVSEASYSCOM
O-7/O-8 NAVSEA Principal Deputy Commander for Acquisition, NAVSEASYSCOM
O-7/O-8 Principal Deputy Commander for Logistics, NAVSEASYSCOM
O-7/O-8 Deputy Commander for Combat Systems (ADDU to CNO as Executive Manager for Explosive Ordnance Disposal Technology and Training), NAVSEASYSCOM
O-7/O-8 Assistant Deputy Commander for Anti-Submarine Warfare and Underwater Systems, NAVSEASYSCOM
O-7/O-8 Commander, Military Sealift Command
O-7/O-8 Project Manager, AEGIS Shipbuilding Project, NAVSEASYSCOM
O-7/O-8 Deputy Commander for Industrial and Facility Management, NAVSEASYSCOM
O-7/O-8 Deputy Commander for Submarines, NAVSEASYSCOM
O-7/O-8 Deputy Commander for CV/ AMPH/AUX Ships, NAVSEASYSCOM
O-7/O-8 Deputy Commander for Surface Combatant Ships, NAVSEASYSCOM
O-7/O-8 Supervisor of Shipbuilding, Conversion and Repair, Newport News
O-7/O-8 Deputy Commander for Ship Design and Integration, Naval Sea Systems Command
O-7/O-8 Commander, Naval Supply Systems Command and Chief of Supply Corps
O-7/O-8 Vice Commander, Naval Supply Systems Command
O-7/O-8 Deputy Commander, Plans, Policy and Programs Development, Naval Supply Systems Command
O-7/O-8 Commanding Officer, Navy Ships Parts Control Center, Mechanicsburg, PA
O-7/O-8 Supervisor of Shipbuilding, Conversion and Repair, USN, Pascagoula, MS
O-7/O-8 Commanding Officer, Navy Resale and Services Support Office, Brooklyn, NY
O-7/O-8 Commanding Officer, Navy Aviation Supply Office, Philadelphia, PA
O-7/O-8 Commander, Naval Electronics Systems Command Headquarters
O-7/O-8 Vice Commander, Naval Electronics Systems Command
O-7/O-8 Project Manager, Command, Control and Communications, Naval Electronics Systems Command
O-7/O-8 Naval Deputy to the Administrator, National Oceanic and Atmospheric Administration
O-7/O-8 Assistant Oceanographer of the Navy for Ocean Engineering and Development
O-7/O-8 Assistant Oceanographer of the Navy for Oceanographic Operations
O-7/O-8 Oceanographer of the Navy, Office of the Oceanographer of the Navy/ ADDU: Navy Deputy Administrator National Oceanic and Atmospheric Administration
O-7/O-8 Commander, Naval Telecommunications Command, Naval Telecommunications
O-7/O-8 Commander, Naval Facilities Engineering Command
O-7/O-8 Vice Commander, Naval Facilities Engineering Command
O-7/O-8 Deputy Commander for Planning, Naval Facilities Engineering Command
O-7/O-8 Commander, Atlantic Division, Naval Facilities Engineering Command

O-7/O-8 Commander, Pacific Division, Naval Facilities Engineering Command
O-7/O-8 Commanding Officer, Northern Division, Naval Facilities Engineering Command
O-7/O-8 Commanding Officer, Western Division, Naval Facilities Engineering Command
O-7/O-8 Director, Multilateral Support Force, Amphibious, Mine and Advanced Naval Vehicles Ships Division, CNO
O-7/O-8 Director, Logistics Plans Division, CNO
O-7/O-8 Director, Material Division, CNO
O-7/O-8 Director, Ships Maintenance and Modernization Division, CNO
O-7/O-8 Director, Shore Facilities Programing Division, CNO
O-7/O-8 Deputy Director, Research, Development, Test and Evaluation, CNO

Office of the Comptroller of the Navy

O-7/O-8 Deputy Comptroller of the Navy
O-7/O-8 Director of Budget and Reports
O-7/O-8 *Assistant Comptroller, Financial Management Systems/Commander, Navy Accounting and Finance Center

Other Officers

O-7/O-8 Inspector General, HQMC
O-7/O-8 Assistant Deputy Chief of Staff for Plans and Policies
O-7/O-8 Deputy Chief of Staff for Installations and Logistics, Headquarters, Marine Corps
O-7/O-8 Deputy Chief of Staff for Research and Development, HQMC
O-7/O-8 Deputy Chief of Staff for Requirements and Programs, HQMC
O-7/O-8 Director, Personnel Procurement, HQMC
O-7/O-8 Director of Material Division, HQMC
O-7/O-8 Director, Facilities and Services Division, HQMC
O-7/O-8 Director, Command, Control, Communications and Computer Systems Division, HQMC
O-7/O-8 Commanding General, Marine Corps Logistics Base, Albany, Georgia
O-7/O-8 Commanding General, Marine Corps Logistics Base, Barstow, California
O-7/O-8 Director of the Development Center, Marine Corps Development and Education Command

DEFENSE COMMUNICATIONS AGENCY

O-7 USA Deputy Director, Plans and Programs
O-7 *Commander, White House Communications Agency
SES Deputy WWMCCS System Engineer—WSEO
O-7 USAF Director, Command and Control Technical Center (CCTC)
SES Assistant Manager (Technology & Standards)—NCS
SES *Assistant Manager, (Plans and Operations), NCS
SES *Deputy Director, WWMCCS, ADP, Technical Support, CCTC
SES Comptroller, DCA
SES WWMCCS System Engineer—WSEO
O-8 USAF Vice Director, Defense Communications Agency
SES Chief Scientist—Associate Director, Technology—DCA
SES Deputy Director, DCEC
SES *Chief, Systems Engineering Division, DCEC
SES *Deputy Director, Command and Control Technical Center
O-7 USA Deputy Director, Operations and Readiness
SES Assistant Deputy Director, WWMCCS, ADP Directorate—CCTC
SES Associate Director/Senior Advisor for Technology—DCEC
SES Deputy Manager, National Communications System—DCA
SES Chief, Interoperability and Standards Office—DCEC
SES General Counsel, DCA

DEFENSE INTELLIGENCE AGENCY

GS-18 *Deputy Director for Defense Intelligence
GS-17 Assistant Director for Resources and Systems
O-8 Director
O-8 Deputy Director

DEFENSE LOGISTICS AGENCY

O-8 Deputy Director
O-8 Deputy Director, Contract Administration Services
O-8 Assistant Director, Plans, Programs and Systems
O-7 Executive Director, Supply Operations
O-7/O-8 Executive Director, Quality Assurance
O-8 Commander, Defense Construction Supply Center
O-7 Commander, Defense Electronics Supply Center
O-8 Commander, Defense Fuel Supply Center
O-7 Commander, Defense General Supply Center
O-7 Commander, Defense Industrial Supply Center
O-8 Commander, Defense Personnel Support Center
O-7 Commander, Defense Property Disposal Service
O-7 Commander, Defense Contract Administration Services Region, Los Angeles
O-7 Commander, Defense Contract Administration Services Region, New York

Headquarters

SES Comptroller, DLA
SES Counsel, DLA
SES Executive Director, Technical and Logistics Services
SES Executive Director, Contracting
SES Deputy Executive Director, Supply Operations
SES Executive Director, Contract Management
SES Associate Counsel, DLA
SES Chief, Logistics/Programs Division
SES Chief, Contracts Division, Directorate of Contracting

DEFENSE MAPPING AGENCY

SES Deputy Director, Management & Technology
SES Deputy Director, PP&O
SES Deputy Director for Systems and Techniques
SES Comptroller
O-8 Director, Defense Mapping Agency
O-8 Deputy Director, Defense Mapping Agency
O-7 Deputy Director for Plans and Requirements
SES Staff Director of Personnel
SES Assistant Deputy Director for Programming
SES Assistant Deputy Director for Production and Distribution
SES Chief, Advanced Technology Division (STT)
SES Chief, Acquisitions Systems Development

DEFENSE NUCLEAR AGENCY

O-8 **Director
AD Deputy Director, Science and Technology
AD Scientific Assistant to the Deputy Director, Science and Technology
AD Assistant to the Deputy Director (Science and Technology) for Theoretical Research
AD Assistant to the Deputy Director (Science and Technology) for Experimental Research
AD Assistant to the Deputy Director (Science and Technology) for Testing
AD *Assistant to the Director for Biomedical Effects
O-8 Deputy Director (Operations and Administration)
O-7 Commander, Field Command

NATIONAL SECURITY AGENCY

Military Positions

O-8 Assistant Deputy Director, NSA, for Plans and Policy
O-7 Deputy Director, NSA, for Operations
O-7 Chief of A Research and Engineering Group

AGENCY: DEPARTMENT OF EDUCATION

Positions:

OFFICE OF THE UNDER SECRETARY

SES *Assistant Commissioner for Regional Liaison

OFFICE OF PUBLIC AFFAIRS

SES *Deputy Assistant Secretary for News
SES *Deputy Assistant Secretary for Policy and Planning

OFFICE OF PLANNING AND BUDGET

SES *Deputy Assistant Secretary for Policy Development
SES *Deputy Assistant Secretary for Budget Systems and Services
SES *Deputy Assistant Secretary for Analytic Systems and Services
SES *Deputy Assistant Secretary for Program Budget Analysis

OFFICE OF GENERAL COUNSEL

SES *Deputy General Counsel

OFFICE OF THE INSPECTOR GENERAL

SES *Assistant Inspector General for Investigation
SES *Assistant Inspector General for Policy, Planning and Management Services
SES *Assistant Inspector General for Audit

OFFICE OF MANAGEMENT

SES *Deputy Assistant Secretary for Evaluation and Program Management
SES *Deputy Assistant Secretary for Human Resources
SES *Deputy Assistant Secretary (Comptroller)
SES *Director, Office of Grants and Procurements

OFFICE OF LEGISLATION

SES *Deputy Assistant Secretary
SES *Deputy Assistant Secretary for Congressional Services
SES *Deputy Assistant Secretary

OFFICE OF CIVIL RIGHTS

SES *Deputy Assistant Secretary
SES *Deputy Assistant Secretary for Legal Standards, Program Support and Litigation
SES *Deputy Assistant Secretary for Program Review and Assistance
SES *Deputy Assistant Secretary for Planning and Compliance Operations

OFFICE OF PUBLIC EDUCATION

SES *Assistant Secretary for Non-Public Education

OFFICE OF BILINGUAL EDUCATION & MINORITY LANGUAGES

SES *Director, Office of Bilingual Education and Minority Languages Affairs
SES *Deputy Director

OFFICE OF EDUCATION FOR OVERSEAS DEPENDENTS

SES *Administrator of Education for Overseas Dependents

OFFICE OF VOCATIONAL AND ADULT EDUCATION

SES *Deputy Assistant Secretary
SES *Deputy Assistant Secretary for Education and Employment
SES *Deputy Assistant Secretary for Adult Learning and School Community Relations
SES *Deputy Commissioner for Occupational & Adult Education

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

SES *Deputy Assistant Secretary
SES *Deputy Assistant Secretary for Indian Education
SES *Deputy Assistant Secretary for Migrant Education
SES *Deputy Assistant Secretary for Compensatory Education
SES *Deputy Assistant Secretary for Equal Educational Opportunity
SES *Deputy Assistant Secretary for Educational Support

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

SES *Deputy Assistant Secretary for Program Planning and Managment
SES *Deputy Assistant Secretary for External Affairs
SES *Deputy Assistant Secretary for Special Education
SES *Deputy Commissioner, Rehabilitation Services Administration

OFFICE OF EDUCATIONAL RESEARCH & IMPROVEMENT

SES *Deputy Assistant Secretary for Program Planning and Integration
SES *Deputy Assistant Secretary for Operations
SES *Deputy Assistant Secretary for School Improvement
SES *Deputy Assistant Secretary for Libraries and Learning Technologies
SES *Deputy Assistant Secretary for Dissemination and Professional Improvement
SES *Deputy Director, National Institute of Education
SES *Administrator, National Center for Educational Statistics
SES *Deputy Administrator, NCES
SES *Director, Fund for the Improvement of Postsecondary Education

OFFICE OF POSTSECONDARY EDUCATION

SES *Deputy Assistant Secretary
SES *Deputy Assistant Secretary for Institutional Support
SES *Deputy Assistant Secretary for Higher Education Incentive Programs
SES *Deputy Assistant Secretary for International Education
SES *Deputy Assistant Secretary for Student Financial Assistance

AGENCY: DEPARTMENT OF ENERGY

Positions:

SES **Director, Office of the Secretary
SES **The Special Assistant, Office of the Secretary
SES **Executive Assistant to the Secretary, Office of the Secretary
SES **Deputy Under Secretary (2), Office of the Under Secretary
SES **Director of Administration, Office of the Directorate of Administration
SES **Deputy Assistant Secretary, Office of Assistant Secretary, Policy and Evaluation
SES **Deputy Assistant Secretary (2), Office of Assistant Secretary, Resource Applications
SES **Director, Intergovernment Affairs, Office of Assistant Secretary, Intergovernmental and Institutional Relations
SES **Deputy Administrator, Energy Information Administration
SES **Controller, Office of the Controller
SES **Administrator, Bonneville Power Administration
SES **Program Director, Fossil Energy, Assistant Secretary for Energy Technology
SES **Deputy General Counsel (1), Office of the General Counsel

ECONOMIC REGULATORY ADMINISTRATION

SES Deputy Administrator for Operations & Emergency Management
SES Deputy Administrator for Policy
SES Assistant Administrator for Enforcement
SES Assistant Administrator for Regulations and Emergency Planning
SES Assistant Administrator for Fuels Conversion
SES Assistant Administrator for Petroleum Operations
SES Assistant Administrator for Utilities Systems
SES Deputy Assistant Administrator for Enforcement
SES Deputy Assistant Administrator for Regulations and Emergency Planning
SES Director, Regulatory Interventions Division
SES Director, Regulatory Assistance Division
SES Director, Office of Field Operations, Office of Special Counsel
SES Special Counsel, Office of Special Counsel
SES Deputy Special Counsel, Office of Special Counsel
SES Solicitor, Office of Special Counsel
SES *Deputy Assistant Administrator for Petroleum Operations
SES *Assistant Administrator for Energy Contingency Planning
SES *Deputy Assistant Administrator for Energy Contingency Planning
SES *Director, Office of Management and Program Coordination
SES *Director, Office of Field Operations
SES *Deputy Assistant Administrator for Fuels Conversion
SES *Director, Natural Gas Division

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY AND EVALUATION

SES *Deputy Assistant Secretary for Coal, Nuclear and Electrical Systems
SES *Deputy Assistant Secretary for Conservation & Renewable Sources
SES *Deputy Assistant Secretary for Oil & Gas
SES *Deputy Assistant Secretary for Systems Analysis
SES *Principal Deputy Assistant Secretary for Policy & Evaluation

OFFICE OF ENERGY RESEARCH

SES Deputy Director
SES Associate Director, Office of Program Analysis
SES Associate Director, Office of Basic Energy Sciences
SES Associate Director, Office of High Energy and Nuclear Physics
SES Associate Director, Office of Field Operations Management
SES Associate Director, Office of Nuclear Non-Proliferation
SES Deputy Associate Director, Office of Field Operations Management
SES Deputy Associate Director, Office of Basic Energy Sciences
SES *Deputy Director, Office of Fusion Energy
SES *Director, Office of Fusion Energy

OFFICE OF THE ASSISTANT SECRETARY FOR CONSERVATION AND SOLAR APPLICATIONS

SES Director, Office of Commercialization
SES Director, Office of Policy, Planning and Evaluation
SES *Deputy Assistant Secretary for Conservation
SES *Deputy Assistant Secretary for Solar Energy
SES *Deputy Assistant Secretary for State & Local Assistance Programs
SES *Deputy Assistant Secretary for Field Operations & International Programs

OFFICE OF THE ASSISTANT SECRETARY FOR ENVIRONMENT

SES Deputy Assistant Secretary (2)
SES Director, Office of Technology Impacts
SES Deputy Director, Office of Technology Impacts
SES Director, Office of Health and Environmental Research
SES Deputy Director, Office of Health and Environmental Research
SES Director, Office of Environmental Compliance and Overview
SES Deputy Director, Office of Environmental Compliance and Overview
SES Director, Office of Program Coordination

OFFICE OF THE ASSISTANT SECRETARY FOR INTERNATIONAL AFFAIRS

SES Deputy Assistant Secretary for International Nuclear and Technical Programs
SES Deputy Assistant Secretary for International Energy Resources
SES Deputy Assistant Secretary for International Energy Analysis
SES Director, Office of Energy Consuming Nations
SES Director, Office of Energy Producing Nations
SES Director, Office of Nuclear Affairs
SES Director, Office of Technical Cooperation
SES Deputy Director, Office of Nuclear Affairs
SES Deputy Director, Office of Technical Cooperation
SES Director, International Market Analysis
SES *Principal Deputy Assistant Secretary for International Affairs
SES *Deputy Assistant Secretary for International Intelligence Analysis
SES *Director, Office of Strategic Assessments
SES *Director, Office of Market Analysis
SES *Director, Office of Country Energy Assessments
SES *Director, Office of Senior Intelligence Officer Support Staff
SES *Petroleum Markets Program Manager, Office of Market Analysis
SES *Director, Office of International Program Support

OFFICE OF THE ASSISTANT SECRETARY FOR RESOURCE APPLICATIONS

SES *Deputy Assistant Secretary for Industrial Utility Applications and Operations
SES *Deputy Assistant Secretary for Resource Development & Operations
SES *Deputy Assistant Secretary for Industrial Planning & Development
SES *Deputy Assistant Secretary for Strategic Petroleum Reserve
SES *Deputy Director for Strategic Petroleum Reserve
SES *Director, Policy & Program Planning
SES *Director, Technical Information Center

OFFICE OF THE ASSISTANT SECRETARY FOR DEFENSE PROGRAMS

SES Deputy Assistant Secretary
SES Director, Office of Classification
SES Director, Office of International Security Affairs
SES Director, Office of Inertial Fusion
SES Director, Office of Safeguards and Security
SES Director, Office of Nuclear Materials Production
SES Deputy Director, Office of Nuclear Materials Production
SES Deputy Director, Office of Classification
SES Deputy Director, Office of Safeguards and Security
SES Deputy Director, Office of Military Applications
SES Deputy Director, Office of International Security Affairs
SES Deputy Director, Office of Inertial Fusion
SES Director, Division of Political-Military Security Affairs

ENERGY INFORMATION ADMINISTRATION

SES Assistant Administrator, Energy Information Validation
SES Assistant Administrator, Applied Analysis
SES Assistant Administrator, Program Development
SES Assistant Administrator, Energy Systems Support
SES Assistant Administrator, Energy Data Operations
SES Deputy Assistant Administrator, Energy Systems Support
SES Deputy Assistant Administrator, Energy Data Operations
SES *Deputy Assistant Administrator for Applied Analysis
SES *Deputy Assistant Administrator for Energy Information Validation
SES *Assistant Administrator for Energy Data Validation
SES *Director, Financial Reporting System
SES *Director, Oil & Gas Information System

PROCUREMENT AND CONTRACTS MANAGEMENT DIRECTORATE

SES Director
SES Deputy Director
SES Director, Office of Small and Disadvantaged Business Utilization
SES Director, Policy Office
SES Director, Program Support Office
SES Director, Procurement Management Office
SES Director, Procurement Operations Office
SES Deputy Director, Program Support Office/Director, Conservation, Solar and Institutional Support Division
SES Deputy Director, Procurement Operations Office
SES Director, Policy and Procedures Division, Office of Policy

OFFICE OF THE INSPECTOR GENERAL

SES Assistant Inspector General for Audits
SES Assistant Inspector General for Inspections
SES Assistant Inspector General for Investigations
SES *Deputy Assistant Inspector General for Investigations
SES *Deputy Assistant Inspector General for Inspections

DIRECTORATE OF ADMINISTRATION

SES Deputy Director
SES Director, Office of Personnel
SES Director, Office of Organization and Management Systems
SES Director, Office of Administrative Services
SES Director, Office of Computer Services and Telecommunications Management
SES Deputy Director, Office of Personnel
SES Deputy Director, Office of Organization and Management Systems
SES Deputy Director, Office of Administrative Services
SES Deputy Director, Office of Computer Services and Telecommunications Management
SES Deputy Controller
SES Director, Office of Budget
SES Director, Office of Finance and Accounting
SES Director, Office of Financial Policy, Analysis, GAO Liaison
SES Director, Office of Program and Project Management Assessment
SES *Director, Office of Management Information Systems

OFFICE OF THE GENERAL COUNSEL

SES Deputy General Counsel, Regulations
SES Deputy General Counsel, Enforcement and Litigation
SES Deputy General Counsel, Programs
SES Deputy General Counsel, Legal Services

OFFICE OF EQUAL OPPORTUNITY

SES Director
SES Deputy Director

FIELD OFFICES

SES Regional Representative of the Secretary, Region I
SES Regional Representative of the Secretary, Region II
SES Regional Representative of the Secretary, Region III
SES Regional Representative of the Secretary, Region IV
SES Regional Representative of the Secretary, Region V/Manager, Chicago Operations Office
SES Regional Representative of the Secretary, Region VI
SES Regional Representative of the Secretary, Region VII
SES Regional Representative of the Secretary, Region VIII
SES Regional Representative of the Secretary, Region IX
SES Regional Representative of the Secretary, Region X
SES Deputy Manager, Chicago Operations Office
SES Chief Counsel, Chicago Operations Office
SES Manager, Oak Ridge Operations Office
SES Deputy Manager, Oak Ridge Operations Office
SES Chief Counsel, Oak Ridge Operations Office
SES Manager, Richland Operations Office
SES Deputy Manager, Richland Operations Office
SES Chief Counsel, Richland Operations Office

SES Manager, Nevada Operations Office
SES Deputy Manager, Nevada Operations Office
SES Chief Counsel, Nevada Operations Office
SES Manager, San Francisco Operations Office
SES Deputy Manager, San Francisco Operations Office
SES Chief Counsel, San Francisco Operations Office
SES Manager, Albuquerque Operations Office
SES Deputy Manager, Albuquerque Operations Office
SES Chief Counsel, Albuquerque Operations Office
SES Deputy Manager, Idaho Operations Office
SES Manager, Savannah River Operations Office
SES Deputy Manager, Savannah River Operations Office
SES Chief Counsel, Savannah River Operations Office
SES Administrator, Southeastern Power Administration
SES Administrator, Western Area Power Administration
SES Administrator, Southwestern Power Administration
SES Administrator, Alaska Power Administration
SES Deputy Administrator, Western Area Power Administration
SES Deputy Administrator, Bonneville Power Administration
SES Assistant Administrator, Engineering and Construction, Bonneville Power Administration
SES Assistant Administrator, Power Management, Bonneville Power Administration
SES *Deputy Administrator, Southwest Power Administration

OFFICE OF THE UNDER SECRETARY

SES *Deputy Under Secretary
SES *Director, Office of Program Planning & Integration
SES *Director, Office of Project Management & Field Operations

CHIEF FINANCIAL OFFICER

SES *Chief Financial Officer
SES *Deputy Financial Officer for Special Projects
SES *Deputy Chief Financial Officer for Resource Management
SES *Deputy Chief Financial Officer for Project & Business Management

GASOLINE RATIONING PREIMPLEMENTATION PROJECT OFFICE

SES *Special Administrator, Gasoline Rationing Preimplementation Project Office
SES *Deputy Special Administrator Gasoline Rationing Preimplementation Project Office

NUCLEAR ENERGY

SES *Principal Deputy Assistant for Nuclear Energy
SES *Deputy Assistant Secretary for Nuclear Reactor Programs
SES *Deputy Assistant Secretary for Nuclear Waste Management
SES *Executive Director
SES *Deputy Director, Nuclear Reactor Programs
SES *Deputy Director, Nuclear Waste Management Programs
SES *Deputy Director, Naval Reactors Division
SES *Director, Office of Resource Management
SES *Director, Office of Plans and Analysis

FOSSIL ENERGY

SES *Principal Deputy Assistant Secretary for Fossil Energy
SES *Deputy Assistant Secretary for Oil, Gas & Shale Technology
SES *Deputy Assistant Secretary for Management
SES *Deputy Assistant Secretary for Coal Technology
SES *Program Director for Project Management

MINORITY ECONOMIC IMPACT

SES *Deputy Director, Office of Minority Economic Impact

CONGRESSIONAL AFFAIRS

SES *Director, Office of Congressional Affairs
SES *Deputy Director, Office of Congressional Affairs

CONSUMER AFFAIRS

SES *Director, Office of Consumer Affairs
SES *Deputy Director, Office of Consumer Affairs

PUBLIC AFFAIRS

SES *Director, Office of Public Affairs
SES *Deputy Director, Office of Public Affairs
SES *Assistant Director, Office of Public Affairs

AGENCY: DEPARTMENT OF HEALTH AND HUMAN SERVICES

Positions:

OFFICE OF THE SECRETARY

Immediate Office of the Secretary

SES Executive Assistant to the Secretary
SES Executive Secretary to the Department
SES Deputy Executive Secretaries to the Department (2)

Immediate Office of the Under Secretary

SES Deputy Under Secretary
SES *Deputy Under Secretary for Special Projects
SES Deputy Under Secretary/ Intergovernmental Affairs
SES Principal Regional Official—Region I
SES Principal Regional Official—Region II
SES Principal Regional Official—Region III
SES Principal Regional Official/ Chairperson, Federal Regional Council—Region IV
SES Principal Regional Official—Region V
SES Principal Regional Official—Region VI
SES Principal Regional Official—Region VII
SES Principal Regional Official—Region VIII
SES Principal Regional Official—Region IX
SES Principal Regional Official/ Chairperson, Federal Regional Council—Region X
SES *Director, Office of Refugee Affairs
SES Chairman, Departmental Grant Appeals Board
SES *Special Assistant to the Under Secretary/Director, Office of Small and Minority Business Utilization

Office of Planning and Evaluation

SES Deputy Assistant Secretary for Planning and Evaluation
SES Deputy Assistant Secretary for Income Security
SES Deputy Assistant Secretary for Health
SES Deputy Assistant Secretary for Program Systems
SES Deputy Assistant Secretary for Social Services
SES Deputy Assistant Secretary for Evaluation and Technical Analysis

Office of Inspector General

SES Assistant Inspector General for Auditing
SES Deputy Inspector General for Auditing
SES *Senior Assistant Inspector General for Auditing and Systems
SES Assistant Inspector General for Health Care and Systems Review
SES Assistant Inspector General for Investigations
SES *Deputy Assistant Inspector General for Investigations
SES Executive Assistant Inspector General

Office of Management and Budget

SES **Assistant Secretary for Management and Budget
SES Deputy Assistant Secretary for Policy Coordination
SES Deputy Assistant Secretary for Budget
SES Deputy Assistant Secretary for Finance
SES Deputy Assistant Secretary, Management Analysis and Systems
SES Deputy Assistant Secretary, Grants and Procurement

Legislation

SES Deputy Assistant Secretary for Legislation
SES Deputy Assistant Secretary for Legislation (Health)
SES Deputy Assistant Secretary for Legislation (Welfare)
SES Director of Program Coordination
SES *Deputy Assistant Secretary for Legislation (Appropriations)

Office for Civil Rights

SES Special Assistant to the Secretary for Civil Rights, Director, Office for Civil Rights
SES Deputy Special Assistant to the Secretary/Deputy Director, Office for Civil Rights

Office for Personnel Administration

SES **Assistant Secretary for Personnel Administration
SES Deputy Assistant Secretary, Personnel
SES *Principal Deputy Assistant Secretary for Personnel Administration
SES Deputy Assistant Secretary, Equal Employment Opportunity

Office of Public Affairs

SES Deputy Assistant Secretary for Operations Management

SES Deputy Assistant Secretary for Communication Planning
SES *Deputy Assistant Secretary for Issue and Policy Analysis

Office of the General Counsel

SES Deputy General Counsel
SES Deputy General Counsel for Regulation Review
SES Deputy General Counsel, Legal Counsel
SES Assistant General Counsel, Legislation Division
SES Assistant General Counsel, Public Health Division
SES Assistant General Counsel, Social Security
SES Assistant General Counsel, Food and Drug Administration
SES Assistant General Counsel, Health Care Financing and Human Development
SES Assistant General Counsel, Civil Rights Division
SES Assistant General Counsel, Business and Administration Law Division
SES Associate General Counsel, (Regional Operations)

Office of Consumer Affairs

SES Deputy Director, Office of Consumer Affairs

OFFICE OF HUMAN DEVELOPMENT SERVICES

SES Deputy Commissioner, Administration on Aging
SES Deputy Assistant Secretary, Human Development Services
GS–18 Commissioner, Administration for Children, Youth and Families
SES *Deputy Commissioner, Administration for Children, Youth and Families
SES *Commissioner, Administration for Native Americans
SES *Commissioner, Administration on Developmental Disabilities
SES *Director, Office of Program Coordination and Review

HEALTH CARE FINANCING ADMINISTRATION

SES **Administrator, Health Care Financing Administration
SES **Deputy Administrator, Health Care Financing Administration
SES Director, Bureau of Program Operations, Medicare
SES Director, Health Care Standards and Quality Bureau
SES Director, Office of Intergovernmental Affairs
SES Director, Office of Management and Budget
SES Director, Office of Research, Demonstrations and Statistics
SES Director, Office of Executive Operations
SES Regional Administrator, Region I
SES Regional Administrator, Region II
SES Regional Administrator, Region III
SES Regional Administrator, Region IV
SES Regional Administrator, Region V
SES Regional Administrator, Region VI
SES Regional Administrator, Region VII
SES Regional Administrator, Region IX
SES Director, Bureau of Program Policy
SES Director, Bureau of Quality Control
SES Director, Office of Legislation and Policy
SES Director, Bureau of Support Services

PUBLIC HEALTH SERVICE

Office of the Assistant Secretary for Health

SES Deputy Assistant Secretary, Health Operations
SES Deputy Assistant Secretary, Health Policy Research, Statistics and Technology
SES Deputy Assistant Secretary, Planning and Evaluation
SES Director, Office of International Health
SES Deputy Assistant Secretary, Population Affairs
SES/O–7 Regional Health Administrators—Regions I–X
SES Executive Director, President's Council on Physical Fitness and Sports
SES Director, National Center for Health Statistics
SES Deputy Director, National Center for Health Statistics
SES Director, National Center for Health Services Research
O–8 Deputy Surgeon General and Chief Dental Officer, Public Health Service
O–8 Chief Nurse Officer, Public Health Service
O–8 Senior Advisor for Environmental Affairs

Center for Disease Control

O–8 Director, Center for Disease Control
O–7 Director, Bureau of Laboratories
SES Deputy Director, Bureau of Laboratories
O–7 Director, Bureau of State Services
SES Director, Bureau of Training
SES Director, Bureau of Health Education
SES Director, National Institute for Occupational Safety and Health
SES Deputy Director, National Institute for Occupational Safety and Health

Health Resources Administration

SES Administrator, Health Resources Administration
SES Deputy Administrator, Health Resources Administration
SES Director, Bureau of Health Facilities, Financing Compliance and Conversion
SES Director, Bureau of Health Planning
O–8 Director, Bureau of Health Professions

Health Services Administration

O–8 Administrator, Health Services Administration
SES Deputy Administrator, Health Resources Administration
O–7 Director, Bureau of Medical Services
O–7 Deputy Director, Bureau of Medical Services
O–7 Director, Bureau of Community Health Services
SES Deputy Director, Bureau of Community Health Services
O–8 Director, Indian Health Service
SES Deputy Director, Indian Health Service

Alcohol, Drug Abuse, and Mental Health Administration

SES Deputy Administrator, ADAMHA
SES Associate Administrator for Extramural Programs
SES Director, Programs, Planning and Coordination
SES Director, National Institute on Alcohol Abuse and Alcoholism
SES Deputy Director, National Institute on Alcohol Abuse and Alcoholism
O–8 Director, National Institute of Mental Health
SES Deputy Director, National Institute of Mental Health
O–8 Director, National Institute on Drug Abuse
O–8 Deputy Director, National Institute on Drug Abuse

National Institutes of Health

O–8 Director, NIH
SES Deputy Director, NIH
O–7 Deputy Director for Science
SES Associate Director for Extramural Research Training
SES Associate Director for Program Planning and Evaluation
SES Associate Director for Administration
SES Associate Director for Communications
SES *Associate Director for Research Services
SES Associate Director for Clinical Care, NIH and Director of Clinical Center
SES Director, Division of Computer Research and Technology
SES Director, Division of Research Grants
SES Deputy Director, Division of Research Grants
O–8 Director, National Cancer Institute
SES Deputy Director, National Cancer Institute
SES Director, Division of Research Resources
SES Deputy Director, Division of Research Resources
SES Director, Division of Research Services
SES Director, National Eye Institute
SES Director, National Heart, Lung, and Blood Institute
O–8 Director, National Institute of Allergy and Infectious Diseases
SES Deputy Director, National Institute of Allergy and Infectious Diseases
SES Director, National Institute of Arthritis, Metabolism and Digestive Diseases
O–7 Deputy Director, National Institute of Arthritis, Metabolism and Digestive Diseases
O–7 Director, National Institute on Aging
SES Deputy Director, National Institute on Aging
SES Director, National Institute on Child Health and Human Development
SES Deputy Director, National Institute on Child Health and Human Development
O–7 Director, National Institute on Dental Research
O–8 Director, National Institute on Environmental Health Sciences
SES Deputy Director, National Institute on Environmental Health Sciences
SES Director, National Institute of General Medical Sciences
O–7 Director, National Institute of Neurological and Communicative Disorders and Stroke
SES Deputy Director, National Institute of Neurological and Communicative Disorders and Stroke
SES Director, National Library of Medicine
SES Deputy Director, National Library of Medicine

FOOD AND DRUG ADMINISTRATION

SES **Commissioner for Food and Drugs
SES Deputy Commissioner of Food and Drugs
SES Associate Commissioner for Consumer Affairs
SES *Associate Commissioner for Legislative Affairs
SES Associate Commissioner for Health Affairs
SES Deputy Associate Commissioner for Health Affairs (Science)
SES Deputy Associate Commissioner for Health Affairs (Medicine)
SES Deputy Associate Commissioner for Health Affairs (Education and Professional Training)
SES Associate Commissioner for Policy Coordination
SES Associate Commissioner for Planning and Evaluation
SES Associate Commissioner for Regulatory Affairs
SES Deputy Associate Commissioner for Regulatory Affairs
SES Associate Commissioner for Management and Operations
SES Associate Commissioner for Public Affairs

BUREAU OF FOODS

SES Director, Bureau of Foods
SES Deputy Director, Bureau of Foods
O–7 *Associate Director for Sciences
SES *Deputy Associate Director for Sciences
SES Director, Division of Pathology
SES Director, Division of Toxicology
SES Associate Director, for Regulatory Evaluation
SES Associate Director, for Laboratory Investigations
SES Director, Division of Chemistry and Physics
SES Director, Division of Microbiology
SES Deputy Director, Division of Microbiology
SES Associate Director for Compliance
SES Director, Division of Food and Color Additives
SES Director, Office of Technology
SES Deputy Associate Director Technology
SES Director, Division of Food Technology
SES *Director, Division of Chemical Technology
SES Associate Director for Nutrition and Consumer Sciences
SES *Deputy Associate Director for Nutrition and Consumer Sciences
SES Director, Division of Nutrition

BUREAU OF DRUGS

O–7 Director, Bureau of Drugs
SES Director, Office of Planning and Evaluation
SES Associate Director for Compliance
SES Associate Director for New Drug Evaluation
SES Director, Division of Oncology and Radio-Pharmaceutical Drug Products
SES Director, Scientific Investigations Staff
SES Director, Division of Anti-Infective Drug Products
SES Director, Division of Cardio-Renal Drug Products
SES *Director, Division of Metabolism and Endocrine Drug Products
SES *Director, Division of Surgical-Dental Drug Products
SES Associate Director for Pharmaceutical Research and Testing
SES *Deputy Associate Director for Pharmaceutical Research and Testing
SES Director, Division of Drug Biology
SES Director, Division of Drug Chemistry
SES Chief, Drug Pharmacology Branch
SES *Director, National Center for Antibiotics Analysis
SES *Associate Director for Information Systems
SES *Associate Director for Biometrics and Epidemiology
SES Deputy Associate Director for Biometrics and Epidemiology
SES Director, Division of Biometrics
SES Director, Division of Drug Experience
SES Deputy Associate Director for Drug Monographs
SES Director, Division of Biopharmaceutics

BUREAU OF VETERINARY MEDICINE

SES Director, Bureau of Veterinary Medicine
SES *Deputy Director, Bureau of Veterinary Medicine
SES *Associate Director for Scientific Evaluation
SES Director, Division of Drugs for Avian Species
SES Director, Division of Drugs for Non-Food Animals
SES Director, Division of Drugs for Swine and Minor Species
SES Director, Division of Drugs for Ruminant Species
SES Associate Director for Surveillance and Compliance
SES *Associate Director for Research
SES Director, Division of Veterinary Medical Research

BUREAU OF MEDICAL DEVICES

SES Director, Bureau of Medical Devices
SES Deputy Director, Bureau of Medical Devices
SES Associate Director for Device Evaluation
SES Associate Director for Standards
SES Associate Director for Compliance
SES *Associate Director for Device Research and Testing

BUREAU OF RADIOLOGICAL HEALTH

O–8 *Director, Bureau of Radiological Health
SES Deputy Director, Bureau of Radiological Health
SES Director, Division of Biological Effects

BUREAU OF BIOLOGICS

O–8 Director, Bureau of Biologics
SES *Deputy Director, Bureau of Biologics
SES *Associate Director for Compliance
SES *Director, Division of Pathology
SES Director, Division of Control Activities
SES Assistant to the Director for Medical Programs
SES *Director, Division of Blood and Blood Products

NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH

SES *Director, National Center for Toxicological Research
SES Associate Director for Biometry and Experimental Design
SES *Associate Director for Scientific Research
SES Director, Division of Molecular Biology
SES *Associate Director for Chronic Studies

EXECUTIVE DIRECTOR OF REGIONAL OPERATIONS

SES Executive Director of Regional Operations
SES Deputy Executive Director of Regional Operations
SES Associate Director for Field Support
SES Regional Food and Drug Director, Region I
SES Regional Food and Drug Director, Region II
SES Regional Food and Drug Director, Region III
SES Regional Food and Drug Director, Region IV
SES Regional Food and Drug Director, Region V
SES Regional Food and Drug Director, Region VI
SES Regional Food and Drug Director, Region VII
SES Regional Food and Drug Director, Region VIII
SES Regional Food and Drug Director, Region IX
SES Regional Food and Drug Director, Region X
O–7 Regional Medical Officer, Region X

SOCIAL SECURITY ADMINISTRATION

SES Deputy Commissioner for Operations
SES Deputy Commissioner for Programs
SES Associate Commissioner for Policy
SES Associate Commissioner for Assessment
SES Associate Commissioner for Systems
SES Associate Commissioner for Central Operations
SES Associate Commissioner for Family Assistance
SES Associate Commissioner, Office of Operational Policy and Procedures
SES Deputy Associate Commissioner for Policy
SES Deputy Associate Commissioner for Central Operations
SES Deputy Associate Commissioner, Office of Operational Policy and Procedures
SES Associate Commissioner, Office of Hearings and Appeals
SES Deputy Associate Commissioner for Appeals, OHA
SES Associate Commissioner for Management, Budget, and Personnel
SES Director, Division of Policy, Office of Family Assistance
SES Deputy Director, Office of Child Support Enforcement
SES Regional Commissioner, Boston—Region I
SES Regional Commissioner, New York—Region II
SES Regional Commissioner, Philadelphia—Region III
SES Regional Commissioner, Atlanta—Region IV
SES Regional Commissioner, Chicago—Region V

SES Regional Commissioner, Dallas—Region VI
SES Regional Commissioner, Kansas City—Region VII
SES Regional Commissioner, Denver—Region VIII
SES Regional Commissioner, San Francisco—Region IX
SES Regional Commissioner, Seattle—Region X

AGENCY: DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Positions:

OFFICE OF THE SECRETARY

SES Executive Assistants to the Secretary (2)
SES Assistant to the Secretary for International Affairs
SES Assistant to the Secretary for Labor Relations
SES *Assistant to the Secretary for Growth Issues
SES *Assistant to the Secretary for Public Affairs
SES *Deputy Under Secretary for Field Coordination

Office of the Assistant Secretary for Housing

SES Deputy Assistant Secretary for Multifamily Housing Programs
SES Deputy Assistant Secretary for Single-Family Housing and Mortgagee Activities
SES Deputy Assistant Secretary for Public Housing and Indian Programs
SES Director, Office of Policy and Program Development
SES *General Deputy Assistant Secretary for Housing/Deputy Federal Housing Administrator

Office of the Assistant Secretary for Community Planning and Development

SES Deputy Assistant Secretary for Interprogram and Areawide Concerns
SES Deputy Assistant Secretary for Urban Policy
SES *General Deputy Assistant Secretary for Community Planning and Development

Office of the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

SES General Deputy Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection
SES Deputy Assistant Secretary for Neighborhoods and Consumer Affairs
SES Deputy Assistant Secretary for Regulatory Functions/Office of Interstate Land Sales Registration

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

SES Deputy Assistant Secretary for Operations and Management
SES General Deputy Assistant Secretary for Fair Housing and Equal Opportunity
SES *Associate Deputy for Enforcement and Compliance

Office of the Assistant Secretary for Policy Development and Research

SES Deputy Assistant Secretary for Research
SES Director, Division of Housing Assistance Research
SES Director, Division of Energy, Building Technology and Standards
SES Director, Division of Evaluation
SES Director, Division of Community Conservation Research
SES Deputy Assistant Secretary for Policy Development
SES Director, Division of Government Capacity Building
SES Deputy Assistant Secretary for Economic Affairs
SES Director, Office of Management and Program Control

OFFICE OF THE GENERAL COUNSEL

SES *Deputy General Counsel

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

SES Deputy Assistant Secretary for Administration

OFFICE OF THE ASSISTANT SECRETARY FOR LEGISLATION AND INTERGOVERNMENTAL RELATIONS

SES *Deputy Assistant Secretary for Legislation and Congressional Relations.
SES *Deputy Assistant Secretary for Intergovernmental Relations

OFFICE OF THE INSPECTOR GENERAL

SES *Deputy Inspector General

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SES Vice President, (Mortgage Finance)
SES Vice President, (Mortgage Backed Securities)
SES *Executive Vice President

NEW COMMUNITY DEVELOPMENT CORPORATION

SES Deputy General Manager for New Community Development Corporation

FIELD OFFICES

Region I

SES Regional Administrator
SES Deputy Regional Administrator
SES Area Manager, Boston Area Office

Region II

SES Regional Administrator
SES Deputy Regional Administrator
SES Area Manager, New York Area Office
SES Area Manager, Newark Area Office

Region III

SES Regional Administrator/Chairperson Federal Regional Counsel
SES Deputy Regional Administrator
SES Area Manager, Philadelphia Area Office
SES *Area Manager, Pittsburgh Area Office

Region IV

SES Regional Administrator
SES Deputy Regional Administrator
SES Area Manager, Atlanta Area Office
SES *Area Manager, Greensboro Area Office
SES *Area Manager, Jacksonville Area Office

Region V

SES Regional Administrator
SES Deputy Regional Administrator
SES Area Manager, Detroit Area Office
SES Area Manager, Chicago Area Office
SES Area Manager, Columbus Area Office
SES *Area Manager, Minneapolis/St. Paul Area Office
SES *Area Manager, Indianapolis Area Office

Region VI

SES Regional Administrator
SES Deputy Regional Administrator
SES Area Manager, Dallas Area Office
SES *Area Manager, New Orleans Area Office
SES *Area Manager, Oklahoma City Area Office

Region VII

SES Regional Administrator
SES Deputy Regional Administrator

Region VIII

SES Regional Administrator/Chairperson Federal Regional Counsel
SES Deputy Regional Administrator

Region IX

SES Regional Administrator
SES Deputy Regional Administrator
SES Area Manager, San Francisco Area Office
SES Area Manager, Los Angeles Area Office

Region X

SES Regional Administrator
SES Deputy Regional Administrator

AGENCY: DEPARTMENT OF THE INTERIOR

Positions:

OFFICE OF THE SECRETARY

SES **Assistant and Science Advisor
SES Assistant Inspector General for Auditing
SES Assistant Inspector General for Investigations
SES *Director, Office of Small and Disadvantaged Business Utilization
SES Assistant to the Secretary and Director, Office of Congressional Affairs
SES Executive Assistant to the Secretary
SES Assistant to the Secretary and Director of Public Affairs
SES *Assistants to the Secretary (4)
SES Director, Office of Youth Programs
SES Deputy Under Secretaries (3)
SES *Assistant to the Under Secretary
SES Director, Office for Equal Opportunity
SES Legislative Counsel
SES *Deputy Director—Senate
SES *Deputy Director—House
SES *Assistant Director—Federal EEO
SES *Assistant Director—Title VI

OFFICE OF HEARINGS AND APPEALS

SES Director, Office of Hearings and Appeals
SES *Chairman, Board of Land Appeals
SES *Chairman, Board of Surface Mining and Reclamation Appeals
SES *Chairman, Board of Contract Appeals

SES *Vice Chairman, Board of Contract Appeals

OFFICE OF ASSISTANT SECRETARY—TERRITORIAL AND INTERNATIONAL AFFAIRS

SES Director, Office of Territorial Affairs
SES *Director, Technical Assistance
SES Deputy Director for Finance and Administration
SES High Commissioner of the Trust Territory
SES *Deputy Director, Territorial Affairs
SES *Deputy High Commissioner of the Trust Territory
SES *Chief Justice, Trust Territory

OFFICE OF THE SOLICITOR

SES Deputy Solicitor
SES Associate Solicitor—Energy and Resources
SES Associate Solicitor—General Law
SES Associate Solicitor—Conservation and Wildlife
SES Associate Solicitor—Indian Affairs
SES Associate Solicitor—Surface Mining
SES *Regional Solicitors (7)

OFFICE OF THE ASSISTANT SECRETARY—FISH AND WILDLIFE AND PARKS

SES Deputy Assistant Secretaries (2)

NATIONAL PARK SERVICE

SES **Director (FNP)
SES Deputy Director (FNP)
SES *Associate Directors (2)
SES *Assistant Directors (3)
SES Director, National Capital Region
SES Regional Directors (8)
SES Area Director (Alaska)
SES *Associate Director, Administration

HERITAGE CONSERVATION AND RECREATION SERVICE HCRS

SES Director, HCRS
SES *Deputy Director, HCRS
SES *Associate Directors (2)
SES *Regional Directors (7)

FISH AND WILDLIFE SERVICE

SES Deputy Director
SES Associate Directors (5)
SES *Associate Director for Research
SES *Associate Director for Fisheries Resources
SES Regional Directors (5)
SES Area Director (Alaska)
SES *Assistant Director—Planning and Budget

OFFICE OF THE ASSISTANT SECRETARY—ENERGY AND MINERALS

SES *Deputy Assistant Secretaries (2)

BUREAU OF MINES

SES *Deputy Directors (2)
SES *Assistant Director, Program Development and Evaluation

U.S. GEOLOGICAL SURVEY

SES Associate Director
SES Assistant Directors (6)

OFFICE OF SURFACE MINING

SES Deputy Director
SES Assistant Directors (5)
SES *Regional Directors (5)

OFFICE OF THE ASSISTANT SECRETARY—LAND AND WATER RESOURCES (LWR)

SES Deputy Assistant Secretaries (LWR) (2)

OFFICE OF WATER AND POWER RESOURCES

SES **Commissioner
SES Deputy Commissioner
SES *Assistant Commissioners (4)
SES *Regional Directors (7)
SES *Deputy Assistant Commissioner—Engineering and Research

BUREAU OF LAND MANAGEMENT (LLM)

SES Associate Director—LLM
SES *Assistant Directors (5)
SES *Deputy Directors (3)

OFFICE OF WATER RESEARCH AND TECHNOLOGY

SES Director
SES Deputy Director
SES Assistant Directors (2)
SES *Interagency Water Research Coordinator

OFFICE OF THE ASSISTANT SECRETARY—POLICY, BUDGET AND ADMINISTRATION

DEPUTY ASSISTANT SECRETARIES (3)

OFFICE OF ACQUISITION AND PROPERTY MANAGEMENT

SES *Director
SES Chief, Division of Acquisition and Grants

OFFICE OF INFORMATION RESOURCES MANAGEMENT

SES *Director

OFFICE OF ENVIRONMENTAL PROJECT REVIEW

SES Director

OFFICE OF ADMINISTRATIVE SERVICES

SES Director

OFFICE OF BUDGET

SES Director
SES *Deputy Director

OFFICE OF OUTER CONTINENTAL SHELF PROGRAM COORDINATION

SES Director
SES *Assistant Directors (2)

OFFICE OF POLICY ANALYSIS

SES Director
SES *Assistant Directors (3)

OFFICE OF PERSONNEL

SES Director
SES *Deputy Director

OFFICE OF THE ASSISTANT SECRETARY—INDIAN AFFAIRS

SES Deputy Assistant Secretaries (2)

BUREAU OF INDIAN AFFAIRS

SES *Area Directors (11)
SES Director, Indian Services
SES Director of Trust Responsibilities
SES Director of Administration
SES Director of Indian Education Programs
SES *Director of Tribal Resources
SES *Assistant Director of Administration

AGENCY: DEPARTMENT OF JUSTICE

Positions:

OFFICE OF THE ATTORNEY GENERAL

SES Counselor to the Attorney General
SES Assistant to the Attorney General

Office of the Deputy Attorney General

SES All Associate Deputy Attorneys General

Office of the Associate Attorney General

SES All Deputy Associate Attorneys General

Office of the Solicitor General

SES All Deputy Solicitors General

LEGAL DIVISIONS: ANTITRUST, CIVIL, CIVIL RIGHTS, CRIMINAL, LAND AND NATURAL RESOURCES, AND TAX

SES All Deputy Assistant Attorneys General in legal divisions
SES Director of Operations, Antitrust Division
SES Chief, Organized Crime and Racketeering Section, Criminal Division

OFFICE OF LEGAL COUNSEL

SES All Deputy Assistant Attorneys General

OFFICE OF LEGISLATIVE AFFAIRS

No section 207(d)(1)(C) designations

OFFICE FOR IMPROVEMENTS IN THE ADMINISTRATION OF JUSTICE

SES All Deputy Assistant Attorneys General
SES Administrator, Federal Justice Research Program

JUSTICE MANAGEMENT DIVISION

SES **Assistant Attorney General for Administration
SES All Deputy Assistant Attorneys General
SES Staff Directors

OFFICE OF INFORMATION LAW AND POLICY

No section 207(d)(1)(C) designations

OFFICE OF PUBLIC INFORMATION

SES Director

BOARD OF IMMIGRATION APPEALS

No section 207(d)(1)(C) designations

OFFICE OF THE PARDON ATTORNEY

No section 207(d)(1)(C) designations

UNITED STATES PAROLE COMMISSION

SES All Commissioners

UNITED STATES MARSHALS SERVICE

SES Director
SES Deputy Director
SES Assistant Director for Operations
SES Assistant Director for Administration

DRUG ENFORCEMENT ADMINISTRATION

GS–18 All Assistant Administrators
GS–17 All Regional Directors

UNITED STATES ATTORNEYS

SES All United States Attorneys
GS–17 Director, Office of Science and Technology
GS–17 Director, Office of Compliance and Regulatory Affairs
GS–17 Director, Office of Training
GS–17 Director, Office of Program Planning and Evaluation
GS–17 Chief Counsel

FEDERAL BUREAU OF INVESTIGATION

GS–18 Executive Assistant Directors
GS–18 All Assistant Directors
GS–18 Inspector in Charge—Public Affairs Office
GS–17 All Inspectors/Deputy Assistant Directors
GS–18 or GS–17 All Special Agents in Charge of Field Offices above GS–16

IMMIGRATION AND NATURALIZATION SERVICE

SES Deputy Commissioner
SES Executive Assistant to the Commissioner
SES Associate Deputy Commissioner for Planning and Evaluation
SES All Associate Commissioners
SES All Regional Commissioners
SES General Counsel

BUREAU OF PRISONS

SES **Director
SES All Assistant Directors
SES All Regional Directors
SES Associate Commissioner for Prison Industries
SES General Counsel

COMMUNITY RELATIONS SERVICE

SES Associate Director

OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS

SES Comptroller
SES Assistant Administrator, Office of Operations Support
SES General Counsel
SES Assistant Administrator, Office of Audit and Investigations
SES Assistant Administrator, Office of Planning and Management

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

SES Deputy Administrator
SES Assistant Administrator, Office of Criminal Justice Programs
SES Deputy Assistant Administrator, Office of Criminal Justice Programs
SES Deputy Assistant Administrator, Office of Juvenile Justice and Delinquency Prevention
SES Assistant Administrator, Office of Community Anti-Crime Programs

NATIONAL INSTITUTE OF JUSTICE

SES Assistant Administrator
SES Deputy Director
SES Director, Office of Development Testing and Dissemination
SES Director, Office of Research Programs

BUREAU OF JUSTICE STATISTICS

SES Director, Systems Development Division
SES Director, Statistics Division
SES Deputy Director

AGENCY: DEPARTMENT OF LABOR

Positions:

OFFICE OF THE INSPECTOR GENERAL (OIG)

SES Deputy Inspector General
SES Assistant Inspector General for Investigations
SES Assistant Inspector General for Audit
SES *Director, Office of Loss Prevention and Analysis
Women's Bureau
SES Director
SES Deputy Director

OFFICE OF LEGISLATION AND INTERGOVERNMENTAL RELATIONS (OLIR)

SES Deputy Under Secretary for Legislation and Intergovernmental Relations

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT

SES Deputy Assistant Secretary
SES Director, Office of Administrative Programs and Services
SES Comptroller for the Department
SES Deputy Comptroller
SES **Assistant Secretary for Administration and Management

OFFICE OF ADMINISTRATIVE LAW JUDGES (ALJ)

No section 207(d)(1)(C) designations

OFFICE OF THE ASSISTANT SECRETARY FOR LABOR-MANAGEMENT RELATIONS (LMSA)

SES Deputy Assistant Secretary for Labor-Management Relations
SES Deputy Administrator for Pension and Welfare Benefit Programs (PWBP)
SES Director, Office of Labor-Management Standards Enforcement (LMSE)
SES Deputy Director, LMSE

OFFICE OF THE ASSISTANT SECRETARY FOR OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)

SES Deputy Assistant Secretary for Occupational Safety and Health Administration
SES Director, Policy Analysis, Integration and Evaluation

SES Director, Federal Compliance and State Programs
SES Director, Safety Standards Programs
SES Director, Health Standards Programs
SES Director, Training, Education, Consultation and Federal Agency Programs (TECFAP)
SES Director, Technical Support, TECFAP

OFFICE OF THE ASSISTANT SECRETARY FOR MINE SAFETY AND HEALTH ADMINISTRATION (MSHA)

SES Deputy Assistant Secretary for Mine Safety and Health Administration
SES Administrator for Metal and Nonmetal Mine Safety and Health
SES Deputy Administrator for Metal and Nonmetal Mine Safety and Health
SES Administrator for Coal Mine Safety and Health
SES Deputy Administrator for Coal
SES Director, Technical Support
SES Director of Education and Training
SES Director of Assessments
SES Chief, Standards, Regulations and Variances

OFFICE OF THE ASSISTANT SECRETARY FOR EMPLOYMENT STANDARDS ADMINISTRATION (ESA)

SES Deputy Assistant Secretary for Employment Standards
SES Director, Office of Federal Contract Compliance Programs (OFCCP)
SES Deputy Director, OFCCP
SES Deputy Administrator, Wage and Hour Division (WH)
SES Director, Office of Workers' Compensation Programs (OWCP)
SES Deputy Director, OWCP for Operations

BUREAU OF LABOR STATISTICS (BLS)

SES Deputy Commissioner

OFFICE OF THE SOLICITOR OF LABOR

SES Deputy Solicitor

OFFICE OF THE ASSISTANT SECRETARY FOR EMPLOYMENT AND TRAINING ADMINISTRATION (ETA)

SES *Administrator, Office of Management Assistance
SES Deputy Assistant Secretary, ETA
SES Deputy Assistant Secretary for Veterans' Employment

OFFICE OF POLICY EVALUATION AND RESEARCH (OPER)

SES Administrator
SES Director, Office of Research and Development

OFFICE OF COMPREHENSIVE EMPLOYMENT DEVELOPMENT (OCED)

SES Administrator

OFFICE OF NATIONAL PROGRAMS (ONP)

SES Administrator

UNEMPLOYMENT INSURANCE SERVICE (UIS)

SES Administrator
SES Deputy Administrator

UNITED STATES EMPLOYMENT SERVICES (USES)

SES Administrator
SES Deputy Administrator

BUREAU OF APPRENTICESHIP AND TRAINING (BAT)

SES Administrator
SES Deputy Administrator

OFFICE OF ADMINISTRATION AND MANAGEMENT (OAM)

No section 207(d)(1)(C) designations

OFFICE OF YOUTH PROGRAMS (OYP)

SES Administrator

OFFICE OF FIELD OPERATIONS (OFO)

No section 207(d)(1)(C) designations

OFFICE OF THE DEPUTY UNDER SECRETARY FOR INTERNATIONAL LABOR AFFAIRS (ILAB)

SES **Deputy Under Secretary for International Affairs
SES Associate Deputy Under Secretary for International Labor Affairs

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY, EVALUATION AND RESEARCH (ASPER)

SES Deputy Assistant Secretary for Policy, Evaluation and Research
SES Deputy Assistant Secretary for Economic Policy and Research

MINIMUM WAGE STUDY COMMISSION

AD Commissioners (6)
AD Executive Director

NATIONAL COMMISSION FOR EMPLOYMENT POLICY (NCEP)

GS–18 Director

NATIONAL COMMISSION ON UNEMPLOYMENT COMPENSATION (NCUC)

AD Executive Director

PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED (PCEH)

SES Executive Director
SES Deputy Executive Director

AGENCY: DEPARTMENT OF STATE

Positions:

FO01 Deputy Assistant Secretary, A/SY
ESOO Deputy Special Representative, S/AR
FO01 Assistant Chief of Mission, Berlin
FO01 Deputy Chief of Mission, Warsaw
FO01 Principal Officer, Sao Paulo
FO01 *Deputy Director, RP
ESOO *Director, INR/EEA

FOO1 *Deputy Chief of Mission, Madrid
FOCM *Director General, M/DGP
FOO1 Deputy Assistant Secretary, EUR
RUO1 Director Political Military, PM/OD
ESOO Deputy Director for Programming, INR/AR
FOO1 *Principal Officer, Amsterdam
FOO1 *Deputy Principal Officer, Hong Kong
FOO1 *Coordinator of Population Affairs, OES/CP
FACM *United States Representative, Brussels NTO
FRO1 Deputy Director for Planning, S/P
FOO1 *Principal Officer, Frankfurt
FOO1 Deputy Chief of Mission, New Delhi
FOO1 *Deputy Chief of Mission, Kathmandu
FOO1 Director Foreign Service Ins, M/FSI
FAO1 Chief of Mission, Berlin
FOO1 Inspector General, S/IG
FOO1 *Principal Officer, Dusseldorf
RUO1 Deputy Assistant Secretary, OES
FOO1 *Deputy Chief of Mission, Tel Aviv
FOO1 Principal Officer, Leningrad
FOO1 Deputy Assistant Secretary, ARA
RUO1 *Principal Officer, St. Johns
FOO1 *Deputy Chief of Mission, Colombo
FOO1 Deputy Assistant Secretary, EB/ORF
FOO1 *Deputy Chief of Mission, Buenos Aires
FOO1 Deputy Chief of Mission, Paris
ESOO Deputy Assistant Secretary for H R & H Affairs, HA/HR
ESOO Deputy Assistant Secretary, EU
FOO1 Deputy Assistant Secretary, NEA
FOO1 *Deputy Chief of Mission, Caracas
FOO1 Deputy Chief of Mission, Bern
FOO1 Deputy Assistant Secretary, H
FOO1 Principal Officer, Sydney
FOO1 United States Representative, MBFR Vienna
FOO1 Principal Officer, Rio De Janeiro
FOO1 Deputy Chief of Mission, Ankara
FOO1 Deputy Assistant Secretary, NEA
FOO1 Deputy Chief of Mission, The Hague
RUO1 Deputy Assistant Secretary, M/MED
FOO1 Deputy Assistant Secretary, PA
FOO1 Deputy Chief of Mission, Tripoli
FOO1 Deputy Assistant Secretary, ARA
FOO1 *Deputy Chief of Mission, Nicosia
FOO1 Director, Asian Development Bank
RUO1 Deputy U.S. Representative, US Mis Gen
ESOO Deputy Legal Adviser
ESOO Deputy Assistant Secretary, M/COMP
FOO1 *Deputy Chief of Mission, Mexico D.F.
FOO1 *Deputy Chief of Mission, Quito
FOO1 Deputy Inspector General, S/IG
FOO1 *Deputy Chief of Mission, Dakar
FOO1 Deputy Chief of Mission, Jakarta
FOO1 Deputy Chief of Mission, Moscow
FOO1 Deputy Assistant Secretary, DGP/PER
FOO1 Deputy Chief of Mission, Brussels NTO
ESOO Deputy Director PM/SP
FOO1 Principal Officer, Jerusalem
ESOO Deputy Assistant Secretary, ARA
FOO1 Deputy Assistant Secretary, CA/VO
FOO1 Deputy Assistant Secretary, AF
FOO1 Deputy Assistant Secretary, OES/E
FAO1 United States Representative, US Mis Gen
FOO1 Principal Officer, Munich
ESOO Deputy Assistant Secretary for Transportation, EB/TT
FRO1 Deputy US Representative, MBFR Vienna
FOO1 Deputy Assistant Secretary, EUR
FOO1 Deputy Assistant Secretary, CA
FOO1 Principal Officer, Istanbul
FOO1 Principal Officer, Johannesburg
FOO1 Deputy Assistant Secretary, EB
RUO1 Deputy Director, PM/AC
FOO1 Deputy Assistant Secretary, AF
FOO1 Principal Officer, Naples
FOO1 Deputy Chief of Mission, Islamabad
FOO1 Deputy US Representative, IAEA Vienna
FOO1 *Deputy Director Policy Analysis and Resources, S/P
FRO1 *Office Director, S/P
ESOO Deputy Legal Adviser, L
FOO1 Deputy Chief of Mission, Brussel–EC
ESOO Deputy Assistant Secretary for Congressional Relations, H
FRO1 Deputy Assistant Secretary, AF
FOO1 United States Representative, Vienna
FOO1 Deputy Assistant Secretary, H
FOO1 Principal Officer, Dhahran
ESOO Deputy Assistant Secretary for International Nar MA, INM
ESOO *Deputy US Special Representative, Non-Profl Mat, S/As
FRO1 *Deputy Coordinator, S/R
FOO1 *Principal Officer, Capetown
FOO1 *Deputy Director of Management Operations, M/MO
FRO1 Deputy Director INR
FOO1 *Deputy Director, FSI
FOO1 Deputy Chief of Mission, Cairo
ESOO Deputy Director for Coordination, INR/INC
FOO1 Deputy Assistant Secretary, CA/OCS
FRO1 Deputy Assistant Secretary, A/CDC
FRO1 Deputy Assistant Secretary, EB/IFD
ESOO Deputy Legal Adviser, L
FOO1 Director of Management Operations, M/MO
FOO1 *Deputy Chief of Mission, Kabul
FOO1 *Deputy Chief of Mission, Rabat
FOO1 Deputy Chief of Mission, Seoul
FOO1 Principal Officer, Vancouver
FOO1 Deputy Chief of Mission, Vientiane
FOO1 Deputy Assistant Secretary, EA
FRO1 United States Representative, Unesco PRS
FOO1 Deputy Assistant Secretary, IO
RUO1 Deputy Assistant Secretary, OES/N
FOO1 Deputy Director, PM
FOO1 Deputy US Representative, Geneva
FRO1 *Deputy US Representative, Montreal
FOO1 Deputy Assistant Secretary for HR&H Affairs
FOO1 Deputy Assistant Secretary, DGP/PER
FOO1 Deputy US Representative, USUN
FOO1 Deputy Chief of Mission, Vienna
FOO1 *SA to Sec & Coord Intl Lab Af, S/IL
FOO1 Principal Officer, Karachi
FOO1 Deputy Chief of Mission, Lima
FOO1 *Office Director, O/CT
FOO1 Deputy Inspector General, S/IG
ESOO Deputy Assistant Secretary
FOO1 Principal Officer, Montreal
FRO1 United States Representative, EA/PIA
FOO1 *Deputy Chief of Mission, Lisbon
FOO1 Deputy Chief of Mission, CEOD Paris
FANC *United States Representative, OEOD Paris
FOO1 *Deputy Chief of Mission, Belgrade
ESOO Deputy Legal Adviser, L
FRO1 *US Rep to Tex Sur Body of Gat, US Mis Gen
FOO1 Deputy Chief of Mission, Tokyo
FOO1 Principal Officer, Hong Kong
ESOO *Spec Adv to the Sec for Sov Affairs
FOO1 *Deputy Director of Management Operations
FRO1 Deputy Assistant Secretary for Bldg
RUO1 Principal Officer, Toronto
FOO1 United States Representative USM FAO Rome
FOO1 Deputy Chief of Mission, Canberra
FOO1 Deputy Assistant Secretary, NEA
FOO1 *Deputy Chief of Mission, London
FOO1 Principal Officer, Rotterdam
FOO1 *SA to Sec & Exec Sec of Dep
FRO1 Deputy Assistant Secretary, OES/S
FOO1 Deputy Assistant Secretary, NEA
ESOO Deputy Legal Adviser
FOO1 *Deputy Chief of Mission, Monrovia
FOO1 Deputy Assistant Secretary, AF
FOO1 *Deputy Chief of Mission, Copenhagen
FOO1 *Deputy Chief of Mission, Bonn
FOO1 *Deputy Chief of Mission, Lagos

AGENCY: DEPARTMENT OF TRANSPORTATION

Positions:

OFFICE OF THE SECRETARY OF TRANSPORTATION

SES Deputy General Counsel
SES Deputy Assistant Secretary for Plans and International Affairs
SES Deputy Assistant Secretary for Policy and Program Development
SES Deputy Assistant Secretary for Budget and Programs
SES Deputy Assistant Secretary for Governmental Affairs
SES Deputy Assistant Secretary for Administration
SES Deputy Assistant Secretary for Administration
SES Departmental Director of Civil Rights

UNITED STATES COAST GUARD

SES Deputy Chief Counsel
O–7/O–8 Chief of Staff (Real Admiral)
O–7/O–8 Chief, Office of Boating Safety (Real Admiral)
O–7/O–8 Comptroller (Rear Admiral)
O–7/O–8 Chief Counsel (Rear Admiral)
O–7/O–8 Chief, Office of Engineering (Rear Admiral)
O–7/O–8 Chief, Office of Marine Environment and Systems (Rear Admiral)
O–7/O–8 Chief, Office of Merchant Marine Safety (Rear Admiral)
SES *Chief, Office of Navigation (Rear Admiral)
O–7/O–8 Chief, Office of Operations (Rear Admiral)
O–7/O–8 Chief, Office of Research and Development (Rear Admiral)
O–7/O–8 District Commanders (Rear Admiral) (10)

FEDERAL AVIATION ADMINISTRATION

SES Associate Administrator for Administration
SES Deputy Associate Administrator for Administration

SES Associate Administrator for Airports
SES Deputy Associate Administrator for Airports
SES Associate Administrator for Air Traffic and Airway Facilities
SES Associate Administrator for Aviation Standards
SES Associate Administrator for Engineering and Development
SES Deputy Associate Administrator for Engineering and Development
SES Associate Administrator for Policy and International Aviation Affairs
SES Federal Air Surgeon
SES Deputy Federal Air Surgeon
SES Chief Counsel
SES Deputy Chief Counsel
SES Eastern Regional Director (New York)
SES Eastern Deputy Regional Director (New York)
SES New England Regional Director (Boston)
SES New England Deputy Regional Director (Boston)
SES Southern Regional Director (Atlanta)
SES Southern Deputy Regional Director (Atlanta)
SES Southwest Regional Director (Fort Worth)
SES Southwest Deputy Regional Director (Fort Worth)
SES Central Regional Director (Kansas City)
SES Central Deputy Regional Director (Kansas City)
SES Great Lakes Regional Director (Chicago)
SES Great Lakes Deputy Regional Director (Chicago)
SES Western Regional Director (Los Angeles)
SES Western Deputy Regional Director (Los Angeles)
SES Rocky Mountain Regional Director (Denver)
SES Rocky Mountain Deputy Regional Director (Denver)
SES Northwest Regional Director (Seattle)
SES Northwest Deputy Regional Director (Seattle)
SES Alaska Regional Director (Anchorage)
SES Alaska Deputy Regional Director (Anchorage)
SES Pacific-Asia Regional Director (Honolulu)
SES Pacific-Asia Deputy Regional Director (Honolulu)
SES Assistant Administrator for Europe-Africa-Middle East Region

FEDERAL HIGHWAY ADMINISTRATION

SES Associate Administrator for Planning
SES Associate Administrator for Research and Development
SES Associate Administrator for Right-Of-Way and Environment
SES Associate Administrator for Engineering and Traffic Operations
SES Associate Administrator for Safety
SES Associate Administrator for Administration
SES Deputy Associate Administrator for Administration
SES Chief Counsel
SES Deputy Chief Counsel
SES Regional Federal Highway Administrators (9)
SES **Deputy Administrator
SES **Executive Director

FEDERAL RAILROAD ADMINISTRATION

SES Associate Administrator for Administration
SES Chief Counsel
SES Associate Administrator for Federal Assistance
SES Director, Northeast Corridor Project Office
SES Deputy Director, Northeast Corridor Project Office
SES Associate Administrator for Research and Development
SES Associate Administrator for Policy and Program Development
SES Associate Administrator for Safety
SES Deputy Associate Administrator for Safety
SES Director, Transportation Test Center (TTC)
SES General Manager, Alaska Railroad
SES *Director, Minority Business Resource Center
SES *Deputy Associate Administrator for Policy and Program Development
SES **Deputy Administrator

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SES Chief Counsel
SES Associate Administrator for Rulemaking
SES Deputy Associate Administrator for Rulemaking and Director, Engineering Systems Staff
SES Associate Administrator for Traffic Safety Programs
SES Associate Administrator for Research and Development
SES Associate Administrator for Enforcement
SES Associate Administrator for Plans and Programs
SES Associate Administrator for Administration
SES **Deputy Administrator

URBAN MASS TRANSPORTATION ADMINISTRATION

SES *Executive Director
SES Associate Administrator for Administration
SES Chief Counsel
SES Associate Administrator for Technology Development and Deployment
SES Associate Administrator for Transit Assistance
SES Associate Administrator for Policy, Budget, and Program Development
SES Associate Administrator for Planning, Management, and Demonstrations
SES **Deputy Administrator

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SES Associate Administrator and Resident Manager

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

SES Deputy Administrator
SES Chief Counsel
SES Associate Administrator, Office of Policy, Plans, and Program Management
SES Director, Material Transportation Bureau
SES Director, Transportation Programs Bureau
SES Director, Transportation Systems Center
SES Deputy Director, Transportation Systems Center
SES **Administrator

AGENCY: DEPARTMENT OF THE TREASURY

Positions:

OFFICE OF THE SECRETARY

ES-4 Inspector General

OFFICE OF THE ASSISTANT SECRETARY FOR DOMESTIC FINANCE

ES-4 Deputy Assistant Secretary, Debt Management
ES-4 Deputy Assistant Secretary, Capital Markets Policy
ES-4 Deputy Assistant Secretary, State and Local Finance

OFFICE OF THE ASSISTANT SECRETARY FOR INTERNATIONAL MONETARY AFFAIRS

ES-4 Deputy Assistant Secretary for International Monetary Affairs
ES-4 Deputy Assistant Secretary for Developing Nations Finance
ES-4 Deputy Assistant Secretary, Trade and Investment Policy
ES-4 Deputy Assistant Secretary, Commodities and Natural Resources

OFFICE OF THE ASSISTANT SECRETARY FOR TAX POLICY

ES-4 Deputy Assistant Secretary, Tax Policy
ES-4 Deputy Assistant Secretary, Tax Policy and Director, Office of Tax Analysis

OFFICE OF THE ASSISTANT SECRETARY FOR ENFORCEMENT AND OPERATIONS

SES **Assistant Secretary

OFFICE OF THE FISCAL ASSISTANT SECRETARY

SES **Assistant Secretary

LEGAL DIVISION

ES-4 Deputy General Counsel, Office of the General Counsel
ES-4 Assistant General Counsel and Director, Tax Legislative Counsel, Office of the General Counsel
ES-4 International Tax Counsel and Director, Office of International Tax Counsel, Office of the General Counsel
ES-4 Chief Counsel, Customs Department
ES-4 Deputy Chief Counsel, Customs Department
ES-4 Chief Counsel, Comptroller of the Currency
ES-4 Deputy Chief Counsel, Comptroller of the Currency
ES-4 Chief Counsel, Bureau of Alcohol, Tobacco and Firearms
ES-4 Deputy Chief Counsel, Bureau of Alcohol, Tobacco and Firearms
ES-4 Legal Counsel, U.S. Secret Service
ES-4 Deputy Chief Counsel (General), Internal Revenue Service

ES–4 Deputy Chief Counsel (Litigation), Internal Revenue Service
ES–4 Deputy Chief Counsel (Technical), Internal Revenue Service

CUSTOMS SERVICE

SES **Commissioner
ES–4 Deputy Commissioner
ES–4 Assistant Commissioner
ES–4 Assistant Commissioner, Regulations and Rulings
ES–2 Director, Office of Investigations
ES–4 Comptroller
ES–4 Assistant Commissioner, Commercial Support
ES–4 Assistant Commissioner, Management Integrity

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

ES–5 Director
ES–4 Deputy Director
ES–2 Assistant Director, Regulatory Enforcement
ES–4 Assistant Director, Criminal Enforcement
ES–1 Assistant Director, Internal Affairs

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

GS–18 Commissioner

BUREAU OF THE MINT

GS–18 Director
ES–4 Deputy Director

BUREAU OF PUBLIC DEBT

GS–18 Commissioner of Public Debt

OFFICE OF REVENUE SHARING

SES **Director

U.S. SECRET SERVICE

SES **Director
SES **Deputy Director

OFFICE OF THE COMPTROLLER OF THE CURRENCY

ES–4 Deputy Comptroller for Special Examinations
ES–4 Chief National Bank Examiner
ES–4 Deputy Comptroller of the Currency, Special Surveillance
ES–4 Deputy Comptroller, Multinational Banking
ES–4 Deputy Comptroller, Research and Economic Programs
ES–4 Deputy Comptroller for Administration/Special Assistant to the Deputy Comptroller for Operations
ES–4 Assistant to the Comptroller/Senior Advisor to the Comptroller
ES–3 Director, Bank Organization and Structure
ES–2 Deputy Comptroller, Customer and Community Programs
ES–4 Deputy Comptroller of the Currency for Interagency Coordination
SES **Senior Deputy Comptroller for Operations
SES **Senior Deputy Comptroller for Policy
SES **Senior Deputy Comptroller
SES **Senior Deputy Comptroller for Bank Supervision

INTERNAL REVENUE SERVICE

SES **Deputy Commissioner
ES–4 Assistant Commissioner (EP/EO)
SES Assistant Commissioner (Compliance)
ES–4 Assistant Commissioner (Technical)
ES–5 Assistant Commissioner (Resources Management)
ES–4 Assistant Commissioner (Planning & Research)
SES Assistant Commissioner (Taxpayer Service & Returns Processing)
ES–4 Assistant Commissioner (Inspection)
ES–4 Assistant Commissioner (Data Services)
ES–4 Regional Commissioner, North Atlantic Region
ES–4 Regional Commissioner, Midwest Region
ES–4 Regional Commissioner, Western Region
ES–4 Regional Commissioner, Southeast Region
ES–4 Regional Commissioner, Central Region
ES–4 Regional Commissioner, Southwest Region
ES–4 Regional Commissioner, Mid-Atlantic Region

BUREAU OF ENGRAVING AND PRINTING

ES–4 Director
GS–17 Deputy Director
ES–2 *Assistant Director (Administration)
ES–1 *Assistant Director (Operations)
ES–1 *Assistant Director (Research and Engineering)

TREASURER OF THE UNITED STATES

GS–18 *Treasurer and National Savings Bond Director, Office of the Secretary

AGENCY: ACTION

Positions:

FR–1 *Assistant Director for Office of Voluntary Citizen Participation
FR–1 Assistant Director for Policy and Planning
FR–1 Assistant Director for Compliance
FR–1 Regional Director for Latin America
FR–1 Regional Director for Africa
FR–1 Regional Director, North Africa, Near East, Asia and Pacific Regional Office
FR–1 *Counsel and Associate Director for Planning and Evaluation
FR–1 *Associate Director for Development Education
SES General Counsel
SES Deputy Associate Director for Domestic and Anti-Poverty Operations
SES **Assistant Director for Administration and Finance
SES Executive Assistant for Programs

AGENCY: ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Positions:

SES Executive Secretary
SES Executive Director

AGENCY: ADVISORY COUNCIL ON HISTORIC PRESERVATION

Positions:

SES Executive Director

AGENCY: AMERICAN BATTLE MONUMENTS COMMISSION

Positions

0–8 Secretary

AGENCY: BOARD FOR INTERNATIONAL BROADCASTING

Positions:

ES–6 *Executive Director
ES–5 *Director of Engineering

AGENCY: CENTRAL INTELLIGENCE AGENCY

Positions:

AD General Counsel
AD Inspector General
AD Legislative Counsel
AD Deputy Director for Administration
AD Associate Deputy Director for Administration
AD Deputy Director for Operations
AD Associate Deputy Director for Operations
AD Deputy to the Director of Central Intelligence for Resource Management
AD Associate Deputy to the Director of Central Intelligence for Resource Management
AD Deputy to the Director of Central Intelligence for Collection Tasking
AD Deputy to the Director of Central Intelligence for National Intelligence
AD *Associate Deputy to the Director of Central Intelligence for Collection Tasking
AD Deputy Director of the National Foreign Assessment Center
AD Deputy Director for Science & Technology
AD Associate Deputy Director for Science & Technology
AD *Director—Technical Services
AD *Director—Data Processing
AD *Director—Sigint Operations
AD *Director—Security
AD *Director—Research and Development
AD *Director—Personnel Policy, Planning & Management
AD Comptroller
AD Deputy Comptroller
AD *Director—Development and Engineering
AD *Director—Logistics
AD *Director—Finance
AD *Deputy Director—Development and Engineering
AD *Deputy Director—Research & Development
AD *Deputy Director—Personnel Policy, Planning & Management
AD *Deputy Director—Finance
AD *Deputy Director—Logistics
AD *Deputy Director——Data Processing
AD Director, Office of Public Affairs
AD Deputy Legislative Counsel
AD Deputy General Counsel
AD Deputy Inspector General

AGENCY: CIVIL AERONAUTICS BOARD

Positions:

SES Managing Director, Office of Managing Director
SES Director, Bureau of Carrier Accounts & Audits

SES Director, Bureau of Domestic Aviation
SES Deputy Director, Bureau of Domestic Aviation
SES Director, Bureau of International Aviation
SES Deputy Director, Bureau of International Aviation
SES Director, Office of Economic Analysis
SES General Counsel, Office of the General Counsel
SES Deputy General Counsel, Office of the General Counsel
SES Director, Bureau of Consumer Protection
SES Deputy Director, Bureau of Consumer Protection
SES Director, Office of Human Resources
SES Comptroller, Office of Comptroller
SES Director, Office of Community & Congressional Relations

AGENCY: COMMISSION ON CIVIL RIGHTS

Positions:

SES Solicitor
SES Assistant Staff Director for Regional Programs
SES Assistant Staff Director for Administration
SES Assistant Staff Director for Program Planning and Evaluation
SES Acting Assistant Staff Director for Program and Policy Review
SES Assistant Staff Director for Civil Rights Evaluation
SES Assistant Staff Director for Congressional and Public Affairs
SES *Deputy Staff Director
SES *General Counsel

AGENCY: COMMISSION OF FINE ARTS

Positions: No section 207(d)(1)(C) designations

AGENCY: COMMODITY FUTURES TRADING COMMISSION

Positions:

SES *Executive Director
SES *Executive Assistant to the Chairman
SES Deputy Executive Director (2)
SES Director, Division of Enforcement
SES Deputy Director, Division of Enforcement (2)
SES Chief Economist, Division of Economics and Education
SES Deputy Chief Economist, Division of Economics and Education (2)
SES Director, Division of Trading and Markets
SES Deputy Director, Division of Trading and Markets (2)
SES Director, Division of Management, Program Planning and Evaluation
SES Deputy General Counsel, Office of General Counsel (2)

AGENCY: COMMUNITY SERVICES ADMINISTRATION

Positions:

SES Regional Director, Region I
SES Regional Director, Region II
SES Regional Director, Region III
SES Regional Director, Region IV
SES Regional Director, Region V
SES Regional Director, Region VI
SES Regional Director, Region VII
SES Regional Director, Region VIII
SES Regional Director, Region IX
SES Regional Director, Region X
SES Associate Director for Economic Development
SES Director, Regional Operations
SES Director, for Program Development
SES Deputy General Counsel
SES Deputy Associate Director for Economic Development
SES Deputy Assistant Director for Community Action
SES Controller
SES Deputy Inspector General
SES Assistant Inspector General for Auditing
SES Assistant Inspector General for Investigations

AGENCY: CONSUMER PRODUCT SAFETY COMMISSION

Positions:

SES General Counsel
SES Deputy General Counsel
SES Executive Director
SES Deputy Executive Director
SES Associate Excecutive Director for Engineering and Science
SES Associate Executive Director for Hazard Identification and Analysis
SES Associate Executive Director for Field Operations
SES Associate Executive Director for Administration
SES Associate Executive Director for Compliance and Enforcement
SES Associate Executive Director for Communications
SES Director, Office of Program Management
SES Director, Office of Budget, Program Planning and Evaluation
SES *Deputy Associate and Executive Director for Engineering and Science
SES *Deputy Associate Executive Director for Health Sciences
SES *Deputy Associate Executive Director for Epidemiology

AGENCY: COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Positions: No section 207(d)(1)(C) designations

AGENCY: DISTRICT OF COLUMBIA GOVERNMENT

Positions:

SES Corporation Counsel
SES Director, Department of Transportation
SES Director, Department of Human Resources
SES Commissioner of Public Health
SES Principal Deputy Corporation Counsel
SES Director, Department of Environmental Services
SES Finance Officer
SES Deputy Director, Department of Human Services
SES Director, Department of Corrections
SES Director of Personnel
SES Director, Department of Housing and Community Development
SES Deputy Director, Department of Housing and Community Development
SES Director, Department of Licenses, Investigations and Inspections
SES Superintendent of Schools
SES President, University of the District of Columbia
SES Director, Public Defender Service
SES Deputy Director, Public Defender Service
CS-17 *Commission of Social Services

AGENCY: ENVIRONMENTAL PROTECTION AGENCY

Positions:

SES Regional Administrator, Region I, Boston
SES Regional Administrator, Region II, New York
SES Regional Administrator, Region III, Philadelphia
SES Regional Administrator, Region IV, Atlanta
SES Regional Administrator, Region V, Chicago
SES Regional Administrator, Region VI, Dallas
SES Regional Administrator, Region VII, Kansas City
SES Regional Administrator, Region VIII, Denver
SES Regional Administrator, Region IX, San Francisco
O-7 Regional Administrator, Region X, Seattle
SES Associate Assistant Administrator for Planning and Management
SES Associate Assistant Administrator for Management Reform
SES Associate Assistant Administrator for Program Management and Policy
SES *Associate Assistant Administrator for Enforcement
SES *Associate Assistant Administrator for Air, Noise, and Radiation
SES *Associate Assistant Administrator for Water and Waste Management
SES *Associate Assistant Administrator for Toxics Integration
SES *Associate Assistant Administrator for Pesticides and Toxic Substances
SES *Deputy Assistant Administrator for Water and Waste Management
SES Deputy Assistant Administrator for Management and Agency Services
SES Deputy Assistant Administrator for Resource Management
SES Deputy Assistant Administrator for Planning and Evaluation
SES Deputy Assistant Administrator for Water Enforcement
SES Deputy Assistant Administrator for Mobile Source and Noise Enforcement
SES Deputy Assistant Administrator for General Enforcement
SES DAA/Mobile Source Air Pollution Control
SES Deputy Assistant Administrator for Radiation Programs
SES Deputy Assistant Administrator for Noise Abatement and Control
SES Deputy Assistant Administrator for Water Program Operations
SES Deputy Assistant Administrator for Water Regulations and Standards

SES Deputy Assistant Administrator for Solid Waste
SES Deputy Assistant Administrator for Drinking Water
SES Deputy Assistant Administrator for Pesticides Programs
SES Deputy Assistant Administrator for Chemical Control Division
SES Deputy Assistant Administrator for Monitoring and Technical Support
SES Deputy Assistant Administrator for Health and Ecological Effects
SES Deputy Assistant Administrator for Air, Land and Water Use
SES Deputy Assistant Administrator for Energy, Minerals, and Industry
SES *Deputy Assistant Administrator for Toxic Substances
SES *Deputy Assistant Administrator for Air Quality Planning and Standards
SES General Counsel
SES Deputy General Counsel
SES Deputy Inspector-General for Audits
SES Deputy Inspector-General for Inspection
SES Executive Assistant (technical) to the Administrator
SES *Assistant to the Administrator
SES Assistant to the Deputy Administrator
SES Director of Environmental Review
SES Director of Legislation
SES Director, Criteria and Assessment Office—RTP (ORD)
SES Staff Director, Regulatory Council
SES Deputy Staff Director, Regulatory Council

AGENCY: EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Positions:

SES Associate General Counsel, Trial Division
SES Executive Director
SES Deputy Executive Director
SES Director, Office of Special Projects and Programs
SES Director, Office of Program Planning and Evaluation
SES Deputy General Counsel

AGENCY: EXPORT-IMPORT BANK OF THE UNITED STATES

Positions:

GS–18 General Counsel
GS–17 Deputy General Counsel
GS–17 Senior Vice President, Exporter Credits, Guarantees and Insurance
GS–17 Senior Vice President, Policy
GS–17 Senior Vice President, Direct Credits and Financial Guarantees
GS–17 Senior Vice President, International Relations

AGENCY: FARM CREDIT ADMINISTRATION

Positions:

SES Senior Deputy Governor
SES Chief of Staff to the Senior Deputy Governor
SES General Counsel
SES Deputy Governor, Office of Supervision
SES *Associate Deputy Governor, Office of Supervision
SES Assistant Deputy Governor, Office of Supervision
SES Deputy Governor and Chief Examiner
SES *Associate Deputy Governor and Chief Examiner
SES Deputy Governor, Office of Administration
SES Director, Administrative Division

AGENCY: FEDERAL COMMUNICATIONS COMMISSION

Positions:

SES General Counsel
SES Chief, Broadcast Bureau
SES Chief Scientist
SES Chief, Common Carrier Bureau
SES Chief, Field Operations Bureau
SES Deputy Chief, Broadcast Bureau
SES Executive Director
SES Chief, Private Radio Bureau
SES *Deputy Chief, Private Radio Bureau
SES *Assistant Chief, Private Radio Bureau (Policy)
SES Chief, Opinions and Review
SES Deputy Chief Scientist (Technology)
SES *Deputy Chief Scientist (Policy)
SES Deputy Chief, Common Carrier Bureau (Operations)
SES *Deputy Chief, Common Carrier Bureau (Policy)
SES Chief, Office of Plans and Policy
SES *Deputy Chief, Office of Plans and Policy
SES Deputy General Counsel
SES Chief, Cable Television Bureau
SES Deputy Chief, Field Operations Bureau

AGENCY: FEDERAL DEPOSIT INSURANCE CORPORATION

Positions:

AD–18 Deputy to the Chairman
AD–8 Assistant to the Director (Appointive)
GG–17 Director, Office of Employee Relations
GG–17 Director, Office of Personnel Management
AD–18 Controller
AD–18 Director, Division of Management Systems and Financial Statistics
GG–16(17) Deputy Director, Division of Management Systems and Financial Statistics
GG–17 Director, Office of Corporate Audits
AD–18 General Counsel
AD–18 Director, Division of Bank Supervision
GG–17 Deputy Directors, Division of Bank Supervision (3)
GG–17 Deputy Director, Division of Liquidation
AD–18 Director, Division of Liquidation
AD–18 Director, Division of Research
GG–17 Deputy General Counsel

AGENCY: FEDERAL ELECTION COMMISSION

Positions: No section 207(d)(1)(C) designations

AGENCY: FEDERAL EMERGENCY MANAGEMENT AGENCY

Positions:

SES Director, Public Affairs
SES General Counsel
SES Director, Operations Support
SES Inspector General
SES Director, Program Analysis and Evaluation
SES Director, Finance & Administration
SES Director of Personnel
SES Director, Training & Education
GS–18 *Associate Director, Mitigation and Research

AGENCY: FEDERAL ENERGY REGULATORY COMMISSION

Positions:

SES Executive Director, Office of the Executive Director
SES *Deputy Executive Director
SES Director, Office of Electric Power Regulation
SES Deputy Director, Office of Electric Power Regulation
SES Director, Office of Pipeline and Producer Regulation
SES Deputy Director, Office of Pipeline and Producer Regulation
SES General Counsel, Office of General Counsel
SES Deputy General Counsel, Office of General Counsel
SES Director, Office of Regulatory Analysis
SES *Deputy Director, Office of Regulatory Analysis
SES Chief Accountant, Office of Chief Accountant
SES Deputy Chief Accountant, Office of Chief Accountant
SES Director, Office of Enforcement
SES Director, Office of Opinions and Review
SES Deputy Director, Office of Opinions and Review

AGENCY: FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

Positions:

GS–18 Executive Secretary

AGENCY: FEDERAL HOME LOAN BANK BOARD

Positions:

SES General Counsel
SES Director, Office of District Banks
SES Director, Office of Community Investment
SES Director, Office of Policy and Economic Research
SES Director, Federal Savings and Loan Insurance Corporation
SES Executive Assistant to the Chairman
SES *Director, Office of Examinations and Supervision
SES *Director, Internal Evaluation and Compliance Office

AGENCY: FEDERAL HOME LOAN MORTGAGE CORPORATION

Positions:

AD President—Chief Executive Officer
AD Executive Vice President—Chief Operating Officer
AD Executive Vice President—Chief Administrative Officer
AD Senior Vice President—General Counsel
AD Regional Senior Vice President—Los Angeles

AD Executive Vice President—Chief Financial Officer
AD *Special Assistant to the President

AGENCY: FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Positions:

SES Deputy Federal Inspector
SES Executive Officer
SES General Counsel
SES Director, External Affairs
SES Director, Environmental Review
SES Director, Engineering Review
SES Director, Cost Control and Audit
SES Director, Compliance and Permitting
SES Director of Administration
SES Deputy Director for Administration
SES Director, Procurement and Contracts
SES Spread Team Leaders (Project Officers) (3)

AGENCY: FEDERAL LABOR RELATIONS AUTHORITY

Positions:

GS–18 Members of the Federal Service Impasses Panel (7)
SES Executive Director of the Authority
SES Deputy Executive Director of the Authority
SES *Chief Counsel, Office of Case Handling
SES *Director, Office of Operations and Technical Assistance
SES *Deputy General Counsel
SES *Associate General Counsel
SES *Assistant General Counsel (Field Management)(3)
SES *Assistant General Counsel for Appeals
SES *Regional Director, Washington Region
SES *Executive Director, Federal Service Impasses Panel

AGENCY: FEDERAL MARITIME COMMISSION

Positions:

SES General Counsel
SES Managing Director
SES Director, Bureau of Ocean Commerce Regulation
SES Deputy Director, Bureau of Ocean Commerce Regulation
SES Deputy General Counsel, Division of Reports, Opinions and Decisions
SES Deputy General Counsel, Division of Legislation, Orders and Legal Research and Assistance
SES Director, Bureau of Hearing Counsel
SES Director, Bureau of Certification and Licensing
SES Director, Bureau of Enforcement
SES Director, Bureau of Industry Economics
SES Secretary
SES *Deputy Managing Director

AGENCY: FEDERAL MEDIATION AND CONCILIATION SERVICE

Positions:

SES Deputy Director
SES Director of Mediation Services
SES Associate Director of Mediation Services
SES Director of Administration
SES Director of Arbitration Services
SES Director of Special Services
SES General Counsel
SES Director of the Office of Special Services
SES Regional Directors(8)

AGENCY: FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Positions:

SES Executive Director
SES General Counsel

AGENCY: FEDERAL RESERVE SYSTEM

Positions:

FRO–I Secretary of the Board
FRO–I Staff Director for Monetary and Financial Policy
FRO–I Staff Director for Management
FRO–I Director, Division of Research and Statistics
FRO–I General Counsel
FRO–I Director, Division of Banking Supervision and Regulation
FRO–I Director, Division of International Finance
FRO–I Staff Director for Federal Reserve Bank Activities
FRO–II Assistants to the Board (3)
FRO–II Deputy Staff Director for Monetary and Financial Policy
FRO–II Director, Division of Federal Reserve Bank Examination and Budgets
FRO–II Director, Division of Consumer and Community Affairs
FRO–II Director, Division of Data Processing
FRO–II Director, Division of Federal Reserve Bank Operations
FRO–II Executive Secretary, Federal Financial Institutions Examination Council
FRO–II Deputy General Counsel
FRO–II Director, Division of Personnel
FRO–III Controller
FRO–III Assistant to the Board

AGENCY: FEDERAL TRADE COMMISSION

Positions:

SES Director, Office of Policy Planning
SES General Counsel
SES Deputy General Counsel
SES Director, Bureau of Competition
SES Deputy Directors, Bureau of Competition
SES Director, Bureau of Consumer Protection
SES Deputy Directors, Bureau of Consumer Protection
SES Director, Bureau of Economics
SES Executive Director
SES Assistant to the Chairman
SES Deputy Director, Office of Policy Planning
SES Deputy Director, Bureau of Economics (1)
SES *Director of Public Information

AGENCY: FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

Position: No section 207(d)(1)(C) designations

AGENCY: GENERAL ACCOUNTING OFFICE

Positions:

SES Director, Program Analysis Division (PAD)
SES Deputy Director, PAD
SES Director, Energy and Minerals Division (EMD)
SES Deputy Director, EMD
SES Director, Community and Economic Development Division (CEDD)
SES Deputy Director, CEDD
SES Director, Federal Personnel and Compensation Division (FPCD)
SES Deputy Director, FPCD
SES Director, Field Operations Division (FOD)
SES Deputy Director, FOD
SES Director, Financial and General Managment Studies Division (FGMSD)
SES Deputy Director, FGMSD
SES Director, General Government Division (GGD)
SES Deputy Director, GGD
SES Director, International Division (ID)
SES Deputy Director, ID
SES Director, Logistics and Communications Division (LCD)
SES Deputy Director, LCD
SES Director, Procurement and Systems Acquisitions Division (PSAD)
SES Deputy Director, PSAD
SES Director, Human Resouces Division
SES Deputy General Counsel
SES Director, Office of Internal Review
SES Director, Office of Policy
SES *Director of Personnel
SES *Director, General Services and Controller

AGENCY: GENERAL SERVICES ADMINISTRATION

Positions:

OFFICE OF THE ADMINISTRATOR

SES **Deputy Administrator
SES Executive Assistant to the Administrator
SES Executive Assistant to the Deputy Administrator

OFFICE OF EXTERNAL AFFAIRS

SES Assistant Administrator for External Affairs
SES Deputy Assistant Administrator for External Affairs

INFORMATION SECURITY OVERSIGHT OFFICE

SES Director, Information Security Oversight Office
SES *Deputy Director, Information Security Oversight Office

OFFICE OF ACQUISITION POLICY

SES Assistant Administrator for Acquisition Policy
SES Deputy Assistant Administrator for Acquisition Policy
SES Director, Acquisition Management and Review
SES Director of Contract Clearance
SES Director of Acquisition Policy

OFFICE OF PLANS, PROGRAMS, AND FINANCIAL MANAGEMENT

SES Director of Finance
SES Director of Budget
SES Director of Data Systems
SES Director of Planning and Analysis
SES Director of Program Coordination
SES Assistant Administrator for Plans, Programs, and Financial Management
SES Deputy Assistant Administrator for Plans, Programs, and Financial Management

AUTOMATED DATA AND TELECOMMUNICATIONS SERVICE (ADTS)

SES **Commissioner, ADTS
SES Deputy Commissioner, ADTS
SES Assistant Commissioner, Office of Policy and Planning Program Management Officer
SES Assistant Commissioner, Office of Agency Services and Procurement, Program Management Officer
SES Assistant Commissioner, Office of Systems Engineering and Operations, Supervisory Electronics Engineer
SES Executive Director, ADTS, Program Management and Policy Planning Officer
SES Director, Voice Communications Systems Division Supervisory Electronics Engineer (Communications)
SES Director, Advanced Planning and Research Division Supervisory Electronics Engineer
SES Director, Data Communications Systems Division Supervisory Electronics Engineer
SES Director, Software Development Office

FEDERAL PROPERTY RESOURCES SERVICE (FPRS)

SES Commissioner, Federal Property Resources Service
SES Deputy Commissioner, Federal Property Resources Service
SES Assistant Commissioner, Office of Stockpile Management
SES Assistant Commissioner, Office of Stockpile Transactions

FEDERAL SUPPLY SERVICE (FSS)

SES **Commissioner, FSS
SES Deputy Commissioner for Procurement, FSS
SES Deputy Commissioner for Requirements and Supply
SES Associate Commissioner for Management
SES Special Assistant to the Commissioner
SES Assistant Commissioner, Office of Contracts
SES Assistant Commissioner, Office of Contract Management
SES Assistant Commissioner for Supply
SES Assistant Commissioner, Office of Programs and Requirements
SES Director, Office of Supply Policy
SES Assistant Commissioner, Office of Property Management
SES Director, Acquisition Planning Office

NATIONAL ARCHIVES AND RECORDS SERVICE (NARS)

SES **Archivist of the United States
SES Deputy Archivist of the United States
SES Executive Director, NARS

PUBLIC BUILDINGS SERVICE (PBS)

SES Commissioner, PBS
SES Deputy Commissioner, PBS
SES Assistant Commissioner, for Buildings Management
SES Assistant Commissioner, for Construction Management
SES *Deputy Assistant Commissioner for Buildings Management
SES Assistant Commissioner, for Program Support
SES Assistant Commissioner, for Design and Construction
SES Deputy Assistant Commissioner for Design and Construction
SES Assistant Commissioner, for Space Management
SES Assistant Commissioner for Contracts

TRANSPORTATION AND PUBLIC UTILITIES SERVICE (TPUS)

SES **Commissioner, TPUS
SES Deputy Commissioner, TPUS
SES Assistant Commissioner, Office of Transportation and Travel Management
SES Assistant Commissioner, Office of Public Utilities
SES Assistant Commissioner, Office of Motor Equipment
SES Assistant Commissioner for Transportation Audits

OFFICE OF GENERAL COUNSEL (OGC)

SES General Counsel
SES Deputy General Counsel

GSA BOARD OF CONTRACT APPEALS

GS–18 *Chairman and Chief Administrative Judge of Board of Contract Appeals
GS–17 *Vice Chairman, Board of Contract Appeals
GS–17 *Vice Chairman and Chief Administrative Judge of the Judicial Division, Board of Contract Appeals

REGIONAL OFFICES

SES Regional Administrator, Program Management Officer, Region 1 (Boston)
SES Regional Administrator, Region 2 (New York)
SES Regional Administrator, Region 3 (Philadelphia)
SES Regional Administrator, Region 4 (Atlanta)
SES Regional Administrator, Region 5 (Chicago)
SES *Deputy Regional Administrator
SES Regional Administrator, Region 6 (Kansas City)
SES Regional Administrator, Region 7 (Fort Worth)
SES Regional Administrator, Region 8 (Denver)
SES Regional Administrator, Region 9 (San Francisco)
SES Regional Administrator, Region 10 (Auburn)
SES Regional Administrator, National Capital Region (Washington, D.C.)
SES *Deputy Regional Administrator, National Capital Region

OFFICE OF THE INSPECTOR GENERAL

SES Deputy Inspector General

OFFICE OF HUMAN RESOURCES AND ORGANIZATION

SES Assistant Administrator for Human Resources and Organization
SES *Executive Assistant to the Assistant Administrator for Human Resources and Organization

AGENCY: INTER-AMERICAN FOUNDATION

Positions: No section 207(d)(1)(C) designations

AGENCY: INTERNATIONAL COMMUNICATION AGENCY

Positions:
GS–17 Executive Assistant to the Director
FSIO–1 Director, Congressional and Public Liaison
FSIO–1 Chief, Congressional Liaison Office
SES General Counsel
SES Deputy General Counsel
FSIO–1 Deputy Associate Director
GG–18 Director for Institutional Relations
FSIO–1 Director of Cultural Centers and Resources
GG–17 Director, Office of Academic Programs

THE DIRECTORATE FOR BROADCASTING (THE VOICE OF AMERICA)

FSIO–1 Deputy Associate Director
SES Director of Administration
FSIO–1 Director, Office of Programs
SES Director of Engineering and Technical Operations

THE DIRECTORATE FOR MANAGEMENT

FSIO–1 Director of Administrative Services
SES Director of Comptroller Services
SES Director of Personnel Services
SES Director, Office of Systems Technology

THE DIRECTORATE FOR PROGRAMS

SES Director of Exhibits Service
FSIO–1 Director of Press and Publication Services
FSIO–1 Director of Television and Film Service
FSIO–1 Deputy Associate Director
SES Executive Officer

Area Offices

FSIO–1 Director of African Affairs
SES Deputy Director of African Affairs
FSIO–1 Director of European Affairs
FSIO–1 Deputy Directors of European Affairs (2)
FSIO–1 Deputy Director of European Affairs (Exchanges)
FSIO–1 Director of East Asian and Pacific Affairs
FSIO–1 Deputy Directors of East Asian and Pacific Affairs (2)
FSIO–1 Director of American Republic Affairs
FSIO–1 Deputy Director of American Republic Affairs
FSIO–1 Director of North African, Near Eastern and South Asian Affairs
FSIO–1 Deputy Director of North African and Near Eastern Affairs
FSIO–1 Deputy Director of South Asian Affairs
FSIO–1 Public Affairs Officers of Class I Posts (6)

AGENCY: INTERNATIONAL TRADE COMMISSION

Positions:
SES Director of Operations
SES General Counsel
SES Senior Adviser
SES Director of Industries
SES *Director of Investigations
SES Director, Economic Research

AGENCY: INTERSTATE COMMERCE COMMISSION

Positions:
SES Managing Director
SES General Counsel
SES Director, Bureau of Operations
SES Director, Bureau of Investigations and Enforcement
SES Director, Bureau of Traffic
SES Director, Bureau of Accounts
SES Director, Office of Proceedings
SES Director, Office of Policy and Analysis/Rail Services Planning Office
SES Assistant Managing Director
SES Deputy General Counsel
SES Associate Director, Office of Proceedings
SES Associate Director, Office of Policy and Analysis/Rail Services Planning Office

AGENCY: JAPAN–UNITED STATES FRIENDSHIP COMMISSION

Positions:
SES Executive Director

AGENCY: MERIT SYSTEMS PROTECTION BOARD

Positions:
SES Managing Director
SES Deputy Managing Director
SES General Counsel
SES Deputy General Counsel, Trial
SES Deputy General Counsel, Appellate
SES Director, Office of Appeals
SES Director, Office of Merit Systems Review and Studies
SES *Director, Office of Administration
SES *Director, Office of Special Decisions
SES *Chief Appeals Officer (Seven positions, one each at these field locations: Atlanta, Chicago, Dallas, New York, Philadelphia, San Francisco, Washington, D.C.)

AGENCY: NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Positions:

OFFICE OF THE ADMINISTRATOR
SES **Associate Deputy Administrator

OFFICE OF THE COMPTROLLER
SES Deputy Comptroller
SES **Associate Administrator/Comptroller

OFFICE OF LEGISLATIVE AFFAIRS
SES Director, Legislative Affairs
SES Deputy Director, Legislative Affairs

OFFICE OF THE CHIEF ENGINEER
SES Chief Engineer, NASA
SES Deputy Chief Engineer, NASA

OFFICE OF SPACE AND TERRESTRIAL APPLICATIONS
SES **Associate Administrator for Space and Terrestrial Applications
SES Deputy Associate Administrator for Space and Terrestrial Applications

OFFICE OF GENERAL COUNSEL
SES **General Counsel
SES Deputy General Counsel, NASA

OFFICE OF PROCUREMENT
SES Director of Procurement
SES Deputy Director of Procurement

OFFICE OF EXTERNAL RELATIONS
SES Associate Administrator for External Relations
SES Deputy Associate Administrator for External Relations

OFFICE OF SPACE TRANSPORTATION SYSTEM ACQUISITION
SES **Associate Administrator for Space Transportation Systems
SES Deputy Associate Administrator for Space Transportation System Acquisition

OFFICE OF MANAGEMENT OPERATIONS
SES **Associate Administrator for Management Operations
SES Deputy Associate Administrator for Management Operations

OFFICE OF SPACE TRANSPORTATION OPERATIONS
SES *Deputy Associate Administrator for Space Transportation Operations

OFFICE OF THE CHIEF SCIENTIST
SES **Associate Administrator (Chief Scientist)

OFFICE OF AERONAUTICS AND SPACE TECHNOLOGY
SES **Associate Administrator for Aeronautics and Space Technology
SES Deputy Associate Administrator for Aeronautics and Space Technology

OFFICE OF SPACE SCIENCE
SES **Associate Administrator for Space Science
SES Deputy Associate Administrator for Space Science

OFFICE OF SPACE TRACKING AND DATA SYSTEMS
SES **Associate Administrator for Space Tracking and Data Systems
SES Deputy Associate Administrator for Space Tracking and Data Systems

OFFICE OF EQUAL OPPORTUNITY PROGRAMS
SES Director of Equal Opportunity Programs
SES Deputy Director of Equal Opportunity Programs

INSPECTOR GENERAL
SES **Inspector General
SES Deputy Inspector General

AMES RESEARCH CENTER
SES Director, NASA Ames Research Center
SES Deputy Director, NASA Ames Research Center

DRYDEN FLIGHT RESEARCH CENTER
SES Director, NASA Dryden Flight Research Center
SES Deputy Director, NASA Dryden Flight Research Center

GODDARD SPACE FLIGHT CENTER
SES Director, NASA Goddard Space Flight Center
SES Deputy Director, NASA Goddard Space Flight Center

JOHNSON SPACE CENTER
SES Director, NASA Johnson Space Center
SES Deputy Director, NASA Johnson Space Center

KENNEDY SPACE CENTER
SES Director, NASA Kennedy Space Center
SES Deputy Director, NASA Kennedy Space Center

LANGLEY RESEARCH CENTER
SES Director, NASA Langley Research Center
SES Deputy Director, NASA Langley Research Center

LEWIS RESEARCH CENTER
SES Director, NASA Lewis Research Center
SES Deputy Director, NASA Lewis Research Center

MARSHALL SPACE FLIGHT CENTER
SES Director, NASA Marshall Space Flight Center
SES Deputy Director, NASA Marshall Space Flight Center

NATIONAL SPACE TECHNOLOGY LABORATORIES
SES Manager, National Space Technology Laboratories
SES Deputy Manager, National Space Technology Laboratories

WALLOPS FLIGHT CENTER
SES Director, NASA Wallops Flight Center
SES Associate Director, NASA Wallops Flight Center

AGENCY: NATIONAL CAPITAL PLANNING COMMISSION

Positions:
SES Executive Director
SES Associate Executive Director for Regional Affairs
SES Associate Executive Director for District of Columbia Affairs
SES General Counsel
SES Assistant Executive Director for Administration

AGENCY: NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Positions:
SES O–4 Executive Director

AGENCY: NATIONAL COMMISSION ON THE INTERNATIONAL YEAR OF THE CHILD

Positions:
SES Executive Director

AGENCY: NATIONAL CREDIT UNION ADMINISTRATION

Positions:

SES General Counsel
SES Director, Office of Examination and Insurance
SES Director, Office of Administration
SES Comptroller
SES Director, Office of Internal Audit and Investigation
SES Regional Directors (6)
SES Director, Office of Policy Analysis
SES Deputy Director, Examination and Insurance
SES Deputy General Counsel
SES *President, Central Liquidity Facility

AGENCY: NATIONAL ENDOWMENT FOR THE ARTS

Positions:

GS–18 Deputy Chairman for Policy and Planning
GS–17 Deputy Chairman for Programs
GS–17 Deputy Chairman, Federal Council on the Arts and the Humanities
SES Director of Media Arts
SES Director of Architecture, Planning and Design
SES Director of Federal-State Partnership
SES Director of Expansion Arts
SES Director of Museums
SES General Counsel
SES Director of Program Coordination

AGENCY: NATIONAL ENDOWMENT FOR THE HUMANITIES

Positions:

SES Deputy Chairman for Programs
SES Assistant Chairman for Institutional Relations
SES Deputy Chairman for Management
SES Director, Division of State Programs
SES General Counsel
SES Director, Office of Planning and Policy Assessment
SES *Director, Division of Public Programs

AGENCY: NATIONAL LABOR RELATIONS BOARD

Positions:

SES Solicitor
SES Executive Secretary
SES Deputy General Counsel
SES *Associate General Counsel, Division of Enforcement Litigation

AGENCY: NATIONAL SCIENCE FOUNDATION

Positions:

SES Director, Office of Audit and Oversight
SES Director, Office of Government & Public Programs
SES Director, Office of Planning & Resources Management
SES Director, Office of Small Business Research & Development
SES Deputy Assistant Director, Science Education
SES Deputy Assistant Director, Astronomical, Atmospheric, Earth & Ocean Sciences
SES Deputy Assistant Director, Scientific, Technological & International Affairs
SES Deputy Assistant Director, Administration
SES Deputy Assistant Director, Biological Behavioral & Social Sciences
SES General Counsel
SES *Assistant Director, Engineering and Applied Science
SES *Deputy Assistant Director, Engineering and Applied Science
SES *Assistant Director, Scientific, Technological & International Affairs
SES *Assistant Director for Administration

AGENCY: NATIONAL TRANSPORTATION SAFETY BOARD

Positions:

SES Managing Director
SES Deputy Managing Director
SES General Counsel
SES Director, Bureau of Accident Investigation
SES Director, Bureau of Technology
SES *Director, Bureau of Administration

AGENCY: NUCLEAR REGULATORY COMMISSION

Positions:

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

SES Executive Director, ACRS
SES Deputy Executive Director, ACRS
SES Assistant Executive Director for Project Review, ACRS

OFFICE OF ADMINISTRATION

SES Director, Office of Administration
SES Deputy Director, Office of Administration
SES Director, Division of Organization & Personnel
SES Director, Division of Contracts
SES Director, Division of Tech Information & Document Control

OFFICE OF THE CONTROLLER

SES Controller

OFFICE OF THE SECRETARY

SES Secretary of the Commission
SES Assistant Secretary of the Commission

OFFICE OF INSPECTOR AND AUDITOR

SES Director, OIA
SES Assistant Director for Investigations
SES Assistant Director for Audits

OFFICE OF STATE PROGRAMS

SES Director, State Programs

OFFICE OF STANDARDS DEVELOPMENT

SES Director, Office of Standards Development
SES Deputy Director, Office of Standards Development

ATOMIC SAFETY AND LICENSING BOARD PANEL

SES Executive Secretary, ASLBP
SES Chairman, ASLBP

ATOMIC SAFETY AND LICENSING APPEAL PANEL

SES Vice Chairman, ASLAP
GG–17 Permanent Legal Members, ASLAP (3)
SES Chairman, ASLAP

OFFICE OF THE GENERAL COUNSEL

SES **General Counsel
SES Solicitor, OGC
SES Deputy General Counsel for Dom Lic & Rul
SES Deputy General Counsel for International Legislation
SES Assistant General Counsel

OFFICE OF PUBLIC AFFAIRS

SES Director, Office of Public Affairs
SES Deputy Director, Office of Public Affairs

OFFICE OF CONGRESSIONAL AFFAIRS

SES Director, Office of Congressional Affairs

OFFICE OF POLICY EVALUATION

SES Director, Office of Policy Evaluation
SES A/D for Technical Review, OPE
SES A/D for Management & Program Evaluation, OPE

EXECUTIVE DIRECTOR FOR OPERATIONS

SES Executive Director for Operations
SES Deputy Executive Director for Operations
SES Assistant for Operations

OFFICE OF THE EXECUTIVE LEGAL DIRECTOR

SES Executive Legal Director
SES Deputy Executive Legal Director
SES Director & Chief Counsel, Regulations Division
GG–17 Special Assistants to the Executive Legal Director (2)
SES Director/Chief Counsel, Operations and Administration Division
SES Director & Chief Counsel, Hearing Division
SES Assistant Chiefs, Hearing Counsel (4)
SES Deputy Chief, Hearing Counsel, Deputy Director, Hearing Division
SES Director & Chief Counsel, Rulemaking and Enforcement Division
SES Director & Chief Counsel, Antitrust Division

OFFICE OF INTERNATIONAL PROGRAMS

SES Director, Office of International Programs
SES Deputy Director for International Programs & A/D for International Cooperation
SES A/D for Export/Import & International Safeguards

OFFICE OF NUCLEAR REACTOR REGULATION

SES **Director, NRR
SES **Deputy Director, Office of Nuclear Reactor Regulation
SES Program Director, TMI Program Office
SES Deputy Program Director, TMI Program Office
SES Director, Planning & Program Analysis Staff
SES Program Director, Emergency Preparedness Program Office
SES Deputy Program Director, Emergency Preparedness Program Office
SES Chief, Emergency Preparedness Licensing Branch

SES Director, Division of Licensing
SES Deputy Director, Division of Licensing
SES Assistant Director for Operating Reactors
SES Chief, Operating Reactors Branch 1
SES Chief, Operating Reactors Branch 2
SES Chief, Operating Reactors Branch 3
SES Chief, Operating Reactors Branch 4
SES Assistant Director for Licensing
SES Chief, Licensing Branch 1
SES Chief, Licensing Branch 2
SES Chief, Licensing Branch 3
SES Chief, Standardization and Special Projects Branch
SES Assistant Director for Safety Assessment
SES Chief, Operating Reactors Branch 5
SES Chief, Systematic Evaluation Program Branch
SES Chief, Operating Reactors Assessment Branch
SES Director, Division of Engineering
SES Assistant Director for Components & Structures Engineering
SES Chief, Mechanical Engineering Branch
SES Chief, Structural Engineering Branch
SES Chief, Geosciences Branch
SES Chief, Hydrologic and Geotechnical Engineering Branch
SES Assistant Director for Materials & Qualifications Engineering
SES Chief, Materials Engineering Branch
SES Chief, Chemical Engineering Branch
SES Chief, Equipment Qualification Branch
SES Chief, Quality Assurance Branch
SES Assistant Director for Environmental Technology
SES Chief, Environmental Engineering Branch
SES Chief, Siting Analysis Branch
SES Chief, Utility Finance Branch
SES Director, Division of Systems Integration
SES Assistant Director for Plant Systems
SES Chief, Instrumentation & Control Systems Branch
SES Chief, Power Systems Branch
SES Chief, Containment Systems Branch
SES Chief, Auxiliary Systems Branch
SES Assistant Director for Radiation Protection
SES Chief, Accident Evaluation Branch
SES Chief, Radiological Assessment Branch
SES Chief, Effluent Treatment Systems Branch
SES Assistant Director for Reactor Systems
SES Chief, Reactor Systems Branch
SES Chief, Core Performance Branch
SES Chief, Systems Interaction Branch
SES Director, Division of Human Factors Safety
SES Deputy Director, Division of Human Factors Safety
SES Chief, Human Factors Engineering Branch
SES Chief, Operator Licensing Branch
SES Chief, Licensee Qualifications Branch
SES Chief, Procedures & Test Review Branch
SES Director, Division of Safety Technology
SES Assistant Director for Generic Projects
SES Chief, Generic Issues Branch
SES Chief, Licensing Guidance Branch
SES Chief, Research & Standards Coordination Branch
SES Assistant to the Director for Technology
SES Chief, Safety Program Evaluation Branch
SES Chief, Operating Experience Evaluation Branch
SES Chief, Reliability and Risk Assessment Branch

OFFICE OF NUCLEAR REGULATORY RESEARCH

SES **Director, Nuclear Regulatory Research
SES Deputy Director, Nuclear Regulatory Research

OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS

SES **Director, NMSS
SES Deputy Director, NMSS
SES Director, Division of Safeguards
SES Deputy Director, Division of Safeguards
SES AD, Division of Safeguards
GC–17 Special Assistant for Licensing
SES Chief, Physical Security Development Branch
SES Chief, Physical Security Licensing Branch
SES Chief, Technical Planning & Information Branch
SES Chief, Material Control & Accountability Licensing Branch
SES Chief, Regulatory Improvements Branch
SES Chief, Material Control & Accountability Development Branch
SES Deputy Director, Division of Fuel Cycle & Material Safety
SES Director, Division of Fuel Cycle & Material Safety
SES Chief, Adv & Spent Fuel Licensing Branch
SES Chief, Uranium Fuel Licensing Branch
SES Chief, Transportation Branch
SES A/D for material Safety and Licensing
SES Chief, Procedures and Certification Branch
SES Chief, Technology Assessment Branch
SES A/D for Operations and Technology
SES Chief, Low Level Waste Licensing Branch
SES Chief, Uranium Recovery Licensing Branch
SES Chief, Licensing Proc and Integration Branch
SES Chief, Hi-Level Waste Technology Development Branch
SES Deputy Director, Waste Management Division
SES Chief, Hi-Level Waste Licensing Management Branch
SES Director, Division of Waste Management

OFFICE OF INSPECTION AND ENFORCEMENT

SES Director, Inspection and Enforcement
SES Deputy Director, Inspection and Enforcement
SES Executive Officer for Operations
SES Director, Division of Reactor Construction Inspection
SES Assistant Director, Division of Reactor Construction Inspection
SES Assistant Director for Field Coordination
SES Assistant Director for Technical Programs
SES Director, Division of Reactor Operations Inspection
SES Assistant Director, Division of Fuel Facility and Materials Safety Inspection
SES Director, Division of Fuel Facility and Materials Safety Inspection
SES Director, Division of Safeguards Inspection
SES A/D, Division of Safeguards Inspection
SES Director, Region I
SES Deputy Director, Region I
SES Director, Region II
SES Deputy Director, Region II
SES Director, Region III
SES Deputy Director, Region III
SES Director, Region IV
SES Director, Region V
SES *Director, Office for Analysis and Evaluation of Operational Data
SES *Deputy Director, Office for Analysis and Evaluation of Operational Data
SES *Director, Division of Engineering Standards, Office of Standards Development
SES *Director, Division of Siting, Health and Safeguards Standards Branch, Office of Standards Development
SES *Director, Probabilistic Staff, Office of Nuclear Regulatory Research
SES *Director, Division of Reactor Safety Research, Office of Nuclear Regulatory Research
SES *Director, Division of Safeguard Fuel Cycle and Environmental Research Branch, Office of Nuclear Regulatory Research

AGENCY: OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Positions:
SES Executive Director
SES General Counsel

AGENY: OFFICE OF THE FEDERAL CO-CHAIRMAN, APPALACHIAN REGIONAL COMMISSION

Positions: No section 207(d)(1)(C) designations

AGENCY: OFFICE OF PERSONNEL MANAGEMENT

Positions:
SES Assistant Director, Office of Intergovernmental Personnel Programs
SES Assistant Director, Office of Labor-Management Relations
SES Director, Office of Planning and Evaluation
SES Deputy Associate Director for Staffing, Staffing Services Group
SES Chairman, Federal Prevailing Rate Advisory Committee
SES General Counsel, Office of the General Counsel
SES Director—Southeast Regional Office
SES Executive Director, President's Commission on Personnel Interchange
SES Assistant Director for Agency Compliance and Evaluation, Agency Relations Group
SES Director, Office of Administrative Law Judges, Executive Personnel and Management Development Group
SES Assistant Director for Staffing, Staffing Services Group

SES Deputy Associate Director for Compensation Operations, Compensation Group
SES Director—Eastern Regional Office
SES Assistant Director for Retirement Programs, Compensation Group
SES Director—Great Lakes Regional Office
SES Director—Mid-Atlantic Regional Office
SES Director—Southwest Regional Office
SES Director—Western Regional Office
SES Assistant Director, Insurance Operations Branch, Compensation Group
SES Director, Federal Executive Institute
SES Chief, Medical Operations Branch, Compensation Group
SES Deputy Assistant Director for Labor-Management Relations
SES Chief, Personnel Research and Development Center, Staffing Services Group
SES Assistant Director, Office of Affirmative Employment Programs
SES Deputy Assistant Director for Grants Administration, Office of Intergovernmental Personnel Programs
SES Director, President's Commission on White House Fellows
SES Deputy Assistant Director for Personnel Management Assistance, Office of Intergovernmental Personnel Programs
SES Director, Office of Management
SES Deputy Associate Director for Personnel Investigations, Staffing Services Group
SES *Deputy General Counsel, Office of the General Counsel
SES **Associate Director, Agency Relations Group
SES **Associate Director, Staffing Services Group
SES **Associate Director, Executive Personnel and Management Development Group
SES **Associate Director, Compensation Group
SES *Executive Director, President's Management Improvement Council
SES **Associate Director, Work Force Effectiveness and Development Group
SES *Deputy Director, Office of Government Ethics
SES *Counselor, Office of Government Ethics

AGENCY: OFFICE OF SPECIAL COUNSEL (MSPB)

Positions:
SES *Deputy Special Counsel
SES *Associate Special Counsel for Investigation
SES *Associate Special Counsel for Prosecution

AGENCY: OVERSEAS PRIVATE INVESTMENT CORPORATION

Positions:
No section 207(d)(1)(C) designations

AGENCY: PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Positions:
AD Executive Director of the Corporation
AD Assistant Director—Legal
AD Assistant Director—Finance
AD All members of the Board of Directors (23)

AGENCY: PENSION BENEFIT GUARANTY CORPORATION

Positions:
GS–17 Deputy Executive Director
GS–17 General Counsel
GS–17 Director, Office of Program Operations

AGENCY: POSTAL RATE COMMISSION

Positions:
GS–18 General Counsel of Commission
GS–18 Director of Technical Analysis and Planning

AGENCY: PRESIDENTIAL COMMISSION ON WORLD HUNGER

Positions:
SES Executive Director
SES *Director of Analysis and Research

AGENCY: RAILROAD RETIREMENT BOARD

Positions:
SES Chief Executive Officer
SES Director, Bureau of Retirement Claims
SES Director of Research
SES General Counsel
SES Chief Actuary and Director of Research
SES Deputy Executive Officer
SES Director, Bureau of Data Processing and Accounts
SES Director, Bureau of Unemployment and Sickness Insurance
SES Director of Investments

AGENCY: SECURITIES AND EXCHANGE COMMISSION

Positions:
SES General Counsel
SES Director, Division of Corporation Finance
SES Director, Division of Corporate Regulation
SES Director, Division of Enforcement
SES Director, Division of Investment Management
SES Director, Division of Market Regulation
SES Deputy Director, Division of Corporation Finance
SES Deputy Director, Division of Market Regulation
SES Chief Accountant of the Commission
SES Deputy Chief Accountant
SES Executive Director
SES Regional Administrator, New York
SES Regional Administrator, Chicago
SES Regional Administrator, Los Angeles
SES Deputy Director, Division of Enforcement
SES *Deputy Regional Administrator, New York

AGENCY: SELECTIVE SERVICE SYSTEM

Positions:
SES *Deputy Director of the Agency
SES *Associate Director, Administration
SES *Associate Director, Planning and Operations
SES *Associate Director, Management Information Systems
SES *Associate Director, Policy Development and Administrative Legal Systems

AGENCY: SMALL BUSINESS ADMINISTRATION

Positions:
SES **Deputy Administrator
SES Associate Administrator for Policy, Planning and Budgeting
SES Assistant Administrator for Data and Management Services
SES *Assistant Administrator for Women's Business Enterprise
SES Regional Administrator, Region I
SES Regional Administrator, Region II
SES Regional Administrator, Region III
SES Regional Administrator, Region IV
SES Regional Administrator, Region V
SES Regional Administrator, Region VI
SES Regional Administrator, Region VII
SES Regional Administrator, Region VIII
SES Regional Administrator, Region IX
SES Regional Administrator, Region X
SES Special Assistant to the Administrator and Director, Equal Employment Opportunity and Compliance
SES General Counsel
SES Deputy General Counsel
GS–18 Chief Counsel for Advocacy
SES **Associate Deputy Administrator for Support Services
SES *Associate Deputy Administrator for Programs
SES **Associate Administrator for Financial Assistance
SES *Associate Administrator for Investment
SES **Associate Administrator for Procurement Assistance
SES Associate Administrator for Management Assistance
SES **Associate Administrator for Minority Small Business & Capital Ownership Development
SES *Deputy Associate Administrator for Business Development
SES *Assistant Administrator for Management Services
SES Director, Office of Field Management

AGENCY: TENNESSEE VALLEY AUTHORITY

Positions:
No section 207(d)(1)(C) designations

AGENCY: UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

Positions:
SES **General Counsel
SES U.S. Commissioner, SCC
SES Public Affairs Adviser
SES The Special Assistant to the Director
SES The Counselor
SES *Deputy Assistant Director, NP
SES *Deputy Assistant Director, ISP
SES *Deputy Assistant Director, WEC
Vacant/0–7 *Senior Military Adviser, D
SES Administrative Director
SES Chief of Operations Analysis
SES Ambassador to CD, D
SES Deputy Assistant Director, MA

AGENCY: U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Positions:

OFFICE OF THE GENERAL COUNSEL

AD–18 General Counsel

OFFICE FOR ADMINISTRATION

SES Assistant Director

OFFICE FOR LEGISLATIVE AND PUBLIC AFFAIRS

AD–18 Assistant Director

OFFICE FOR POLICY AND BUDGET

AD–17 Deputy Associate Director
SES *Budget Coordinator
SES *Component Coordinator
SES *Human Resources Coordinator

AGENCY FOR INTERNATIONAL DEVELOPMENT

Positions

SES Director of BIFAD Staff, A/BIFAD
SES Director of Equal Opportunity Programs
SES *Auditor General
SES Deputy Auditor General, AG
SES Deputy Assistant Administrator for Legislative Affairs, LEG
SES Director, Office of Public Affairs, OPA
SES *General Counsel, OGC
SES Deputy General Counsel, GC
SES Controller, OFM
SES *Deputy Controller, OFM
FR–01 Director of the Office of Personnel Management
SES Deputy Director of the Office of Personnel Management
SES Deputy Assistant Administrator for the Bureau for Program and Management Services, AA/SER
FR–01 Coordinator, Italian Earthquake Reconstruction Program, SER
SES Director, Office of Commodity Management, SET/COM
SES *Director, Office of Management Planning
SES Director, Office of Contract Management, SER/CM
SES Deputy Director of the Office Contract Management, SER/CM
SES Deputy Assistant Administrator, Bureau for Program and Policy Coordination, DAA/PPC
SES *Coordinator, Office of Women in Development
AD–17 *Associate Assistant Administrator, Office of Economic Affairs
SES *Associate Assistant Administrator, Office of Planning and Budget
SES Deputy Assistant Administrator for Food and Nutrition, DAA/DS/FN
SES Director, Office of Agriculture, DS/AGR
SES Director, Office of Nutrition, DS/N
SES Deputy Assistant Administrator for Development Technology, DAA/DS/DT
SES Director, Office of Science and Technology, DS/ST
SES Director, Office of Housing, DS/H
SES Director, Office of Engineering, DS/ENGR
SES Director, Office of Energy, DS/EY
SES Deputy Assistant Administrator for Human Resources Development, DAA/DS/HRD
SES Director, Office of Health, DS/HEA
SES Director, Office of Population, DS/POP
FR–01 Deputy Assistant Administrator for the Bureau for Private and Development Cooperation, DAA/PDC
SES Director for the Office of Private and Voluntary Cooperation, PDC/PVC
SES Coordinator for the Office of Food for Peace, PDC/FFP
SES *Deputy Coordinator, Office of Food for Peace
SES Coordinator, Office of U.S. Foreign Disaster Assistance, PDC/OFDA
SES Coordinator, Office of Reimbursable Development Programs, DC/RDP
SES *Deputy Coordinator, Office of Reimbursable Development Programs
FR–01 Deputy Assistant Administrator for the Bureau for Africa, DAA/AFR
SES Deputy Assistant Administrator for the Bureau for Near East, DAA/NE
SES Director, Office of Development Planning, NE/DP
SES Director, Office of Project Development, NE/PD
FR–01 Deputy Assistant Administrator for the Bureau for Asia, DAA/ASIA
FR–01 Deputy Assistant Administrator for the Bureau for Latin America and the Caribbean, DAA/LAC
SES *Director, Office of South American Affairs
FR–01 *Director, Office of Development Programs

AFRICA

FR–01 Director, Botswana
FR–01 Director, Cameroon
FR–01 Director, Chad
FR–01 Director, Ethiopia
FR–01 Director, Ghana
FR–01 Director, Kenya
FR–01 Director, Lesotho
FR–01 Director, Liberia
FR–01 Director, Mali
FR–01 Director, Mauritania
FR–01 Director, Niger
FR–01 Director, Senegal
FR–01 Director, Somalia
FR–01 *Director, Sudan
FR–01 Director, Swaziland
FR–01 Director, Tanzania
FR–01 *Director, Upper Volta
FR–01 Regional Development Officer, West Africa, REDSO/WA
FR–01 *Regional Development Officer, East Africa

ASIA

FR–01 Deputy Director, Bangladesh
FR–01 *Deputy Director, India
FR–01 Deputy Director, Indonesia
FR–01 Director, Nepal
FR–01 Deputy Director, Pakistan
FR–01 Deputy Director, Philippines
FR–01 *Director, Sri Lanka

EUROPE

No section 207(d)(1)(C) designations

LATIN AMERICA AND THE CARIBBEAN

FR–01 Director, Bolivia
FR–01 Director, Regional Development Office, Caribbean
FR–01 AID Representative, Chile
FR–01 Director, Costa Rica
FR–01 *Assistant Director, Dominican Republic
FR–01 Director, El Salvador
FR–01 Director, Guatemala
FR–01 Director, Guatemala, ROCAP
FR–01 *Director, Guyana
FR–01 Director, Haiti
FR–01 Director, Honduras
FR–01 Director, Jamaica
FR–01 Director, Nicaragua
FR–01 Director, Panama
FR–01 Director, Paraguay

NEAR EAST

FR–01 Deputy Director, Egypt
FR–01 AID Representative, Lebanon
FR–01 Director, Morocco
FR–01 AID Representative, Portugal
FR–01 Director, Tunisia
FR–01 Director, Yemen

AGENCY: UNITED STATES METRIC BOARD

Positions:

SES Director, Office of Research, Planning and Coordination
SES Director, Office of Public Awareness and Education
SES General Counsel

AGENCY: U.S. POSTAL SERVICE

Positions:

No section 207(d)(1)(C) designations

AGENCY: UNITED STATES RAILWAY ASSOCIATION

Positions:

AD President
AD Vice President—Finanace
AD Vice President—Operations and Marketing
AD Vice President—Law
AD *Vice President—Administration
AD *Vice President—Governmental Affairs

VETERANS ADMINISTRATION AGENCY

Positions:

OFFICE OF THE ADMINISTRATOR

SES **Associate Deputy Administrator
SES Assistant Deputy Administrator for Financial Management and Construction
SES Assistant Deputy Administrator for Administration and Logistics

OFFICE OF THE GENERAL COUNSEL

SES **General Counsel
SES Deputy General Counsel

DEPARTMENT OF MEMORIAL AFFAIRS

SES **Chief Memorial Affairs Director
SES Deputy Chief Memorial Affairs Director

DEPARTMENT OF VETERANS' BENEFITS

SES *Chief Benefits Director
SES Deputy Chief Benefits Director

OFFICE OF CONTROLLER

SES Controller

STAFF OFFICE HEADS

SES Assistant Administrator of Information Services

SES Assistant Administrator for Planning & Program Evaluation
SES Assistant Administrator for Construction
SES Assistant Administrator for Personnel
SES Assistant Administrator for Data Management & Telecommunications
SES Assistant Administrator for Human Goals

DEPARTMENT OF MEDICINE AND SURGERY

AD Deputy for Operations
AD Deputy for Program Management
SES Director, Supply Service

OFFICE OF THE INSPECTOR GENERAL

SES Deputy Inspector General for Management & Operations
SES Deputy Inspector General for Intergovernmental Policy & Coordination

OFFICE OF CONSTRUCTION

SES Deputy Assistant Administrator

OFFICE OF INFORMATION SERVICES

SES Deputy Assistant Administrator

OFFICE OF PERSONNEL

SES Deputy Assistant Administrator

OFFICE OF DATA MANAGEMENT AND TELECOMMUNICATIONS

SES Deputy Assistant Administrator

AGECNY: WATER RESOURCES COUNCIL

Positions:
SES Director
SES *Deputy Director
SES Chairman, Great Lakes Basin Commission
SES Chairman, Missouri River Basin Commission
SES Chairman, New England River Basin Commission
SES Chairman, Ohio River Basin Commission
SES Chairman, Pacific Northwest River Basin Commission
SES Chairman, Upper Mississippi River Basin Commission

(18 U.S.C. 207(d)(1)(C))

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Friday
November 14, 1980

Part V

Nuclear Regulatory Commission

Domestic Licensing of Production and Utilization Facilities; Fracture Toughness Requirements for Nuclear Power Reactors

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Domestic Licensing of Production and Utilization Facilities; Fracture Toughness Requirements for Nuclear Power Reactors

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is considering amending its regulations which specify fracture toughness requirements for nuclear power reactors and its requirements for reactor vessel material surveillance programs. The amendments would clarify the applicability of these requirements to old and new plants, modify certain requirements as described below, and shorten and simplify these regulations by more extensively incorporating by reference appropriate National Standards.

DATES: Comment period expires January 13, 1981.

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

FOR FURTHER INFORMATION CONTACT: Dr. P. N. Randall, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301–443–5997.

SUPPLEMENTARY INFORMATION: When 10 CFR Part 50 was amended by adding Appendix G, "Fracture Toughness Requirements," and Appendix H, "Reactor Vessel Material Surveillance Program Requirements," on July 17, 1973 (38 FR 19012), the ASME Boiler and Pressure Vessel Code (the ASME Code) provisions pertaining to nuclear power plant components were being extensively revised. Some requirements that had not yet become effective in the ASME Code were included in Appendix G. Now that experience has shown that the ASME Code requirements are adequate, Appendix G is being condensed by more extensively incorporating the ASME Code by reference.

Appendix H incorporated by reference the 1973 edition of ASTM E 185.[1] Now there is a new edition, E 185–79. As amended, Appendix H would specify the earliest edition of E 185 that could be used for each part of the surveillance program, and would delete paragraphs that are now covered by specific provisions of E 185–79.

Paragraph 50.55a(i), which makes the provisions of Appendices G and H conditions of a construction permit for a utilization facility (e.g., a nuclear power plant), would be deleted and a new § 50.47 would be added for this purpose. This change would avoid any confusion that might occur when § 50.55a is amended for purposes not relevant to the appendices. The new § 50.47 also would describe when an exemption must be requested of the Commission for acceptance of a proposed alternative to the requirements of Appendices G and H. Conversely, several paragraphs of Appendices G and H would be amended to state that a proposed alternative may be accepted by the Director of Nuclear Reactor Regulation if the proposed alternative provides a margin of safety equivalent to that achieved by the specified requirement.

Significant differences between the existing regulations in Appendix G and the proposed amendments are: [2]

¶II.G. The definition of "adjusted reference temperature" would be changed to make the definition applicable to test data over a broader range of severity of radiation damage.

¶II.H. The definition of "beltline" would be changed to more clearly delineate which parts of the vessel are of concern from the standpoint of surveillance of radiation damage.

¶II.J. The definition of "integrated surveillance program" would be removed from Appendix G and a more complete discussion of such a program would be included in paragraph II.C. of Appendix H.

§ III. Section III, "Fracture Toughness Tests," would be reduced in length because most of the pertinent requirements could be incorporated by referencing the ASME Code.

¶III.A. Language would be added to paragraph III.A. to clarify how the fracture toughness test requirements would be applied to "old" plants, those for which the reactor vessel was constructed to an ASME Code earlier than the Summer 1972 Addenda to the 1971 Edition. This language would clarify the Commission's intention that all plants must meet the required margins of safety and the other fracture prevention requirements of Appendices G and H; but the owners of "old" plants may, when approved by the Director of Nuclear Reactor Regulation, use fracture toughness tests and fracture analyses other than those required by Appendices G and H to demonstrate that the required margins of safety have been met.

§ IV. As amended, Section IV, "Fracture Toughness Requirements" would incorporate by reference the fracture toughness requirements of the ASME Code and then give certain supplemental requirements, thereby deleting much technical detail from the regulation.

¶IV.A.2.b. As an alternative to the existing general requirement for fracture toughness of nozzles, flanges and shell regions near structural discontinuities, a specific pressure-temperature requirement would be added.

¶IV.A.2.c. For boiling water reactors, the criticality limit would be reduced to permit them to go critical earlier during startup. A systems analysis has shown that the existing limit is more restrictive than is necessary to provide the required safety margin.

¶IV.A.2.d. The minimum permissible temperature for system hydrostatic pressure tests would be reduced when performed when there is no fuel in the reactor (and thus no radiological hazard to the public) to improve the efficiency of the inspection operation.

¶IV.B. The 50 ft lb requirement for Charpy upper-shelf energy would be stated explicitly. Language would be added to permit acceptance of a lower value by the Director of Nuclear Reactor Regulation if a fracture analysis showed that the margin of safety against ductile fracture was equivalent to the margin of safety against fracture in the transition region required by Appendix G of the ASME Code.

¶V.B. A requirement would be added that material toughness values to be used in fracture analyses are those predicted for the material near the tip of the assumed flaw at its deepest part.

Significant differences between the existing regulations in Apendix H and the proposed amendments are:

¶II.B. As revised, paragraph II.B. would incorporate by reference ASTM E 185, and reference to the 1973 edition of ASTM E 185 would be deleted. Language would be added to permit the use of the 1979 edition or an earlier edition if it was the current edition at the time the action was taken. For example, the earliest

[1] Standard Recommended Practice for Surveillance Tests for Light Water Cooled Nuclear Power Reactor Vessels. Copies may be obtained from the American Society for Testing and Materials, 1916 Race St., Philadelphia, Pa. 19103. Copies will be available for inspection at the Commission's Public Document Room, 1717 H St., NW., Washington, D.C.

[2] Listed according to existing paragraph numbers. See Enclosure 3.

edition of ASTM E 185 that could be used in the selection of surveillance materials, preparation of specimens, and construction of surveillance capsules would be the edition that was current on the issue date of the ASME Code to which the reactor vessel was purchased.

¶II.C.3. Most of this paragraph would be deleted, because the requirements for withdrawal schedules contained in the 1979 edition of ASTM E 185 provide satisfactory criteria for scheduling surveillance information gathering.

¶II.C.4. Expanded criteria would be given for an integrated surveillance program for a set of reactors of similar design and operating features. In an integrated program, surveillance capsules from one or more reactors are irradiated in other reactors in the set.

§III. Section III would be deleted because its provisions are covered in Appendix G, Section V.

§IV. Reporting requirements for the test results from each capsule withdrawal would be clarified and a time limit for submittal of the report would be specified.

Staff of the Commission's Office of Standards Development has prepared a value/impact statement for the proposed amendment, which provides additional technical details and justification. This statement is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. Single copies of the value/impact statement may be obtained by request addressed to the Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: P. N. Randall, (301) 443–5997.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganizaiton Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments of 10 CFR Part 50 is contemplated. All interested persons who wish to submit written comments or suggestions in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch by Janaury 13, 1981. Copies of comments received may be examined in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

1. Section 50.55a is amended by deleting paragraph (i) and inserting the word "Reserved" in its place.

2. A new § 50.47 is added to 10 CFR Part 50 to read as follows:

§ 50.47 Acceptance criteria for Fracture Prevention Measures for Light Water Nuclear Power Reactors.

(a)(1) Except as provided in paragraph (a)(2) of this section all light-water nuclear power reactors shall meet the fracture toughness and material surveillance program requirements for the reactor coolant pressure boundary set forth in Appendices G and H to this part.

(2) Proposed alternatives to the described requirements or portions therof may be used when an exemption is granted by the Commission as authorized by § 50.12. In addition, the applicant must demonstrate that (i) compliance with the specified requirements would result in hardships or unusual difficulties without a compensating increase in the level of quality and safety and (ii) the proposed alternatives would provide an adequate level of quality and safety.

(b) [Reserved]

* * * * *

§ 50.12 [Amended]

3. Paragraph (a) of § 50.12 is amended by adding the following sentence at the end of the paragraph:

* * * To obtain an exemption to Appendices G and H to this part, the requirements of paragraph 50.47(a)(2) must be met in addition to the requirements of this paragraph.

4. Appendices G and H to 10 CFR Part 50 are revised to read as follows:

Appendix G—Fracture Toughness Requirements

Table of Contents

I. Introduction and Scope
II. Definitions
III. Fracture Toughness Tests
IV. Fracture Toughness Requirements
V. Inservice Requirements—Reactor Vessel Beltline Materials

I. Introduction and Scope

This appendix specifies fracture toughness requirements for ferritic materials of pressure-retaining components of the reactor coolant pressure boundary of light water nuclear power reactors to provide adequate margins of safety during any condition of normal operation, including anticipated operational occurrences and system hydrostatic tests, to which the pressure boundary may be subjected over its service lifetime.

The requirements of this appendix apply to the following materials:

A. Carbon and low-alloy ferritic steel plate, forgings, castings, and pipe with specified minimum yield strengths not over 50,000 psi (345 MPa), and to those with specified minimum yield strengths greater than 50,000 psi (345 MPa) but not over 90,000 psi (621 MPa) if qualified by using methods equivalent to those described in paragraph G–2110 of the ASME Code.[1]

B. Welds and weld heat-affected zones in the materials specified in section I.A.

C. Materials for bolting and other types of fasteners with specified minimum yield strengths not over 130,000 psi (896 MPa).

Adequacy of the fracture toughness of other ferritic materials shall be demonstrated to the Director of Nuclear Reactor Regulation on an individual case basis.

II. Definitions

A. "ASME Code" means the American Society of Mechanical Engineers Boiler and Pressure Vessel Code. If no section is specified, the reference is to Section III, Division 1, "Rules for Construction of Nuclear Power Plant Components." "Section XI" means Section XI, Division 1, "Rules for Inservice Inspection of Nuclear Power Plant Components." If no edition or addenda is specified, the applicable ASME Code edition and addenda [2] and any limitations and modifications thereof are specified by § 50.55a, Codes and Standards.

B. "Ferritic material" means carbon and low-alloy steels, higher alloy steels including all stainless alloys of the 4xx series, and maraging and precipitation hardening steels with a predominantly body-centered cubic crystal structure.

C. "System hydrostatic tests" means all preoperational system leakage and hydrostatic pressure tests and all system leakage and hydrostatic pressure tests performed during the service life of the pressure boundary in compliance with the ASME Code, Section XI.

D. "Specified minimum yield strength" means the minimum yield strength (in the unirradiated condition) of a material specified in the construction code under which the component is built pursuant to § 50.55a.

E. "Reference temperature" means the reference temperature, RT_{NDT}, as defined in the ASME Code.

F. "Adjusted reference temperature" means the reference temperature as adjusted for irradiation effects (see Section V of this Appendix) by adding to RT_{NDT} the temperature shift in the average Charpy curve for the irradiated material relative to that for the unirradiated material, measured at the 30 ft lb (41J) level.

G. "Beltline" or "Beltline region of reactor vessel" means the region of the reactor vessel (shell material including welds, heat affected zones, and plates or forgings) that directly surrounds the effective height of the active core and adjacent regions of the reactor vessel that are predicted to experience sufficient neutron radiation damage to be considered in the selection of the most limiting material with regard to radiation damage.

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[1] Defined in paragraph II.A. The latest Edition and Addenda permitted by paragraph 50.55a(b) at the time the analysis is made shall be used for the purposes of paragraph I.A.

[2] Copies may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017. Copies are available for inspection at the Commission's Public Document Room, 1717 H St. N.W., Washington, D.C.

III. Fracture Toughness Tests

A. To demonstrate compliance with the fracture toughness requirements of Sections IV and V of this appendix, ferritic materials shall be tested in accordance with the ASME Code and, for the beltline materials, the test requirements of Appendix H. For a reactor vessel that was constructed to an ASME Code earlier than the Summer 1972 Addenda of the 1971 Edition (pursuant to § 50.55a), the fracture toughness data and data analyses shall be supplemented in a manner approved by the Director of Nuclear Reactor Regulation to demonstrate equivalence with the fracture toughness requirements of this appendix.

B. Test methods for supplemental fracture toughness tests described in paragraph V.C.2 shall be submitted to and approved by the Director of Nuclear Reactor Regulation prior to testing.

C. All fracture toughness test programs conducted in accordance with paragraphs A and B of this Section shall comply with ASME Code requirements for calibration of test equipment, qualification of test personnel, and retention of records of these functions and of the test data.

IV. Fracture Toughness Requirements

A. The pressure-retaining components of the reactor coolant pressure boundary that are made of ferritic materials shall meet the requirements of the ASME Code supplemented as follows for fracture toughness during system hydrostatic tests and any condition of normal operation, including anticipated operational occurrances.

1. Reactor vessel beltline materials shall have minimum Charpy upper-shelf energy of 75 ft lb (102J) initially and shall maintain minimum upper-shelf energy throughout the life of the vessel of 50 ft lb (68J), unless it is demonstrated in a manner approved by the Director of Nuclear Reactor Regulation that lower values of upper-shelf energy will provide margins of safety against fracture equivalent to those required by Appendix G of the ASME Code.[3]

2. When the core is not critical, pressure-temperature limits for the reactor vessel shall be at least as conservative as those obtained by following the methods of analysis and the required margins of safety of Appendix G of the ASME Code [3] supplemented by the requirements of Section V of this Appendix. In addition, when pressure exceeds 20 percent of the preservice system hydrostatic test pressure, the temperature of the stressed regions of nozzles, flanges and other structural discontinuities shall be at least 150° F above (83 C above) the reference temperature of the material in those regions unless a lower temperature can be justified by showing that the margins of safety for those regions are equivalent to those required for the beltline when it is controlling. The justification submitted for the pressure temperature limits shall describe the methods of analysis used.

3. When the core is critical (other than for the purpose of low-level physics tests) the temperature of the reactor vessel shall not be lower than 40° F above (22 C above) the minimum permissible temperature of paragraph 2. of this section nor lower than the minimum permissible temperature for the inservice system hydrostatic pressure test. An exception may be made for boiling water reactor vessels when water level is within the normal range for power operation and the pressure is less than 20 percent of the preservice system hydrostatic test pressure, in which case the minimum permissible temperature is 60° F above (33 C above) the reference temperature of the closure flange regions that are highly stressed by the bolt preload.

4. If there is no fuel in the reactor during system hydrostatic pressure tests or leak tests, the minimum permissible test temperature shall be $RT_{NDT}+60°$ F ($RT_{NDT}+33$ C).

5. If there is fuel in the reactor during system pressure tests or leak tests, the requirements of paragraphs 2 or 3 shall apply, depending on whether the core is critical during the test.

B. Reactor vessels for which the predicted value of upper shelf-shelf energy at end of life is below 50 ft lb or the predicted value of adjusted reference temperature at end of life exceeds 200° F (93 C) shall be designed to permit a thermal annealing treatment to recover material toughness properties of ferritic materials of the reactor vessel beltline.

V. Inservice Requirements—Reactor Vessel Beltline Material

A. The effects of neutron radiation on the reference temperature and upper-shelf energy of reactor vessel beltline materials, including welds, shall be predicted from the results of pertinent radiation effects studies in addition to the results of the surveillance program of Appendix H.

B. Reactor vessels may continue to be operated only for that service period within which the requirements of Section IV are satisfied using the predicted value of the adjusted reference temperature and the predicted value of the upper-shelf energy at the end of the service period to account for the effects of radiation on the fracture toughness of the beltline materials. These predictions shall be made for the radiation conditions at the tip of the assumed flaw at its deepest part. The highest adjusted reference temperature and the lowest upper-shelf energy level of all the beltline materials shall be used to verify that the fracture toughness requirements are satisfied.

C. In the event that the requirements of Section V.B. cannot be satisfied, reactor vessels may continue to be operated provided all of the following requirements are satisfied:

1. A volumetric examination of the beltline materials that do not satisfy the requirements of Section V.B. including 100 percent of any associated welds shall be made and any flaws evaluated according to Section XI of the ASME Code and as otherwise specified by the Director of Nuclear Reactor Regulation.

2. Additional evidence of the fracture toughness of the beltline materials after exposure to neutron irradiation shall be obtained from results of supplemental fracture toughness tests.

3. An analysis shall be performed that conservatively demonstrates, making appropriate allowances for all uncertainties, the existence of equivalent margins of safety for continued operation.

D. If the procedures of section V.C. do not indicate the existence of an equivalent safety margin, the reactor vessel beltline may, subject to the approval of the Director of Nuclear Reactor Regulation, be given a thermal annealing treatment to recover the fracture toughness of the material. The degree of recovery shall be measured by testing additional specimens that have been withdrawn from the surveillance program capsules and that have been annealed under the same time-at-temperature conditions as those given the beltline material. The results shall provide the basis for establishing the adjusted reference temperature and upper shelf energy after annealing. The reactor vessel may continue to be operated only for that service period within which the predicted fracture toughness of the beltline region materials satisfies the requirements of Section IV.A. using the values of adjusted reference temperature and upper-shelf energy that include the effects of annealing and subsequent irradiation.

E. The proposed programs for satisfying the requirements of Sections V.C. and V.D. shall be reported to the Director of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, for review and approval on an individual case basis at least 3 years prior to the date when the predicted fracture toughness levels will no longer satisfy the requirements of Section V.B.

Appendix H—Reactor Vessel Material Surveillance Program Requirements

Table of Contents

I. Introduction
II. Surveillance Program Criteria
III. Report of Test Results

I. Introduction

The purpose of the material surveillance program required by this appendix is to monitor changes in the fracture toughness properties of ferritic materials in the reactor vessel beltline region of light water nuclear power reactors resulting from their exposure to neutron irradiation and the thermal environment. Under this program, fracture toughness test data are obtained from material specimens exposed in surveillance capsules, which are withdrawn periodically from the reactor vessel. These data will be used as described in Sections IV and V of Appendix G.

II. Surveillance Program Criteria

A. No material surveillance program is required for reactor vessels for which it can be conservatively demonstrated by analytical methods applied to experimental data and tests performed on comparable vessels, making appropriate allowances for all uncertainties in the measurements, that the peak neutron fluence (E<1MeV) at the end of the design life of the vessel will not exceed 10^{17} n/cm^2.

[3] The latest Edition and Addenda permitted by paragraph 50.55a(b) at the time the analysis is made shall be used for the purposes of paragraphs IV.A.1 and IV.A.2.

B. Reactor vessels that do not meet the conditions of paragraph II.A. shall have their beltline materials monitored by a surveillance program complying with ASTM E 185,[1] except as modified by this Appendix. ASTM E 185 was approved for incorporation by reference by the Director of the Federal Register, on May 29, 1973.

1. That part of the surveillance program conducted prior to the first capsule withdrawal shall meet the requirements of the edition of ASTM E 185 that is current on the issue date of the ASME Code to which the reactor vessel was purchased. For each capsule withdrawal, the test procedures and reporting requirements shall meet the requirements of the edition of E 185 in effect on the date of capsule withdrawal, to the extent practical for the configuration of the specimens in the capsule. For any part of the surveillance program, later editions of E 185 may be used instead of the editions previously specified, but including only those editions through 1979.

2. Surveillance specimen capsules shall be located near the inside vessel wall in the beltline region, so that the specimen irradiation history duplicates to the extent practicable, within the physical constraints of the system, the neutron spectrum, temperature history, and maximum neutron fluence experienced by the reactor vessel inner surface. If the capsule holders are attached to the vessel wall or to the vessel cladding, construction and inservice inspection of the attachments and attachment welds shall be done according to the requirements for permanent structural attachments to reactor vessels given in the ASME Code, Sections III and XI. The design and location of the capsules shall permit insertion of replacement capsules. Accelerated irradiation capsules may be used in addition to the required number of surveillance capsules specified in ASTM E 185.

3. Proposed withdrawal schedules shall be submitted with a technical justification therefor to the Director of Nuclear Reactor Regulation for approval. The proposed schedule shall not be implemented without prior approval.

C. An integrated surveillance program may be considered for a set of reactors that have similar design and operating features. The representative materials chosen for surveillance from each reactor in the set may be irradiated in one or more of the reactors, but there must be an adequate dosimetry program for each reactor. No reduction in the requirements for number of materials to be irradiated, specimen types, or number of specimens per reactor is permitted, but the amount of testing may be reduced if the initial results agree with predictions. Integrated surveillance programs must be approved by the Director of Nuclear Reactor Regulation on a case-by-case basis. Criteria for approval include the following considerations:

1. The design and operating features of the reactors in the set shall be sufficiently similar to permit accurate comparisons of the predicted amount of radiation damage as a function of total power output.

2. There shall be adequate arrangements for data sharing between plants.

3. There shall be a contingency plan to assure that the surveillance program for each reactor will not be jeopardized by operation at reduced power level or by an extended outage of another reactor from which data are expected.

4. There shall be substantial advantages to be gained in reduced power outages or personnel exposure to radiation, achieved by not requiring surveillance capsules in all reactors in the set.

III. Report of Test Results

A. Each capsule withdrawal and the results of the fracture toughness tests shall be the subject of a summary technical report to be submitted for approval to the Director of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, within 90 days after completion of testing. The Director shall be notified at least 30 days in advance of the capsule withdrawal, giving the expected date of completion of testing and submittal of report.

B. The report shall include the data required by ASTM E 185, as required by paragraph II.B.1, and the results of all fracture toughness tests conducted on the beltline materials in the irradiated and unirradiated conditions.

C. If a change in the operating pressure-temperature limits given in the Technical Specifications is required, the revised limits shall be submitted with the report, including any changes made in operating procedures required to meet the limits.

* * * * *

(Secs. 103, 104, 161i, Pub. L. 83–703; 68 Stat. 936, 937, 948; Sec. 201, Pub. L. 93–438, 88 Stat. 1242; (42 U.S.C. 2133, 2134, 2201(i), 5841))

Dated at Washington, D.C. this 5th day of November 1980.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-35207 Filed 11-13-80; 8:45 am]

BILLING CODE 7590-01-M

[1] Standard Recommended Practice for Surveillance Tests for Light Water Cooled Nuclear Power Reactor Vessels. Copies may be obtained from the American Society for Testing and Materials, 1916 Race St., Philadelphia, Pa. 19103. Copies will be available for inspection at the Commission's Public Document Room, 1717 H St., NW., Washington, D.C.

federal register

Friday
November 14, 1980

Part VI

Department of Commerce

National Voluntary Laboratory Accreditation Program; Report of Accreditation Actions

DEPARTMENT OF COMMERCE

National Voluntary Laboratory Accreditation Program; Report of Accreditation Actions

AGENCY: Assistant Secretary of Commerce for Productivity, Technology and Innovation.

ACTION: Announcement of the granting of accreditation to laboratories for specific tests on thermal insulation materials, freshly mixed field concrete, and carpet.

SUMMARY: The Department of Commerce announces the granting of accreditation to laboratories named herein which were determined to be competent to perform specific tests on thermal insulation materials, freshly mixed field concrete, and carpet under the National Voluntary Laboratory Accreditation Program (NVLAP). These laboratories are accredited only for the specific tests identified in this notice. Users of these laboratories may verify that a laboratory is accredited for a specific test method by identifying the NVLAP Code for each test method of interest in Table 1 and by consulting the tabulation of test methods for which each laboratory is accredited in Table 2.

TERM: These accreditations were granted during the month of October and are valid for one year, except that an accreditation may be revoked before the expiration date due to violation of the criteria or other conditions of the laboratory's accreditation, or otherwise terminated at the request of the laboratory.

FOR FURTHER INFORMATION CONTACT: Mr. John W. Locke, Coordinator, NVLAP, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230; (202) 377–2054.

SUPPLEMENTARY INFORMATION:

Background

The general and specific crtieria used in determining the competence of laboratories to test thermal insulation materials, freshly mixed field concrete, or carpet were published on January 23, 1980 (45 FR 5572–5600). Applications in response to that notice were received by April 1980. The assessment process for most of the applicant laboratories was completed by early October. The assessment process for the rest of the applicants is expected to be completed by December 1980. The balance of the accreditation actions should be announced by January 1981.

Insulation LAP

The Laboratory accreditation program (LAP) for thermal insulation materials (Insulation LAP or NVLAP–01) has 56 test methods for which accreditation may be sought (see Table 1). A total of 36 laboratories have been accredited to perform one or more of these test methods including 29 renewal accreditations and 7 new accreditations under the Insulation LAP.

Concrete LAP

The LAP for freshly mixed field concrete (Concrete LAP or NVLAP–02) has 7 test methods for which accreditation may be sought (see Table 1). A total of 22 laboratories have been accredited under the Concrete LAP.

Carpet LAP

The LAP for carpet (Carpet LAP or NVLAP–03) has 12 test methods for which accreditation may be sought (see Table 1). A total of 22 carpet laboratories have been accredited under the Carpet LAP.

Accreditation Actions (October 1980)

A total of 71 laboratories were accredited or reaccredited under NVLAP in October 1980. An alphabetical listing of the laboratories showing the NVLAP Codes for the test methods for which each laboratory is accredited is shown in Table 2. This accreditation shall in no way relieve the laboratories from the necessity of observing and being in compliance with any existing Federal, State, and local statutes, ordinances, and regulations that may be applicable to the operations of the laboratory, including consumer protection and antitrust laws.

Dated: November 7, 1980.

Howard I. Forman,

Deputy Assistant Secretary for Product Standards Policy.

Table 1.—*List of Test Methods for Which Accreditation May Be Sought*

NVLAP code	Test method designation	Short title (property) subtitle (if applicable)
Insulation lap:		
01/C01	ASTM C739 (para. 7.7 in 77 version)	Corrosiveness; Cellulosic fiber (loose-fill).
01/C02	HH–I–515 (para. 4.8.5 in D version, Amendment 1).	Corrosiveness; Cellulosic fiber (loose-fill).
01/D01	ASTM C136	Sieve or screen analysis.
01/D02	ASTM C167	Thickness and density; Blanket and batt.
01/D03	ASTM C209 (para. 6 in 72 version)	Thickness; Board (cellulosic fiber).
01/D04	ASTM C209 (para. 13 in 72 version)	Water absorption, 2 hour; Board (cellulosic fiber).
01/D05	ASTM C209 (para. 13 in 72 version) by D1037 (para. 100–106 in 72 version.	Water absorption, 24 hour; Board (cellulosic fiber).
01/D06	ASTM C209 (para. 13 in 72 version) by D1037 (para. 107–110 in 72 version).	Linear expansion; Board (cellulosic fiber).
01/D07	ASTM C272	Water absorption; Core materials.
01/D08	ASTM C302	Density; Preformed pipe insulation.
01/D09	ASTM C303	Density; Preformed block insulation.
01/D10	ASTM C355	Water vapor transmission; Thick materials; Desiccant method.
01/D11	ASTM C356	Linear shrinkage, Soaking heat; Preformed high temperature insulation.
01/D12	ASTM C411	Hot-surface performance; High temperature insulation.
01/D13	ASTM C519	Density; Loose-fill (fibrous).
01/D14	ASTM C520	Density; Granular loose-fill.
01/D15	ASTM D756	Weight and shape changes; Accelerated service (proc. A); Plastics.
01/D16	ASTM D756	Weight and shape changes; Accelerated service (proc. B); Plastics.
01/D17	ASTM D756	Weight and shape changes; Accelerated service (proc. E); Plastics.
01/D18	ASTM D1622	Apparent density; Rigid cellular plastics.
01/D19	ASTM D2126	Response to thermal and humid; Aging (proc. B); Rigid cellular plastics.
01/D20	ASTM D2126	Response to thermal and humid; Aging (proc. D); Rigid cellular plastics.
01/D21	ASTM D2126	Response to thermal and humid; Aging (proc. E); Rigid cellular plastics.
01/D22	ASTM D2126	Response to thermal and humid; Aging (proc. F); Rigid cellular plastics.
01/D23	ASTM D2842	Water absorption; Rigid cellular plastics.
01/D24	ASTM C739 (para. 7.5 in 77 version)	Moisture absorption; Cellulosic fiber (loose-fill).
01/D25	HH–I–515 (para. 4.8.3 in D version, Amendment 1).	Moisture absorption; Cellulosic fiber (loose-fill).
01/D26	HH–I–515 (para. 4.8.1 in D version, Amendment 1).	Settled density; Cellulosic fiber (loose-fill).
01/F01	ASTM D777 (as modified by HH–B–100B)	Flammability; Paper and paperboard.
01/F02	ASTM E84	Surface burning characteristics; Building materials.
01/F05	ASTM E136	Behavior of Materials in a Vertical Tube Furnace.
01/F06	ASTM C739 (para. 10.4 in 77 version)	Flame resistance permanency; Cellulosic fiber (loose-fill).
01/F07	HH–I–515 (para. 4.8.7 in D version, Amendment 1).	Critical radiant flux; Radiant Panel (cellulosic fiber, loose-fill).
01/F08	HH–I–515 (para. 4.8.8 in D version, Amendment 1).	Smoldering combustion; Cellulosic fiber (loose-fill).
01/S01	ASTM C165	Compressive properties; Thermal insulation (proc. A).
01/S02	ASTM C203	Breaking load/flexural strength; Preformed block insulation.
01/S03	ASTM C209 (para. 9 in 72 version)	Transverse strength; Board (cellulosic fiber).
01/S04	ASTM C209 (para. 10 in 72 version)	Deflection at specified load; Board (cellulosic fiber).

Table 1.—*List of Test Methods for Which Accreditation May Be Sought—Continued*

NVLAP code	Test method designation	Short title (property) subtitle (if applicable)
Insulation lap:		
01/S05	ASTM C209 (para. 11 in 72 version)	Tensile strength; Parallel to surface; Board (cellulosic fiber).
01/S06	ASTM C209 (para. 12 in 72 version)	Tensile strength; Perpendicular to surface.
01/S07	ASTM C273	Shear test; Sandwich construction.
01/S08	ASTM C446	Breaking load/modulus of rupture; Preformed pipe insulation.
01/S09	ASTM D781	Puncture test; Paperboard and fiberboard.
01/S10	ASTM D828	Tensile breaking strength; Paper and paperboard.
01/S11	ASTM D1621	Compressive properties; Rigid cellular plastics (proc. A-Crosshead).
01/T01	ASTM C177	Thermal transmission properties; Low-temperature guarded hot plate.
01/T04	ASTM C236	Thermal conductance; Guarded hot box.
01/T05	ASTM C335	Thermal conductivity; Pipe insulation.
01/T06	ASTM C518	Thermal transmission properties; Heat flow meter.
01/T09	ASTM C653	Thermal resistance (Rec. Practice); Blanket (mineral fiber).
01/T10	ASTM C687	Thermal resistance (Rec. Practice); Loose-fill (fibrous).
01/V02	ASTM D591	Starch in paper; Qualitative test.
01/V03	ASTM D2020	Mildew (fungus) resistance; Paper and paperboard.
01/V04	ASTM E96	Water vapor transmission; Thin sheets (proc. A).
01/V05	HH-I-515 (para. 4.8.6 in D version, Amendment 1).	Fungus; Cellulosic fiber (loose-fill).
01/V06	HH-I-515 (para. 4.8.9 in D version, Amendment 1).	Starch; Cellulosic fiber (loose-fill).
Concrete lap:		
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field.
02/M03	ASTM C172	Sampling Fresh Concrete.
02/P01	ASTM C143	Slump of Portland Cement Concrete.
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete.
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method.
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens.
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method.
Carpet lap:		
03/C01	AATCC 16E	Colorfastness to Light (Xenon Arc).
03/C02	AATCC 8	Colorfastness to Crocking.
03/D01	ASTM D418	Methods of Testing Woven and Tufted Pile Floor Coverings: Pile Weight—Uncoated (Para. 10–19). Pile Weight—Coated (Para. 20–29) as modified by UM 44C. Pile Thickness—(Para. 30–36). Tuft Height—(Para. 37–45) as modified by UM 44C.
03/D02	DDD-C-95A	Shrinkage.
03/S01	ASTM D1335	Tuft Bind of Floor Coverings.
	Federal Test Method:	
	Standard 191–5100	Textile Test Method—Breaking Strength.
	Standard 191–5950	Textile Test Method—Delamination.
03/E01	AATCC 134/CRI 102	Electrostatic Propensity of Carpets.
03/F01	ASTM E84	Surface Flammability (Carpet).
03/F02	UL 992	Surface Flammability.
03/F03	DoC FF1-70	Methenamine Pill Test.
03/F04	ASTM E648	Radiant Panel (Carpet).
03/B01	UM 44C, Addendum 3	Attached Cushion Tests.
03/B02	UM 44C, Addenda 2 and 3	Attached Cushion Tests.

[FR Doc. 80-35332 Filed 11-13-80; 8:45 am]

BILLING CODE 3510-13-M

TABLE 2

ALPHABETICAL LIST OF LABORATORIES
SHOWING TEST METHODS FOR WHICH EACH IS ACCREDITED

Aguirre Engineers, Inc. 14 Inverness Drive East Unit 8H Englewood, CO 80112	02/M01, 02/M03, 02/P01, 02/W01, 02/A01, 02/S01, 02/A02
American Admixtures Corp. 5909 N. Rogers Avenue Chicago, IL 60646	02/M01, 02/M03, 02/P01, 02/W01, 02/A01, 02/S01, 02/A02
American Carpet Laboratories, Inc. P.O. Box 357 111 W. Nashville Street Ringgold, GA 30735	03/C01, 03/C02, 03/D01, 03/D02, 03/S01, 03/F03, 03/B01, 03/B02
Armstrong World Industries, Inc. Route 441 Marietta, PA 17547	03/C01, 03/C02, 03/D01, 03/D02, 03/S01, 03/F03
Bigelow-Sanford, Inc. Georgia Rug Mill Quality Control Laboratory Lyerly Street Summerville, GA 30747	03/C01, 03/C02, 03/D01, 03/D02, 03/S01, 03/F03, 03/B01
Bigelow-Sanford, Inc. Technical Services Interstate 85 & White Horse Road Greenville, SC 29602	03/C01, 03/C02, 03/D01, 03/D02, 03/S01, 03/E01, 03/F03, 03/F04, 03/B01
Bowser-Morner Testing Labs, Inc. (Dayton, Ohio Laboratory) 420 Davis Avenue P.O. Box 51 Dayton, OH 45401	02/M01, 02/M03, 02/P01, 02/W01, 02/A01, 02/S01, 02/A02
Bowser-Morner Testing Labs, Inc. (Toledo, Ohio Laboratory) 122 South St. Clair Street P.O. Box 838 Toledo, OH 43696	02/M01, 02/M03, 02/P01, 02/W01, 02/A01, 02/S01, 02/A02
Butler Manufacturing Company Research Center 135th St. and Botts Road Grandview, MO 64030	01/T04, 01/T06

TABLE 2 -- Continued

C. H. Masland & Sons P. O. Box 40 Carlisle, PA 17013	03/C01, 03/C02, 03/D01, 03/D02, 03/S01, 03/F03
Central Ready Mixed Concrete Research & Technical Center 4350 S. 13th Street Milwaukee, WI 53221	02/M01, 02/M03, 02/P01, 02/W01, 02/A01, 02/S01
CertainTeed Corporation, Research & Development Laboratory 1400 Union Meeting Road Blue Bell, PA 19422	01/C02, 01/D01, 01/D02, 01/D08, 01/D09, 01/D13, 01/D25, 01/D26, 01/F01, 01/F05, 01/F07, 01/F08, 01/S01, 01/S08, 01/S09, 01/S10, 01/T01, 01/T04, 01/T05, 01/T06, 01/T09, 01/T10, 01/V04
Certified Testing Laboratories, Inc. 1105 Riverbend Drive P.O. Box 2041 Dalton, GA 30720	01/C02, 01/D25, 01/D26, 01/F07, 01/F08, 01/V06, 03/C01, 03/C02, 03/D01, 03/D02, 03/S01, 03/E01, 03/F03, 03/F04, 03/B02
Chisholm Trail Testing and Engineering Company, Inc. 302 South Miller Street Decatur, TX 76234	03/C01, 03/C02, 03/D01, 03/D02, 03/S01, 03/F03
Commercial Testing Company, Inc. 1215 S. Hamilton Street P.O. Box 985 Dalton, GA 30720	01/C02, 01/D25, 01/D26, 01/F02, 01/F07, 01/F08, 01/T06, 01/V06, 03/C01, 03/C02, 03/D01, 03/D02, 03/S01, 03/F01, 03/F03, 03/F04, 03/B01, 03/B02
Controlled Concrete Methods, Inc. Foot of Main Street Tarrytown, NY 10591	02/M01, 02/M03, 02/P01, 02/W01, 02/A01, 02/S01, 02/A02
Coronet Carpets Cleveland Road P.O. Box 1248 Dalton, GA 30720	03/C01, 03/C02, 03/D01, 03/D02, 03/S01, 03/F03
Donald S. Gilmore Laboratories The Upjohn Company 410 Sackett Point Road North Haven, CT 06473	01/D10, 01/D18, 01/D19, 01/D20, 01/D23 01/S02, 01/S07, 01/S11, 01/T06, 01/V04
DOW Chemical U.S.A. Granville R & D Center Route 16, P.O. Box 415 P.O. Box 515 Granville, OH 43023	01/D07, 01/D10, 01/D18, 01/D19, 01/D20 01/D21, 01/D22, 01/D23, 01/S01, 01/S02 01/S11, 01/T01, 01/T06

TABLE 2 -- Continued

Dynatech R/D Company 99 Erie Street Cambridge, MA 02139	01/C02, 01/D25, 01/D26, 01/T01, 01/T04 01/T05, 01/T06, 01/V06
Dynatherm Engineering 595 Marshan Lane Lino Lakes, MN 55014	01/T04
Engineering Testing Laboratory 1420 Triplett Blvd. -- Bldg. #2 Akron, OH 44306	02/M01, 02/M03, 02/P01, 02/W01, 02/A01, 02/S01
Engineers Testing Laboratories, Inc. P.O. Box 21387 3737 East Broadway Road Phoenix, AZ 85040	02/M01, 02/M03, 02/P01, 02/W01, 02/A01, 02/S01, 02/A02
Evans & Black Carpet Mills, Inc. 1020 Riverbend Drive Dalton, GA 30720	03/C01, 03/C02, 03/D01, 03/D02, 03/S01, 03/F03
Factory Mutual Research Corp. 1151 Boston-Providence Turnpike Norwood, MA 02062	01/C02, 01/D25, 01/D26, 01/F02, 01/F07, 01/F08, 01/V06, 03/F01, 03/F04
Flintkote Stone Products Co. Quality Control Laboratories 10300 Pulaski Highway White Marsh, MD 21162	02/M01, 02/M03, 02/P01, 02/W01, 02/A01, 02/S01, 02/A02
Galaxy Carpet Mills, Inc. Testing Laboratory P.O. Box 800 Industrial Blvd. Chatsworth, GA 30705	03/C01, 03/C02, 03/D01, 03/D02, 03/S01, 03/F03, 03/B02
GARCO Testing Laboratories 41 West Central Avenue P.O. Box 7006 Murray, UT 84107	02/M01, 02/M03, 02/P01, 02/W01, 02/A01, 02/S01, 02/A02
General Testing Laboratories, Inc. 1517 Walnut Street Kansas City, MO 64108	02/M01, 02/M03, 02/P01, 02/W01, 02/A01, 02/S01
Geoscience Ltd. 410 South Cedros Avenue Solana Beach, CA 92075	01/T01

TABLE 2 -- Continued

The H. C. Nutting Company 4120 Airport Road Cincinnati, OH 45226	02/M01, 02/M03, 02/P01, 02/W01, 02/A01, 02/S01
Hardwood Plywood Manufacturers Association 1825 Michael Faraday Drive P.O. Box 2789 Reston, VA 22090	01/F02, 01/F07, 03/F01, 03/F04
Hauser Laboratories 5680 Central Avenue P.O. Box G Boulder, CO 80306	01/C02, 01/D12, 01/D25, 01/D26, 01/F05, 01/F07, 01/F08, 01/T06, 01/T09, 01/T10, 01/V05, 01/V06
Herron Consultants, Inc. 5555 Canal Road Cleveland, OH 44125	02/M01, 02/M03, 02/P01, 02/W01, 02/A01, 02/S01, 02/A02
Independent Textile Testing Service, Inc. P.O. Box 1948 1499 Murray Avenue Dalton, GA 30720	03/C01, 03/C02, 03/D01, 03/D02, 03/S01, 03/E01, 03/F03, 03/F04, 03/B01, 03/B02
INTEST Laboratories, Inc. 2820 Anthony Lane South Minneapolis, MN 55418	01/C02, 01/D25, 01/D26, 01/F07, 01/F08, 01/V06
Jim Walter Research Corp. 10301 9th Street N. St. Petersburg, FL 33702	01/D03, 01/D04, 01/D05, 01/D06, 01/D09, 01/D18, 01/D19, 01/D20, 01/D21, 01/D22, 01/D23, 01/S01, 01/S02, 01/S03, 01/S04, 01/S05, 01/S06, 01/S07, 01/S11, 01/T01, 01/T04, 01/T05, 01/T06
Johns-Manville Sales Corp., R & D Center 10100 W. Ute Avenue P.O. Box 5108 Denver, CO 80217	01/D02, 01/D03, 01/D04, 01/D05, 01/D06, 01/D08, 01/D09, 01/D10, 01/D11, 01/D12, 01/D13, 01/D14, 01/F01, 01/F02, 01/F05, 01/S01, 01/S02, 01/S03, 01/S04, 01/S05, 01/S06, 01/S07, 01/S08, 01/S09, 01/S10, 01/T04, 01/T05, 01/T06, 01/T09, 01/T10, 01/V04
Lander Thermal Conductivity Laboratory 1320 West 28th Street Minneapolis, MN 55408	01/T01, 01/T05,
Louisiana-Pacific Corporation PABCO R & D Laboratory 1110 16th Road Fruita, CO 81521	01/T05

TABLE 2 -- Continued

Materials Testing Consultants, Inc. 693 Plymouth, N.E. Grand Rapids, MI 49505	02/M01, 02/M03, 02/P01, 02/W01, 02/A01, 02/S01, 02/A02
Mohasco Corporation Physical Testing Laboratory 57 Lyon Street Amsterdam, NY 12010	03/C01, 03/C02, 03/D01, 03/D02, 03/S01, 03/E01, 03/F03, 03/F04
NAHB Research Foundation, Inc. 627 Southlawn Lane P.O. Box 1627 Rockville, MD 20850	01/D02, 01/D13, 01/T06, 01/T09
Northern Testing Laboratories, Inc. (Billings, Montana Laboratory) 600 South 25th Street P.O. Box 30615 Billings, MT 59107	02/M01, 02/M03, 02/P01, 02/W01, 02/A01, 02/S01, 02/A02
Northern Testing Laboratories, Inc. (Boise, Idaho Laboratory) 370 Benjamin Lane P.O. Box 7867 Boise, ID 83707	02/M01, 02/M03, 02/P01, 02/W01, 02/A01, 02/S01, 02/A02
Olin Corporation Physical Testing Lab Bldg. 117C 275 S. Winchester Avenue New Haven, CT 06511	01/D18, 01/D19, 01/D21, 01/S07, 01/T06
Owens-Corning Fiberglas Corp. Technical Center Laboratory Route 16, P.O. Box 415 Granville, OH 43023	01/C01, 01/C02, 01/D02, 01/D03, 01/D04, 01/D05, 01/D06, 01/D07, 01/D08, 01/D09, 01/D10, 01/D11, 01/D12, 01/D13, 01/D15, 01/D16, 01/D17, 01/D18, 01/D19, 01/D20, 01/D21, 01/D22, 01/D23, 01/D24, 01/D25, 01/D26, 01/F01, 01/F02, 01/F05, 01/F07, 01/F08, 01/S01, 01/S02, 01/S03, 01/S04, 01/S05, 01/S06, 01/S07, 01/S08, 01/S09, 01/S10, 01/S11, 01/T01, 01/T04, 01/T05, 01/T06, 01/T09, 01/T10, 01/V02, 01/V03, 01/V04, 01/V05, 01/V06
Owens-Corning Fiberglas Corp. (Barrington, NJ Plant Laboratory) Route 16, P.O. Box 415 Granville, OH 43023	01/D02, 01/D09, 01/T06

TABLE 2 -- Continued

Owens-Corning Fiberglas Corp. (Delmar, NY Plant Laboratory) Route 16, P.O. Box 415 Granville, OH 43023	01/D02, 01/T06
Owens-Corning Fiberglas Corp. (Fairburn, GA Plant Laboratory) Route 16, P.O. Box 415 Granville, OH 43023	01/D02, 01/T06
Owens-Corning Fiberglas Corp. (Kansas City, Kansas Plant Laboratory) Route 16, P.O. Box 415 Granville, OH 43023	01/D02, 01/D09, 01/T06
Owens-Corning Fiberglas Corp. (Newark, Ohio Plant Laboratory) Route 16, P.O. Box 415 Granville, OH 43023	01/D02, 01/D09, 01/T06
Owens-Corning Fiberglas Corp. (Santa Clara, CA Plant Laboratory) Route 16, P.O. Box 415 Granville, OH 43023	01/D02, 01/D09, 01/T06
Owens-Corning Fiberglas Corp. (Waxahachie, Texas Plant Laboratory) Route 16, P.O. Box 415 Granville, OH 43023	01/D02, 01/D09, 01/T06
Portland Cement Association Construction Technology Laboratories 5420 Old Orchard Road Skokie, IL 60077	02/M01, 02/M03, 02/P01, 02/W01, 02/A01, 02/S01, 02/A02
Shaw Industries, Inc. Quality Control Laboratory P.O. Drawer 2128 Dalton, GA 30720	03/C01, 03/C02, 03/F03
Southwestern Laboratories 222 Cavalcade P.O. Box 8768 Houston, TX 77009	02/M01, 02/M03, 02/P01, 02/W01, 02/A01, 02/S01, 02/A02
Sparrell Engineering Research Corp. Bristol Road P.O. Box 130 Damariscotta, ME 04543	01/T01, 01/T04, 01/T06

TABLE 2 -- Continued

Technical Micronics Control, Inc. 210 Wynn Drive P.O. Box 1330 Huntsville, AL 35805	01/C02, 01/D26, 01/F07, 01/F08, 01/T01, 01/T06, 01/V05, 03/F04
Testing Engineers, Inc. P.O. Box 24075 Oakland, CA 94623	02/M01, 02/M03, 02/P01, 02/W01, 02/A01, 02/S01, 02/A02
Testing Engineers, Inc. 401 Aldo Avenue Santa Clara, CA 95050	02/M01, 02/M03, 02/P01, 02/W01, 02/A01, 02/S01, 02/A02
Texas Testing Laboratories, Inc. 1526 S. Good-Latimer Exp. P.O. Box 2144 Dallas, TX 75221	02/M01, 02/M03, 02/P01, 02/W01, 02/A01, 02/S01, 02/A02
Thermtron Research Laboratory 11400 Bluffton Road P.O. Box 9146 Fort Wayne, IN 46809	01/C02, 01/D26, 01/F07, 01/F08
Trend/Roxbury Divisions of WWG Industries, Inc. P.O. Box 162 Redmond Road Rome, GA 30161	03/C01, 03/C02, 03/D01, 03/D02, 03/S01, 03/F03, 03/B02
Twin City Testing & Engineering Laboratory, Inc. 662 Cromwell Avenue St. Paul, MN 55114	01/D10, 01/D18, 01/T04
Underwriters Laboratories, Inc. 333 Pfingsten Road Northbrook, IL 60062	01/C01, 01/C02, 01/D01, 01/D02, 01/D03, 01/D04, 01/D05, 01/D06, 01/D08, 01/D09, 01/D13, 01/D14, 01/D18, 01/D24, 01/D25, 01/D26, 01/F02, 01/F06, 01/F07, 01/F08, 01/S02, 01/S03, 01/S04, 01/S05, 01/S06, 01/S08, 01/S11, 01/T06, 01/T09, 01/T10, 01/V02, 01/V03, 01/V05, 01/V06, 03/F01, 03/F02, 03/F03, 03/F04
Underwriters Laboratories, Inc. (Santa Clara, California Laboratory) 333 Pfingsten Road Northbrook, IL 60062	01/D13, 01/D26, 01/F02, 01/F07

BILLING CODE 3510-13-C

TABLE 2 -- Continued

U.S. Testing Company, Inc. 1415 Park Avenue Hoboken, NJ 07030	01/C02, 01/D10, 01/D25, 01/D26, 01/F02, 01/F05, 01/F07, 01/F08, 01/T06, 01/V04, 01/V05, 01/V06, 02/M01, 02/M03, 02/P01, 02/W01, 02/A01, 02/S01, 02/A02, 03/C01, 03/C02, 03/D01, 03/D02, 03/S01, 03/F01, 03/F03, 03/F04, 03/B02
U.S. Testing Company, Inc. California Branch Laboratory 1415 Park Avenue Hoboken, NJ 07030	01/C02, 01/D18, 01/D21, 01/D25, 01/D26, 01/F02, 01/F05, 01/F07, 01/F08, 01/S11, 01/V04, 01/V06, 03/C01, 03/C02, 03/D01, 03/D02, 03/S01, 03/F01, 03/F03, 03/F04, 03/B01
U.S. Testing Company, Inc. Tulsa Branch Laboratory 1415 Park Avenue Hoboken, NJ 07030	01/C02, 01/D10, 01/D18, 01/D25, 01/D26, 01/F08, 01/V05, 01/V06
World Carpets, Inc., R & D One World Plaza Dalton, GA 30720	03/C01, 03/C02, 03/D01, 03/D02, 03/S01, 03/F03

federal register

Friday
November 14, 1980

Part VII

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determination, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State:

Arizona	AZ80-5116	June 13, 1980.
Georgia	GA80-1066	Apr. 25, 1980.
Hawaii	HI80-5134	Oct. 3, 1980.
Nevada	NV80-5100	Feb. 1, 1980.
	NV79-5131	Aug. 31, 1979.
New Jersey	NJ79-3029	Jan. 4,, 1980.
Oklahoma	OK80-4067	July 25, 1980.
Pennsylvania	PA80-3026	Apr. 11, 1980.
	PA80-3055	Oct. 3, 1980.
Wisconsin	WI80-2013	Apr. 2, 1980.
	WI80-2029	Apr. 25, 1980.
	WI80-2039	May 23, 1980.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama..... AL79-1081 (AL80-1120)..... May 11, 1979.

Cancellation of General Wage Determination Decisions

This is to advise all interested parties that the Department of Labor intends to withdraw 14 days from the date of this notice the following general wage determination:

FL80-1041, Suwannee County, Florida—Building Construction in 45 FR 1344 dated January 4, 1980.

The general wage decision listed below is cancelled:

WA80-5125, Clallam, King, Kitsap, Pierce, Snohomish and Thurston Counties, Washington—Residental Construction in 45 FR 56302 dated August 22, 1980.

Agencies with construction projects pending to which the cancelled decision would have been applicable should utilize the project determination procedure by submitting Form SF-308. See Regulations Part 1 (29 CFR), § 1.5

Signed at Washington, D.C., this 7th Day of November 1980.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

DECISION NO.AZ80-5116, Mod. #2 (45 FR 40424 - June 13, 1980)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
STATEWIDE ARIZONA					
ADD:					
UNDER ELECTRICIANS AREA 2:					
AREA & ZONE DEFINITIONS:					
Area 2: Coconino County; Navajo County (north and west of a boundary line beginning at a point where Clear Creek crosses the Coconino/Navajo County Line and then extending in a northeasterly direction along Clear Creek and northeasterly to Cottonwood Wash, along Cottonwood Wash extending northeasterly to where it intersects the Navajo Indian Reservation, then easterly along the Navajo Indian Reservation boundary line to a point where it intersects the Navajo/Apache County Line)					
ELECTRICIANS-TECHNICIANS-CABLE SPLICERS					
ZONE A 5 Miles North-South, East & West of the Post Offices of Williams, Sedona & Winslow	$14.55	.96	3%+.88		½%
ZONE B Remainder of Area 2 Not Covered by Zone A	17.67	.96	3%+.88		½%

DECISION #AZ80-5116 - MOD #2 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Ironworkers:					
Northern Area	$17.10	1.54	2.57		.11
Southern Area	14.35	1.54	2.57		.11
Elevator Constructors:					
Elevator Constructors	14.88	1.045	.82		.035
Sheet Metal Workers:					
Area 1					
Zone 1	14.68	1.05	1.68		.13
Zone 2	15.93	1.05	1.68		.13
Zone 3	18.68	1.05	1.68		.13
Area 2					
Zone A	13.44	1.20	1.92		.07
Zone B	14.66	1.20	1.92		.07
Zone C	17.32	1.20	1.92		.07
DECISION NO. GA80-1066 - Mod. #5 (45 FR 28062 - April 25, 1980) Clayton, DeKalb & Fulton Counties, Georgia					
CHANGE:					
Glaziers	$12.00	.90	.63		.11
Plumbers & Pipefitters	12.65	1.00	.85		.11

DECISION #HI 80-5134 Mod. #2
(45 FR 65879 October 3, 1980

STATEWIDE, HAWAII

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$11.48	1.30	2.00		.15
Elevator Constructors	15.63	1.195	.95	a	.035
Ironworkers	12.00	1.05	1.15	1.40	.12
Marble Setters and Tile Layers; Terrazzo Workers	11.52	1.30	2.00		.15
Terrazzo Base Grinders	10.31	1.30	2.00		.15
Terrazzo Floor Grinders	9.22	1.30	2.00		.15
Roofers	12.45	1.15	1.70	.50	.15
Truck Drivers:					
Flatbed	9.53	1.35	2.80	.90	.10
Dump, 8 yards and under; Water Truck (up to and including 2000 gallons)	9.80	1.35	2.80	.90	.10
Water Truck (over 2000 gallons)	10.11	1.35	2.80	.90	.10
Semi-Trailer or Semi-Dump	10.76	1.35	2.80	.90	.10
Slip-in or Pup	11.08	1.35	2.80	.90	.10
End Dumps, unlicensed (Euclid, Mack, Caterpillar or Similar); Tractor (hauling equipment)	11.19	1.35	2.80	.90	.10
Power Equipment Operators Group 9-A should read: Dozers; Heavy Duty Repairman or Welder; Push Cats; Scrapers; Self-Propelled Compactor with Dozer; Sheep Foot; Tractors; Tractors (with boom, larger than D-6 and similar)					

DECISION #NV80-5100 - Mod. #5
(45 FR 7451 -February 1, 1980)
Statewide (does not include the Nevada Test Site and Tonopah Test Range, and Highway Construction in Douglas County), Nevada

Change:
Power Equipment Operators:
(Except Piledriving and Steel Erection):
Area 2: Area between 50 and 150 road miles of the Washoe County Courthouse

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.

DECISION NO. NV79-5131 -
Mod. #4
(44 FR 51501 - Aug. 31,1979)

Washoe County, Nevada

Omit:
All Power Equipment Operators Schedules

Add:
All Power Equipment Operators Schedules
(See attached schedules)

DECISION NO. NV79-5131 (Cont'd)

	AREA 1	AREA 2	AREA 3		
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
(Except Piledriving and Steel Erection):					
Group 1-A	$11.64	$12.89	$13.39		
Group 2	12.08	13.33	13.83		
Group 3	12.31	13.56	14.06		
Group 4	12.93	14.18	14.68		
Group 5	13.18	14.43	14.93		
Group 6	13.32	14.57	15.07		
Group 7	13.53	14.78	15.28		
Group 8	14.02	15.27	15.77		
Group 9	14.29	15.54	16.04		
Group 10	14.59	15.84	16.34		
Group 10-A	14.74	15.99	16.49		
Group 11	14.95	16.20	16.70		
Group 11-A	16.31	17.56	18.06		

FRINGE BENEFITS:

Health and Welfare	$2.14
Pensions	2.75
Vacation	1.87
Apprenticeship Tr.	0.08

AREA DEFINITIONS:

Area 1: Area within 50 road miles of either the Carson City Courthouse or the Washoe County Courthouse
Area 2: Area between 50 and 150 road miles of the Washoe County Courthouse
Area 3: Area not included in Areas 1 or 2

DECISION NO. NV79-5131 (Cont'd)

Group 1-A: Brakeman; Deckhand; Fireman; Oiler; Switchman; Tar Pot Fireman

Group 2: Compressor; Material Loader and/or Conveyor (handling building materials); Pumps; Tar Pot Fireman (power agitated)

Grup 3: Box Operator (bunker); Concrete Curing Machine (streets, highways, airports, canals); Conveyor Belt (tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Mixer Box Operator (concrete plant); Motorman; Oiler (truck crane); Rotomist; Screedman (except asphalt or concrete paving); Bobcat or similar Loader, 1/4 cu. yd. or less

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper (multi-purpose); Boxman (asphalt plant); Concrete Mixer, skip type; Dinky; Fork Lift (construction jobsite); Line Master; Ross Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer

Group 5: Concrete Mixer (over 1 cu. yd.); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Shuttle Car; Signalman; Screedman (Barber-Greene and similar) (asphalt or concrete paving)

Group 6: Boom Truck or Dual Purpose "A" Frame Truck; B.L.H. Lima Road Pactor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports, canals); Highline Cableway Signalman; Locomotive (over 30 tons); Lubrication and Service Engineer (mobile and grease rack); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, Curb and/or Curb and Gutter Machine (concrete or asphalt); Pavement Breaker, truck mounted, with compressor combination; Pavement Breaker or Tamper (with or without compressor combination); Power Jumbo (setting slip-forms, etc., in tunnels); Roller (except asphalt); Self-propelled Tape Machine; Self-propelled Compactor (single engine); Slip Form Pump (power-driven by hydraulic, electric, air, gas, etc., lifting device for concrete forms); Small rubber-tired tractors; Snooper Crane, Paxton-Mitchell or similar; Stationary Pipe wrapping, cleaning and bending Machine; Auger-type drilling equipment up to and including 30 ft. depth drilling capacity M.R.C.

DECISION NO. NV79-5131 (Cont'd)

Group 7: Bit Sharpener; Compressor (over 2); Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Deck Engineer; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Crusher Plant Engineer; Generators; Kolman Loader; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (Asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe cleaning Machines (tractor propelled and supported); Pipe wrapping machines (tractor (propelled and supported); Portable Crushing and Screening Plants; Pumps (over 2); Refrigeration Plants; Roller Operator (asphalt); Self-propelled Boom-type lifting device (center mount) (10 ton capacity or less); Slusher; Soil Tester (certified); Surface Heater and Planer; Trenching Machine (maximum digging capacity 3 ft. depth); Post Driller and/or Driver; Auger-type drilling equipment over 30 ft. depth digging capacity M.R.C.

Group 8: Asphalt Milling Machine; Asphalt Plant Engineer; Car Passer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor; Concrete Batch Plant (multiple units); Dozer; Drill Doctor; Elevating Grader; Gradesetter, Grade Checker; Grooving and Grinding Machine (highways); Heavy-duty Repairman and/or Welder; Ken-seal; Loader (up to and including 2½ cu. yds.); Mechanical Trench Shield; Mixermobile; Push Cats; Road Oil Mixing Machine (Wood-mixer and other similar Pugmill equipment); Rubber-tired earth-moving equipment (up to and including 35 cu. yds. "struck" M.R.C., Euclid, T-pulls, DW's 10, 20, 21 and similar); Self-propelled Compactor with Dozer; Hyster 450 or Cat 825 or similar; Sheepfoot; Small Tractor (with boom); Soil Stabilizer (P & H or equal); Timber Skidder (rubber-tired or similar equipment); Tractor-drawn scraper; Tractor; Tractor-mounted compressor drill combination; Trenching Machine (over 3 ft. depth); Tri-batch Paver; Tunnel Badger or Tunnel Boring Machine; Tunnel Mole Boring Machine; Vermeer T-600B Rock Cutter

Group 9: Chicago Boom; Combination Backhoe and Loader (up to and including 3/8 yds.); Combination Mixer and Compressor (Gunite); Lull Hi-lift (20 ft. or over); Mucking Machine; Subgrader (Gurries or other types); Tractor (with boom) (D6 or larger); Track-laying-type earthmoving machine (single engine with tandem scrapers)

DECISION NO. NV79-5131 (Cont'd)

Group 10: Boom-type Backfilling Machine; Bridge Crane; Carylift or similar; Chemical Grouting Machine; Derricks; Derrick Barges (except excavation work); Euclid Loader and similar types; Heavy-duty Rotary Drill Rigs; Lift-slab (Vagtborg and similar types); Loader (over 2½ cu. yds. up to and including 4 cu. yds.); Locomotive (over 100 tons) (single or multiple units); Multiple-engine Earth-moving Machines (Euclid, Dozers, etc); Pre-stress Wire-wrapping Machines; Rubber-tired Scraper, self-loading; Single-engine Scraper (over 35 cu. yds.); Self-propelled reservoir-debris equipment floating (200 H.P. and over); Shuttle Car (reclaim station); Train Loading Station; Trenching Machine, multi-engine with sloping attachments (Jefco or similar); Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons)

Group 10-A: Backhoe (up to and including 1 cu. yd. hydraulic); Backhoe (up to and including 1 cu. yd. cable); Cranes (not over 25 tons) (Hammerhead and Gantry); Grade-alls (up to and including 1 cu. yd.); Motor Patrol; Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.); Rubber-tired Scraper, self-loading (twin-engine); Self-propelled boom-type lifting device (center mount)(over 10 tons up to and including 25 tons); CMI Dual-lane, Auto-grades SP300 and similar

Group 11: Automatic Asphalt or Concrete Slip-form Paver; Automatic Railroad Car Dumper; Canal Trimmer; Cary Lift, Campbell or similar; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 cu. yds. up to and including 12 cu. yds.); Multiple-engine Scraper (when used to push pull); Power Shovels, Clamshells, Draglines, Backhoes, Gradealls (over 1 cu. yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled Compactor (with multiple-propulsion power units); Self-propelled boom-type lifting device (over 25 tons M.R.C.); Single-engine Rubber-tired earthmoving machine (with tandem Scraper); Slip Form Paver (concrete or asphalt); Tandem Cats and Scrapers; Tower Crane Mobile (including rail-mounted); Universal Liebher and Tower Cranes(and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Cranes (over 25 tons); Euclid Loader when controlled from the Pullcat

Group 11-A: Bank Wagons (in conjunction with wheel excavators); Loader (over 12 cu. yds.); Multi-engine earthmoving equipment (over 75 cu. yds. "struck" M.R.C.); Operator of Helicopter (when used in construction work); Power Shovels, Clamshells, Draglines, Backhoes, and Gradealls (over 7 cu. yds. M.R.C.); Remote-controlled earthmoving equipment; Wheel Excavator (over 750 cu. yds. per hour)

DECISION NO. NV79-5131 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Piledriving:					
Remaining Counties:					
Group 1	$11.63	$2.14	$2.75	$1.87	.08
Group 1-A	12.04	2.14	2.75	1.87	.08
Group 1-B	12.29	2.14	2.75	1.87	.08
Group 2-A	12.29	2.14	2.75	1.87	.08
Group 2-B	12.98	2.14	2.75	1.87	.08
Group 2-C	13.37	2.14	2.75	1.87	.08
Group 2-D	13.19	2.14	2.75	1.87	.08
Group 3	13.55	2.14	2.75	1.87	.08
Group 3-A	14.07	2.14	2.75	1.87	.08
Group 4	14.73	2.14	2.75	1.87	.08
Group 5	14.94	2.14	2.75	1.87	.08
Group 6	16.31	2.14	2.75	1.87	.08
Steel Erection:					
Remaining Counties:					
Group 1	12.20	2.14	2.75	1.87	.08
Group 2	12.65	2.14	2.75	1.87	.08
Group 3	13.88	2.14	2.75	1.87	.08
Group 4	14.05	2.14	2.75	1.87	.08
Group 4-A	14.42	2.14	2.75	1.87	.08
Group 5	15.02	2.14	2.75	1.87	.08
Group 6	15.54	2.14	2.75	1.87	.08
Group 7	15.90	2.14	2.75	1.87	.08
Group 8	16.25	2.14	2.75	1.87	.08
Group 9	17.51	2.14	2.75	1.87	.08

DECISION NO. NV79-5131 (Cont'd)

Piledriving

Group 1: Fireman; Oilman; Deckhand

Group 1-A: Compressor Operator

Group 1-B: Truck Crane Oiler

Group 2-A: Operator of Tugger Hoist (hoisting material only)

Group 2-B: Fork Lift Operator

Group 2-C: A-Frames

Group 2-D: Compressor Operator (over 2); Generator Operator; Pump Operator (over 2); Welding Machine Operator (powered other than by electricity)

Group 3: Deck Engineer; Self-propelled boom-type lifting device (center mount) (10 ton capacity or less M.R.C.)

Group 3-A: Heavy-duty Repairman/Welder

Group 4: Operating Engineer in lieu of Assistant to Engineer tending Boiler or Compressor attached to Crane Piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges; Operator of diesel or gasoline powered Crane Piledriver (without boiler) (up to and including 1 cu. yd. rating); Self-propelled boom-type lifting device (center mount)(over 10 tons up to and including 25 tons); Truck Crane Operator (up to and including 25 tons (hoisting material only)

Group 5: Operator of diesel or gasoline powered Crane Piledriver (without boiler) (over 1 cu. yd. rating); Operator of Crane (with steam, Flash boiler, pump or compressor attached); Operator of steam-powered Crawler, or Universal-type driver (Raymond or similar type); Truck Crane Operator (over 25 tons)(hoisting material or performing piledriving work); Self-propelled boom-type lifting device (center mount) (over 25 tons); Truck-mounted hydraulic Crane when remote-control equipped (over 10 tons up to and including 25 tons)

Group 6: Cranes (over 125 tons)

DECISION NO. NV79-5131 (Cont'd)

Steel Erection

Group 1: Oiler

Group 2: Compressor Operator; Generator, gasoline or diesel driven (100 K.W. or over) (Structural steel or tank erection only); Truck Crane Oiler

Group 3: Compressors, Generators and/or Welding Machines or combination (2 to 6) (structural steel or tank erection only); Deck Engineer; Signalman (using mechanical equipment); Forklift

Group 4: Heavy-duty Repairman; Tractor Operator

Group 4-A: Combination Heavy-duty Repairman/welder

Group 5: Boom Truck or Dual Purpose A-Frame Truck; Boom Cat; Chicago Boom; Crawler Cranes and Truck Cranes (15 tons m.r.c. or less); Self-propelled boom-type lifting device (center mount) (10 ton capacity or less m.r.c.); Single drum hoist; Tugger Hoist

Group 6: Cary Lift, Campbell or similar; Crawler Cranes and Truck Cranes (over 15 tons m.r.c.); Derricks; Gantry Rider (or similar equipment); Highline Cableway; Self-propelled boom-type lifting device (center mount) (over 10 tons up to and including 25 tons); Tower Cranes Mobile; Universal Liebher and Tower Cranes (and similar types); Two or more drum Hoist

Group 7: Self-propelled boom-type lifting device (center mount) (over 25 tons); Truck-mounted hydraulic Crane when remote-control equipped (over 10 tons up to and including 25 tons)

Group 8: Cranes (over 125 tons)

Group 9: Operator of Helicopter

DECISION NO. NJ79-3029 - MOD. #6 (44 FR 1350 - January 4, 1980) Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren Counties, New Jersey	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BOILERMAKERS:					
Journeyman	$13.34	8%	20%+.25	10%	.02
Helper	12.81	8%	20%+.25	10%	.02
BRICKLAYERS					
Zone 5	12.20	1.00	.95		
CARPENTERS					
Zone 5					
Carpenters & Insulators	12.57	8%	7%		.005%
Millwrights	12.82	8%	7%		.005%
ELECTRICIANS					
Zone 5	15.35	12%	9%+.58		.75%
Zone 11	15.00	14%	9%		.02
LABORERS, BUILDING CONSTRUCTION					
Zone 6					
Laborers, Air Tool Operators, Mason Tenders, Mortar Mixers, & Pipelayers (concrete and clay)	8.50	.75	1.25		.10
LINE CONSTRUCTION (excluding railroad construction)					
Zone 2					
Lineman & Equipment Operator	15.70	7%	10%		.75%
Cable Splicer	16.77	7%	10%		.75%
Zone 4					
Linemen, Cablesplicers, Line Equipment Operators & Groundmen	14.88	7%	6%+1.50		.75%
Zone 7					
Linemen & Equipment Operators	15.30	8%	3%+1.00		.75%
Groundmen & Line Truck Operators	13.46	8%	3%+1.00		.75

DECISION NO. NJ79-3029
CONT'D

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Zone 10					
Linemen, Cable Splicers & Groundmen	15.05	7%	3%+1.90		.75%
Zone 11	15.05	7%	3%+1.90		.02
Zone 12					
Linemen, Cablesplicers & Equipment Operators	15.00	14%	7%		.75%
Groundmen Winch Operators	14.10	14%	7%		.75%
LINE CONSTRUCTION: (Railroad work only):					
All Counties:					
Linemen	12.75	11%	8.7%		.2%
Line Equipment Operator	12.18	11%	8.7%		.2%
Groundman Winch & Groundman Truck Operator	9.82	11%	8.7%		.2%
Groundman	8.31	11%	8.7%		.2%
Dynamite Man	10.67	11%	8.7%		.2%
Transit Man	12.56	11%	8.7%		.2%
Street Light Mechanic	9.75	11%	8.7%		.2%
MARBLESETTERS, TERRAZZO WORKERS & TILESETTERS:					
Zone 1	12.45	.95	.75		.03
SHEET METAL WORKERS:					
Hunterdon County	12.63	3%+1.33	1.04		.04

DECISION #OK80-4067-Mod. #1
45 FR 49834-July 25, 1980
Latimer, Leflore, Haskell, Sequoyah and Pushmataha Counties, Oklahoma

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$13.95	.55	.90		.03
CARPENTERS:					
AREA II					
Carpenters	9.80	.55	.85		.05
Millwrights & Piledrivermen	11.15	.55	.85		.05
PAINTERS:					
Brush & roller	10.55		.40	.20	.10
Highwork and stage	11.15		.40	.20	.10
Sandblasting & spray painting	11.40		.40	.20	.10
Hot or bituminous	12.55		.40	.20	.10
POWER EQUIPMENT OPERATORS:					
Group I	13.20	.70	.75		.12
Group II	12.70	.70	.75		.12
Group III	12.20	.70	.75		.12
Group IV	11.95	.70	.75		.12
Group V	11.70	.70	.75		.12
Group VI	11.45	.70	.75		.12
Group VII	11.20	.70	.75		.12
Group VIII	10.20	.70	.75		.12

DECISION NO. PA80-3026
MOD. NO. 5
(45 FR 25017 - April 11, 1980)
Lehigh County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Bricklayers & Stonemasons	$11.30	1.00	1.25		.01
Ironworkers:					
Structural	13.45	1.34	1.36		
Reinforcing	13.45	1.34	1.36		
Ornamental	13.45	1.34	1.36		
Lathers	11.61	.65	.35		.01
Line Construction:					
Linemen & Cable Splicers	12.67	.60	3%		3/8%
Groundman	7.55	.60	3%		3/8%
Winch truck operators	8.86	.60	3%		3/8%
Marble Setters	10.35	1.00	1.15		
POWER EQUIPMENT OPERATORS:					
Group 1	13.40	7.9%	10.3%	a	1.8%
Group 2	13.11	7.9%	10.3%	a	1.8%
Group 3	12.24	7.9%	10.3%	a	1.8%
Group 4	11.47	7.9%	10.3%	a	1.8%
Group 5	11.00	7.9%	1.03%	a	1.8%
Group 6	10.09	7.9%	10.3%	a	1.8%
Group 7	13.65	7.9%	10.3%	a	1.8%
Group 7-A	13.90	7.9%	10.3%	a	1.8%
Group 7-B	14.14	7.9%	10.3%	a	1.8%
Plumbers	13.53	.85	1.40		.14
Steamfitters	13.56	.80	1.45		.11
Terrazzo Workers	10.60	1.00	1.15		
Tile Setters	10.35	1.00	1.15		

DECISION NO. PA80-3055
MOD. NO. 1
(45 FR 65902 - October 3, 1980)
Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos Workers					
Zone 1	$13.21	1.00	1.35		.08
Bricklayers:					
All Other Work:					
Zone 1	12.38	1.10	1.25		.02
Zone 3	12.21	1.07	1.45		.01
Dry Wall Finishers:					
All Other Work	11.03	1.91	.75	1.00	.03
Electricians:					
Zone 2					
Commercial	14.84	5%	9%		1.5%
Ironworkers					
Zone 1	12.20	1.34	2.86	1.05	.05
Zone 2	12.95	1.34	1.36		.05
Line Construction:					
Zone 1					
Linemen	14.38	.60	3%		1%
Groundman	8.57	.60	3%		1%
Winch truck op.	10.03	.60	3%		1%
POWER EQUIPMENT OPERATORS:					
Group 1	13.71	7.9%	10.3%	a	1.8%
Group 2	13.45	7.9%	10.3%	a	1.8%
Group 3	12.58	7.9%	10.3%	a	1.8%
Group 4	12.37	7.9%	10.3%	a	1.8%
Group 5	12.06	7.9%	10.3%	a	1.8%
Group 6	11.89	7.9%	10.3%	a	1.8%
Group 7	11.38	7.9%	10.3%	a	1.8%
Group 8	10.64	7.9%	10.3%	a	1.8%
Pointer, Caulkers and Cleaners	12.78	1.00	1.10		
Plumbers					
Zone 1	13.93	.85	1.40		.14
Steamfitters					
Zone 1	13.96	.80	1.45		.11

PAGE 2

DECISION NO. PA80-3055
MOD. NO. 1, CONT'D

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Soft Floor Layers: Rehabilitation work to include demolition, repair, and alteration, on any existing structure of not more than four (4) stories which is intended for predominently residential use	9.08	2.63	1.40		.11
Stonemasons					
Zone 2	12.21	1.07	1.45		.01
Truck Drivers:					
Building Construction:					
Class I	9.50	.9175	.975	a+b	
Class II	9.60	.9175	.975	a+b	
Class III	9.80	.9175	.975	a+b	
Truck Drivers:					
Site Preparation, Paving and Utilities:					
Class I	9.35	.9175	.975	a+b	
Class II	9.45	.9175	.975	a+b	
Class III	9.65	.9175	.975	a+b	

DECISION NO. WI80-2013 - MOD. #3
(45 FR 23282 - April 2, 1980)
Milwaukee, Ozaukee, Washington and Waukesha Counties, Wisconsin

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Elevator Constructors	$14.48	1.195	.82	a+b	.035
Soft Floor Layers	12.13	1.35	1.15	.51	.08
Add:					
Elevator Constructor Helper	10.14	1.195	.82	a+b	.035
Insulator	11.63	1.35	1.15	.51	

DECISION NO. WI80-2029 - MOD. #1 (45 FR 28075 - April 25, 1980) Barron, Dunn, Polk, and St. Croix Counties, Wisconsin	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$14.68	.60	1.00		.15
Boilermakers	13.87	1.375	1.10		.05
Bricklayers	11.40	.85	.60		.04
Carpenters:					
Carpenters	11.72	.60	.80		.05
Millwrights & Pile-drivermen	12.12	.60	.80		.05
Cement Masons	11.40	.85	.60		.04
Electricians	13.55	5%	3%		¼%
Ironworkers	12.95	.85	.90		.04
Laborers: General, Mason Tenders	9.58	.55	.50		.02
Mortar Mixer, Plasterer Laborer, Air Spade & Air Hammer Operator	9.73	.55	.50		.02
Jackhammer Operator	9.83	.55	.50		.02
Painters:					
Brush	10.90		.15	5%	
Structural Steel & Swing Stage	11.15		.15	5%	
Sandblaster & Spray	11.40		.15	5%	
Plumbers	12.47	.75	.75	1.50	
Roofers	12.32		3%		
Sheet Metal Workers	12.99	.75	.60		.06

DECISION NO. WI80-2039 - MOD. #2 (45 FR 35152 - May 23, 1980) Calumet, Fond Du Lac, Manitowoc, Outagamie and Sheboygan Cos., Wisconsin	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$13.51	1.05	.50	1.00	.10
Boilermakers	13.87	1.375	1.10		.05
Bricklayers & Tile Setters	11.35	.85	.85		.05
Carpenters: (for all counties)	11.67	.60	.80		.05
Milwrights & Pile-drivermen	12.07	.60	.80		.05
Cement Masons	10.85	.85	.85		.05
Electricians:					
Calumet & Outagamie Cos.	13.50	.80	4%		1.5%
Manitowoc	13.45	.75	3%		1.5%
Ironworkers:					
Western Part of Fond Du Lac and Outagamie	12.31	1.25	1.00		.07
Remainder of the Area	12.06	1.30	1.00	1.21	.15
Laborers:					
General & Air Space Op.	9.61	.55	.50		.03
Mason Tender, Plasterer Laborer	9.71	.55	.50		.03
Mortar Mixer, Air Hammer and Jack Hammer Operators	9.86	.55	.50		.03
Painters:					
Fond Du Lac, Outagamie & Northwest corner of Calumet Counties -					
Brush	11.35	.85	.25		.03
Spray	11.85	.85	.25		.03
Manitowoc and the remainder of Calumet Cos.	10.20				
Brush	10.70				
Sheboygan County:					
Brush and Drywall Finishing	9.50	.50	.30	.40	
Spray	10.00	.50	.30	.40	

DECISION NO. WI80-2039 - CONT'D

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plasterer	11.35	.85	.85		.05
Plumbers & Steamfitters:					
Outagamie Co. and the Northwestern Corner of Calumet County	13.70	1.00	1.11		.05
Manitowoc and the Northeastern part of Calumet County	13.83	.85	1.12		.05
Fond Du Lac, Sheboygan and the remainder of Calumet Cos.	12.33	.80	1.47	1.08	.03
Roofers:					
Calumet, Manitowoc, and Sheboygan Cos.	12.13	.57	.05		
Fond Du Lac County	10.60	1.40	.65		
Outagamie County	9.83	.80	.65	.45	
Sheet Metal Workers:					
Outagamie County	12.31	.85	.72	1.78	.04
Remainder of Counties	12.34	1.00	1.10	1.32	.04

[FR Doc. 80-35364 Filed 11-13-80; 8:45 am]

BILLING CODE 4510-27-C

SUPERSEDEAS DECISION

STATE: ALABAMA

COUNTIES: COLBERT, FRANKLIN, LAUDERDALE, LAWRENCE, MARION, & WINSTON.

DECISION NUMBER: AL80-1120 DATE: DATE OF PUBLICATION

Supersedes Decision Number AL79-1081, dated May 11, 1979, in 44 FR 27852.

DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - consisting of single family homes and apartments up to and including four (4) stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 8.30				
CARPENTERS	7.17				
CEMENT MASONS	8.00				
ELECTRICIANS	7.29				
LABORERS	4.54				
PAINTERS	5.50				
PLUMBERS & PIPEFITTERS	6.00				
ROOFERS	6.15				
SHEET METAL WORKERS	6.67				
TRUCK DRIVERS	5.00				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	10.53				
Bulldozer	10.53				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR, 5.5 (a) (1) (ii)).

federal register

Friday
November 14, 1980

Part VIII

Department of Education

Office of the Secretary

Education Amendments of 1980; Intent To Develop Regulations

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Subtitle A

Education Amendments of 1980; Intent to Develop Regulations

AGENCY: Department of Education.

ACTION: Notice of intent to develop regulations.

SUMMARY: On October 3, 1980, the President signed into law the Education Amendments of 1980. This statute authorizes Federal financial assistance for postsecondary and certain other education programs. The purpose of this notice is to invite comments that will assist the Department of Education in developing regulations to implement the education programs affected by the new law.

DATES: Comments regarding a particular program must be received before proposed regulations for that program are published in the **Federal Register.**

ADDRESSES: All written comments should be submitted to the contact person for the program. A complete list of addresses appears in the Supplementary Information section of the document.

FOR FURTHER INFORMATION CONTACT: A list of the appropriate contact person for each program appears in the Supplementary Information section of the document.

SUPPLEMENTARY INFORMATION: The postsecondary education programs and certain other programs of the Education Department are the subjects of comprehensive legislation enacted by the Congress and signed by the President on October 3, 1980.

The Department has begun to review the regulations that currently govern programs covered by the new legislation and to develop regulations for the newly created programs. The review of current regulations has two purposes—first, to prepare for the regulatory changes that are required by the legislation and, second, to reexamine the format, style, and content of the existing regulations. This notice invites the public to participate and assist in the Department's review of existing regulations and development of regulations for the new programs.

The Education Amendments of 1980 has thirteen titles. These titles amend many education program statutes and in some cases enact new authorities.

Title I authorizes programs for comprehensive Statewide planning, continuing education, and student information services. Title II amends and reauthorizes the library programs under Title II of the Higher Education Act. Title III authorizes programs of assistance for strengthening institutions, for institutions with special needs, and challenge grants for those institutions. Title IV extends and revises the student financial assistance programs, the special programs for students from disadvantaged backgrounds (the "TRIO" programs), special programs for migrant and seasonal farmwork students, and the veterans' cost-of-instruction program. Title V amends and reauthorizes the Teacher Corps, Teacher Centers, and other teacher training programs. Title VI consolidates and reauthorizes international education programs. Title VII amends and reauthorizes programs of construction, reconstruction, and renovation of academic facilities. Title VIII reauthorizes cooperative education programs. Title IX amends and reauthorizes graduate programs. Title X transfers authority for the Fund for the Improvement of Postsecondary Education into the Higher Education Act. Title XI authorizes a new program of grants to urban universities. Title XII includes a new Federal-State agreement that will cover several programs, including the State-administerd program under Title I. Title XIII contains various miscellaneous provisions and authorities, including science education programs, the National Institute of Education, and a special impact aid program for certain refugees.

A list of the programs and existing regulations likely to be affected substantially by the new legislation is attached as Appendix A.

The Department's internal review process will include the existing regulations for the education programs affected by the new law, regardless of whether or not there are substantial legislative changes affecting the program. The review will cover several topics:

- Could the regulations be written more clearly?
- Would the format of the regulations be improved by adopting a chronological order that follows the assistance process from pre-award procedures to post-award conditions?
- Do the regulations impose unnecessary paperwork on the education community? How can the burden be decreased?
- How can the regulations be amended to eliminate other burdensome requirements?

The public is invited to comment on all regulations for programs affected by the new legislation and to suggest ways of improving existing regulations. These suggestions will be particularly valuable with respect to pre-existing education programs that were not substantially revised by the Act. If the Department's internal review does not suggest a need for policy changes, these regulations may be edited for clarity and published in final form without further public comment. Accordingly, it is important for the public to address these regulations at this stage and to identify the paperwork or other burdens that should be eliminated and any policy changes that should be made. A tentative list of existing program regulations that might fall into this category includes:

- 45 CFR Part 132, Grants for Training in Librarianship.
- 45 CFR Part 136, Strengthening Research Library Resources.
- 45 CFR Parts 146, 146a, International and Foreign Language Studies.
- 45 CFR Part 178, Student Consumer Information Services.
- 45 CFR Part 190, Basic Educational Opportunity (PELL) Grants Program.
- 45 CFR Part 197, Teacher Centers.

The Department is required under the Education Amendments of 1980 to determine whether any regulations it publishes affecting institutions of higher education require information that is already being gathered by or is available from any other agency or authority of the United States. Institutions of higher education are therefore particularly urged to advise the Department whether this is the case under any of the regulations listed in Appendix A.

Early Public Involvement

The Department encourages early public involvement in the regulations process. In some cases, workshops will be held to discuss policy and drafting options with the public. In other cases, drafts of proposed regulations may be made available to all interested members of the public before publication in the **Federal Register.** In order to be sure of obtaining a draft or notice of workshops as soon as possible, readers should send a written request stating specifically the program or programs they are interested in to the appropriate contact persons. Requests will be held until a workshop is scheduled or an appropriate draft is completed.

Invitation to Comment

Written comments and information may be submitted in any form, including letters, position papers, or memoranda. There are no special rules concerning

format. For most of the regulations, further public comment will be invited before final regulations are adopted. Comments received before proposed rules for a program are published will be carefully considered in the development of those proposed regulations. These comments will not be acknowledged with a formal response.

ADDRESSES

All written comments should be submitted to the following contact persons:

Library Programs (Title II; see Appendix A): Ray M. Fry, U.S. Department of Education, (Room 3124 ROB–3), 400 Maryland Avenue SW., Washington, D.C. 20202.

Student Financial Aid Programs (Title IV (Student assistance); see Appendix A): James Moore, U.S. Department of Education, (Room 4100 ROB–3), 400 Maryland Avenue SW., Washington, D.C. 20202.

Special Program for Migrant and Seasonal Farmwork Students (Title IV; see Appendix A: John Ridgway, U.S. Department of Education, (Room 3608, ROB–3), 400 Maryland Avenue SW., Washington, D.C. 20202.

Teacher Centers (Title V; see Appendix A): Bruce Gaarder, U.S. Department of Education, (819 Riviere Building), 400 Maryland Avenue SW., Washington, D.C. 20202.

Training for Higher Education Personnel (Title V; see Appendix A): Norman Hearn, U.S. Department of Education, (Room 2025 FOB–6), 400 Maryland Avenue SW., Washington, D.C. 20202.

Training for Teachers of Handicapped Children in Areas with a Shortage (Title V; see Appendix A): Donald Thayer, U.S. Department of Education, (Room 3006 Switzer Building), 400 Maryland Avenue SW., Washington, D.C. 20202.

Teacher Corps (Title V; see Appendix A): Robert Mulligan, U.S. Department of Education, (Room 1725 Donohoe Building), 400 Maryland Avenue SW., Washington, D.C. 20202.

Fund for the Improvement of Postsecondary Education (Title X; see Appendix A): Rusty Garth, U.S. Department of Education, Room 3123 FOB–6, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Minority Institutions Science Improvement Program (Title XIII; see Appendix A): Dr. Argelia Velez-Rodriguez, U.S. Department of Education, Room 3036 FOB–6, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Pre-College Teacher Development in Science Program (Title XIII; see Appendix A): Mary Lewis, U.S. Department of Education, Room 4123 FOB–6, 400 Maryland Avenue, SW., Washington, D.C. 20202.

National Institute of Education (Title XIII; see Appendix A): June Schuckardt, National Institute of Education, Room 639, 1200 19th Street, NW., Washington, D.C. 20208.

Special Impact Aid Program (Title XIII: Part E; see Appendix A): Carroll U. Dexter, U.S. Department of Education, (Room G660 North Building), 400 Maryland Avenue, SW., Washington, D.C. 20202.

All Other Programs (see Appendix A): John Rison Jones, U.S. Department of Education, (Room 4062 ROB–3), 400 Maryland Avenue, SW., Washington, D.C. 20202.

CONTACT PERSONS

Library Programs: Ray M. Fry, Telephone: (202) 245–9687.

Student Financial Aid Programs: Anita Allen, Telephone: (202) 245–2247.

Special Program for Migrant and Seasonal Farmwork Students: John Ridgway, Telephone: (202) 245–2222.

Teacher Centers: Bruce Gaarder, Telephone: (202) 653–5839.

Teacher Corps: Robert Mulligan, Telephone: (202) 245–8272.

Funds for the Improvement of Postsecondary Education: Rusty Garth, Telephone: (202) 245–8091.

Training for Higher Education Personnel: Norman Hearn, Telephone: (202) 472–7960.

Training for Teachers of Handicapped Children in Areas with a Shortage: Donald Thayer, Telephone: (202) 245–2727.

Minority Institutions Science Improvement Program: Dr. Argelia Velez-Rodriguez, Telephone: (202) 282–7760.

Pre-College Teacher Development in Science Program: Mary Lewis, Telephone: (202) 472–5123.

National Institute of Education: June Schuckardt, Telephone: (202) 254–7924.

Special Impact Aid: Carroll U. Dexter, Telephone: (202) 472–4014.

All Other Programs: John Rison Jones, Telephone: (202) 245–9750.

Dated: November 3, 1980.

Shirley M. Hufstedler,

Secretary of Education.

Appendix A

List of programs affected by the Education Amendments of 1980. (References are to titles of the Education Amendments of 1980).

Existing regulations (45 CFR Pt. Nos.)	Programs
	Title I
173, 137	Continuing Postsecondary Education Program and Planning.
	Title II
131	College Library resources.
131	Special Purpose Grants.
132	Grants for Training in Librarianship.
133	Library Research and Demonstration.
136	Strengthening Research Library Resources.
	Title III
(None compare existing P. 169).	Strengthening Institutions.
None	Aid to Institutions with Special Needs.
None	Challenge Grants.
	Title IV (student assistance)
190	Basic Educational Opportunity (PELL) Grants.
176	Supplemental Educational Opportunity Grants.
192	Grants to States for State Student Incentives.
177	Guaranteed and Insured Student Loans.
175	Work-Study Programs.
174	National Direct Student Loans.
178	Student Consumer Information Services.
178a	Training in Financial Aid and Student Support Services.
168	General Provisions Relating to Student Assistance Programs.
	Title IV (institutional assistance)
159	Talent Search.
155	Upward Bound.
157	Special Services for Disadvantaged Students.
154	Educational Opportunity Centers.
None	Staff Development.
None	Special program for Migrant and Seasonal Farmwork Students.
189	Veterans Cost-of-Instruction Payments.
	Title V
172	Teacher Corps.
197	Teacher Centers.
198	Training for Higher Education Personnel
None	Training for Teachers of Handicapped Children in Areas with a Shortage.
	Title VI
146, 146a	International and Foreign Language Studies. ● Graduate and Undergraduate Language and Area Centers. ● International Studies Centers. ● Undergraduate International Studies and Foreign Language Programs. ● Research and Studies.
None	Business and International Education.
	Title VII
170	Construction, Reconstruction, and Renovation of Academic Facilities.
	Title VIII
182	Cooperative Education.
	Title IX
179	● Grants to Institutions of Higher Education.

Existing regulations (45 CFR Pt. Nos.)	Programs
None (Compare existing pts. 179, 194, and 196).	● Fellowships for Graduate and Professional Study.
None	National Graduate Fellowships.
None	Assistance for Training in the Legal Program.
150	Law School Clinical Experience Program.
	Title X
1501	Fund for the Improvement of Post-secondary Education.
	Title XI
None	Urban Grant University.
	Title XII
149	General Provisions.
	Title XIII
	Miscellaneous Provision.
None	● Science Education.
Various parts in 1400–1499.	● National Institute of Education.
None	● Special Impact Aid Program.

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Friday
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Part IX

Office of Personnel Management

Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting From Federal Financial Assistance; Final Rule

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 900

Intergovernmental Personnel Act Programs; Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting From Federal Financial Assistance

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This regulation implements section 504 of the Rehabilitation Act of 1973. It forbids discrimination against qualified handicapped persons in employment and in the operation of programs receiving Federal financial assistance from the Office of Personnel Management.

EFFECTIVE DATE: December 15, 1980.

FOR FURTHER INFORMATION CONTACT: Kathleen M. Hohman, (202) 632–6274.

SUPPLEMENTARY INFORMATION:

Background

Section 504 of the Rehabilitation Act of 1973 provides that "no otherwise qualified handicapped individual * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The rule applies to all recipients of Federal assistance from OPM (the Intergovernmental Personnel Act (IPA) grant program is the only grant-in-aid program administered by OPM). These rules are intended to ensure that recipients of Federal assistance from OPM operate their programs without discrimination on the basis of handicap. The rules define and forbid acts of discrimination against qualified handicapped persons in employment and in the operation of programs and activities receiving financial assistance from OPM.

Under Executive Order 11914 (41 FR 17871, April 29, 1976) HEW (Department of Health, Education and Welfare) was required to issue general standards for other agencies and departments to follow in writing their regulations to implement section 504. The standards were published at 43 FR 2132, January 13, 1978. Generally, the standards set forth enforcement procedures, standards for determining which persons are handicapped, and guidelines for determining what practices are discriminatory.

This rule forbids discrimination against qualified handicapped persons in employment and in the operation of programs receiving Federal financial assistance from the Office of Personnel Management. As employers, recipients must make reasonable accommodation to the handicaps of employees or job applicants, unless the accommodations would cause the recipient undue hardship. Recipients are not required to waive bona fide employment requirements (e.g., residency or citizenship) in implementing the provisions of these regulations. As providers of services, recipients are required to make programs operated in existing facilities accessible to handicapped persons and to operate their programs is a nondiscriminatory manner.

The major program in the Office of Personnel Management to which this rule applies is the Intergovernmental Personnel Act (IPA) grant program. The IPA (Pub. L. 91–648) was enacted in 1970 to reinforce the Federal system by strengthening the personnel and management resources of State and local governments. The IPA grant program provides financial assistance on a matching fund basis to State, general purpose local, and Indian tribal governments for personnel management and training projects.

Rulemaking History

On September 26, 1978, the Office of Personnel Management (then the U.S. Civil Service Commission) published a Notice of Proposed Rulemaking (at 43 FR 43465) setting forth a proposed regulation for public comment. Fifteen sets of comments were received in response to the September 26 Notice of Proposed Rulemaking: they have been considered and analyzed. Copies of these written comments are available for public inspection in Room 2308, 1900 E Street, NW., Washington, D.C. Set forth below is an analysis of the final regulation explaining the changes from the proposed regulation.

Analysis

Subpart G of Part 900 of the regulation is divided into 10 sections.

Section 900.701 states the purpose of the regulation. Many commenters suggested that the coverage of the entire section be extended to all programs covered by OPM not just Intergovernmental Personnel Act (IPA) grants as stated in the proposed regulations. As suggested, the coverage language of the provision of the regulations has been extended to include any OPM programs extending Federal financial assistance even though the IPA program is currently the only grant-in-aid program administered by OPM.

Some commenters, primarily recipient governments, expressed concern about the cost of complying with these regulations, as proposed. OPM is sympathetic to the concerns of recipient governments with respect to the cost of implementation of section 504. Executive Order 11914 requires that, in matters of substance, OPM regulations must be consistent with the HEW guidelines.

We emphasize that the employment provisions of the guidelines and the OPM regulations affecting recipient governments place an emphasis on reasonableness. Only qualified handicapped individuals are protected from discrimination, and to be required, accommodations must both be reasonable and not impose an undue hardship on recipient governments on the basis of cost or otherwise. Any action which would create an undue hardship on a recipient government (on the basis of cost or otherwise) may not be resonable and therefore may not be required.

Section 900.702 describes the applicability of the subpart. Many commenters made the same observations as were made on § 900.701 regarding extending the coverage of the regulations. As stated above, the regulations have been extended to cover all OPM programs which grant Federal financial assistance.

In addition, one commenter suggested that the duration of the obligation under the regulations be changed from the period of time for which the assistance is authorized to the period of time for which property is retained or as long as OPM assistance is given. Since few IPA grants result in the acquisition of any property and OPM's authority to oversee the use of such property would terminate when the grant ended, we do not consider it practical to extend the duration of any obligations beyond what OPM could control by termination of funding. For this reason the commenter's suggestion is not being adopted.

Section 900.703 outlines the specific definitions used in this subpart. With regard to the definition of "recipient" one commenter asked that "subrecipient" be included and another asked that the term "ultimate beneficiary" be clarified. This definition includes the concept of subrecipient by including the words "* * * any entity * * * directly or through another recipient * * *" Therefore it is not necessary to define subrecipient separately. The term "ultimate beneficiary" is now defined separately in these regulations. Several commenters suggested that the proposed definition of "Federal financial assistance" was not broad enough.

Therefore, this definition has been revised and is the same definition used by HEW in its regulations. Many commenters asked that "qualified handicapped person" be defined and HEW's definition used. This definition has been added to the regulations.

A commenter pointed out that "respiratory system" was not included in the list of disorders defining "physical impairment." This was omitted in error and has been added to the list. Several commenters noted that drug addiction and alcoholism were not listed as examples of mental or psychological disorders and requested that they be included. These two examples have been added as requested. A commenter suggested that the phrase "an interest in such property" be changed to "controlling interest" in the definition of "facility." This change has been made.

Section 900.704, which was entitled "program consistency with merit principles" in the proposed regulations has been deleted. It was pointed out by one commenter that this section was in excess of what was required by HEW regulation and could be confusing to readers in distinguishing "fair" treatment from those policies and practices which will ensure nondiscrimination. To avoid any confusion in this matter the section has been deleted. Subsequent sections have been appropriately renumbered. In the new § 900.704, "Discrimination Prohibited," one commenter requested that the term "significant assistance" be defined. It is used here in the same context as the HEW regulations which do not define the term separately. It is not specifically defined in these regulations either. A commenter suggested that paragraph (a) should be changed to specifically extend the prohibition against discrimination to programs or activities which benefit from Federal financial assistance. It was suggested that paragraph (b) (1) (iv) extend the prohibition against different or separate aid to any class of handicapped persons. It was also suggested that language be added to ensure that recipients will make their communication with applicants, employees and beneficiaries available to people with impaired vision and hearing. The first three suggestions have been adopted.

Several commenters pointed out that § 900.705, "Program Accessibility," did not include a provision requiring a transition plan when structural changes to facilities are required. Others pointed out that it failed to illustrate the types of actions recipients may use as alternatives to structural changes and to suggest adoption of the ANSI standards. Another commenter suggested that reference should be made to the Architectural Barriers Act. All the suggestions made regarding this section, with the exception of the reference to the Architectural Barriers Act, have been adopted. Since the Office of Personnel Management provides no financial assistance to build or alter facilities, the reference to the Architectural Barriers Act is not appropriate in these regulations. In addition, HEW required that a time limit be established for transition plans.

Section 900.706, "Employment Practices," was the subject of many comments. The commenters requested that reasonable accommodation be defined and that there be a more detailed explanation of "undue hardship." These terms are explained to the same extent that they are in the HEW regulations and further discussion would be more appropriate in guidance material rather than in the regulations. Therefore, these suggestions were not adopted. Several commenters suggested that the regulations provide that recipients may make pre-employment inquiry into an applicant's ability to perform job-related functions rather than his/her ability to meet medical qualifications, as stated in the proposed regulations. This suggestion has been adopted. Several commenters stated problems with the organization of this section and with some of the language used. The former paragraph (a)(2) has been moved to paragraph (d) and portions of the section revised based on these comments. One commenter stated that the Commission (OPM), in its proposed regulations, failed to include the provisions required by §§ 85.52, 85.53, 85.54 and 85.55 of HEW's regulations on Executive Order 11914. Those requirements were contained in the proposed regulations in § 900.707 and are in the final regulations in § 900.706.

Some commenters expressed confusion over the coverage of employment practices as described in this subpart. OPM financial assistance (currently only in the form of IPA grants) is awarded to various State and local government agencies. The employment practices outlined in this subpart apply to positions in those organizations which administer such grants. This applies to all recipients administering IPA grant funds unless a recipient government demonstrates by clear and convincing evidence that a program or activity with respect to which discrimination is alleged, is not funded in whole or in part with IPA grant funds.

One commenter suggested that the coverage of § 900.707, "certification required," is too narrow. Another stated it believed the whole organization should be required to certify compliance, not just those portions receiving Federal financial assistance. This section has not been changed based on these comments. OPM authority and enforcement ability in this regard are limited to those programs to which Federal financial assistance is extended. In § 900.708, HEW required that all recipients prepare self-evaluations. OPM's proposed limitation to those recipients employing 25 or more persons has been deleted.

Several commenters stated that § 900.709, "Notice and Consultation," should be more detailed and require more specific actions of recipients. The regulations have not been made more specific in this regard to enable recipients to comply in whatever way will cause the least administrative difficulties in specific programs. For the same reason, the phrase "as appropriate" has not been deleted as suggested by one commenter.

Regarding § 900.710, "Procedure for Effecting Compliance" one commenter requested that an individual complaints procedure and agency compliance reviews be initiated. According to HEW guidance, OPM should use the same compliance procedure used for Title VI violations. This change has been made in the regulations. The same complaints procedure and compliance review schedule will be used.

OPM has determined that this is a significant regulation for the purposes of E.O. 12044.

Office of Personnel Management.

Kathryn Anderson Fetzer,

Assistant Issuance System Manager.

Accordingly OPM is adding Subpart G to 5 CFR Part 900 to read as follows:

PART 900—INTERGOVERNMENTAL PERSONNEL ACT PROGRAMS

Subpart G—Nondiscrimination on the Basis of Handicap in Federally Assisted Programs of the Office of Personnel Management

Sec.

900.701 Purpose.
900.702 Applicability.
900.703 Definition.
900.704 Discrimination prohibited.
900.705 Program accessibility.
900.706 Employment practices.
900.707 Certification required.
900.708 Self-evaluation.
900.709 Notice and consultation.
900.710 Procedure for effecting compliance.

Authority: Secs. 503, 507, Pub. L. 91-648, 84 Stat. 1909 and 29 U.S.C. 794.

Subpart G—Nondiscrimination on the Basis of Handicap in Federally Assisted Programs of the Office of Personnel Management

§ 900.701 Purpose.

The purpose of this part is to effectuate Section 504 of the Rehabilitation Act of 1973, to eliminate discrimination on the basis of handicap in any program or activity receiving Federal financial assistance from the Office of Personnel Management (OPM).

§ 900.702 Applicability.

This subpart applies to each activity, program or project receiving Federal financial assistance from the Office of Personnel Management from the date this subpart is approved. The duration of the applicability is the period of time for which the assistance is authorized.

§ 900.703 Definitions.

Unless the content requires otherwise, in this subpart:

(a) "Recipient" means any State or its political subdivisions, any instrumentality of a State or its political subdivisions, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance.

(b) "Federal financial assistance" means any grant, loan, contract, (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the agency provides or otherwise makes available assistance in the form of:

(1) Funds;

(2) Services of Federal personnel; or

(3) Real and personal property or any interest in or use of such property, including:

(i) Transfers or leases of such property for less than fair market value or for reduced consideration; and

(ii) Proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government.

(c) "Facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in such property.

(d) "Handicapped person" means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

(1) As used in paragraph (d) of this section, the phrase: "physical or mental impairment" means:

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or

(ii) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

(2) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) "Has a record of such impairment" means has a history of, or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.

(4) "Is regarded as having an impairment" means:

(i) Has a physical or mental impairmant that does not substantially limit major life activities but is treated by a recipient as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments defined in paragraph (d) of this section but is treated by a recipient as having such an impairment.

(e) Qualified handicapped person means:

(1) With respect to employment, a handicapped person who with reasonable accommodation, can perform the essential functions of the job in question.

(2) With respect to other services, a handicapped person who meets the essential eligibility requirements for the receipt of such services.

(f) Ultimate beneficiary means one among a class of persons who are entitled to benefit from or otherwise participate in, programs receiving Federal financial assistance and to whom the protections of this subpart apply.

§ 900.704 Discrimination prohibited.

(a) No qualified handicapped person shall, on the basis of handcap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance from the Office of Personnel Management.

(b)(1) A recipient, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap:

(i) Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified handicapped person with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit or to reach the same level of achievement as that provided to others;

(iv) Provide different or separate aid, benefits, or services to handicapped persons or to any class of handicapped persons than is provided to others unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others;

(v) Aid or perpetuate discrimination against a qualified handicapped person by providing significant assistance to an agency, organization or person that discriminates on the basis of handicap in providing any aid, benefit, or service to beneficiaries of the recipient's program;

(vi) Deny a qualified person the opportunity to participate as a member of planning or advisory boards; or

(vii) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving aid, benefit, or service.

(2) A recipient may not deny a qualified handicapped person the opportunity to participate in programs or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

(3) A recipient may not, directly or through contractual or other

arrangements, utilize criteria or methods of administration:

(i) That have the effect of subjecting qualified handicapped persons to discrimination on the basis of handicap,

(ii) That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the recipient's program with respect to handicapped persons, or

(iii) That perpetuate the discrimination of another recipient if both recipients are subject to common administrative control or are agencies of the same State.

(4) A recipient may not, in determining the site or location of a facility, make selections:

(i) That have the effect of excluding handicapped persons from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity that receives or benefits from Federal financial assistance, or

(ii) That have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity with respect to handicapped persons.

(c) The exclusion of nonhandicapped persons from the benefits of a program limited by Federal statute or Executive order to handicapped persons or the exclusion of a specific class of handicapped persons from a program limited by Federal statute or Executive order to a different class of handicapped persons is not prohibited by this part.

(d) Recipients shall administer programs and activities in the most integrated setting appropriate to the needs of qualified handicapped persons.

(e) Recipients shall take appropriate steps to ensure that communications with their applicants, employees and beneficiaries are available to persons with impaired vision and hearing.

§ 900.705 Program accessibility.

(a) No qualified handicapped person shall, because a recipient's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in or otherwise be subjected to discrimination under any program or activity to which this subpart applies.

(b) A recipient shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by handicapped persons. This paragraph does not necessarily require a recipient to make each of its existing facilities or every part of an existing facility accessible to and usable by handicapped persons. Where structural changes are necessary to make programs or activities in existing facilities accessible, such changes shall be made as soon as practicable, but in no event later than three years after the effective date of the regulation.

(c) A recipient may comply with the requirements of paragraph (b) of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, alteration of facilities or any other methods that result in making its program or activity accessible to handicapped persons. A recipient is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section.

(d) New facilities shall be designed and constructed to be readily accessible to and usable by handicapped persons. Alterations to existing facilities shall, to the maximum extent feasible, be designed and constructed to be readily accessible to and usable by handicapped persons.

(e) In the event that structural changes to facilities are necessary to meet the requirements of this section, a recipient shall develop within 12 months of the effective date of this subpart a transition plan setting forth the steps necessary to complete such changes. The plan shall be developed with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons.

(f) OPM will adopt the Architectural and Transportation Barriers Compliance Board's "Minimum Guidelines and Requirements for Accessible Design" when they are issued in final form. (See 45 FR 55010 for the proposed version.) It is suggested that, in the interim, design construction or alteration of facilities be in conformance with the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped" published by the American National Standards Institute, Inc. (ANSI A117.1—1961 (R1971)). Copies obtainable from American National Standards, Inc., 1430 Broady, New York, N.Y. 10018.

§ 900.706 Employment practices.

(a) *General.* (1) No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under a program or activity that receives or benefits from Federal financial assistance from OPM.

(2) A recipient shall make all decisions concerning employment under any program or activity to which this subpart applies in a manner which ensures that discrimination on the basis of handicap does not occur and may not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of handicap.

(3) The prohibition against discrimination in employment applies to the following activities:

(i) Recruitment, advertising, and the processing of applications for employment;

(ii) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

(iii) Rates of pay or any other form of compensation and changes in compensation;

(iv) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

(v) Leaves of absence, sick leave, or any other leave;

(vi) Fringe benefits available by virtue of employment, whether or not administered by the recipient;

(vii) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;

(viii) Employer sponsored activities, including social or recreational programs; and

(ix) Any other term, condition, or privilege of employment.

(4) A recipient may not participate in a contractual or other relationship that has the effect of subjecting qualified handicapped applicants or employees to discrimination prohibited by this subpart. The relationships referred to in this paragraph include relationships with employment and referral agencies, with labor unions, with organizations providing or administering fringe benefits to employees of the recipient, and with organizations providing training and apprenticeship programs.

(b) *Reasonable accommodation.* (1) A recipient shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee under any program or activity receiving Federal financial assistance from OPM unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of its program.

(2) Reasonable accommodation may include, but shall not be limited to, making facilities readily accessible to and usable by handicapped persons, acquisition or modification of equipment or devices, appropriate adjustment or

modification of examinations, the provision of readers and interpreters, job restructuring and providing part-time or modified work schedules and other similar actions.

(3) In determining pursuant to paragraph (b)(i) of this section whether an accommodation would impose an undue hardship on the operation of the recipient in question, factors to be considered by OPM include:

(i) The overall size of the recipient's program with respect to the number of employees, number and type of facilities and size of budget;

(ii) The type of operation, including the composition and structure of the work force; and

(iii) The nature and the cost of the accommodation.

(c) *Employment criteria.* (1) A recipient involved in activities receiving Federal financial assistance may not make use of any employment test or other selection criterion that screens out or tends to screen out handicapped persons or any class of handicapped persons in any program or activity that receives Federal financial assistance unless the test score or other selection criterion, as used by the recipient, is shown to be job-related for the position in question and alternative job-related tests or criteria that do not screen out as many handicapped persons are not shown by the Office of Personnel Management's Personnel Research and Development Center to be available.

(2) A recipient shall select and administer tests concerning employment so as to ensure that, when administered under any program or activity that receives Federal financial assistance from OPM, to an applicant or employee who has a handicap that impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's or employee's ability to perform the duties of the type of position in question rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

(d) *Preemployment inquiries.* (1) Except as provided in paragraph (d)(2) of this section, a recipient, when considering an applicant for employment under any program or activity receiving Federal financial assistance from OPM, may not conduct a preemployment medical examination and may not make preemployment inquiry of an applicant as to whether the applicant is a handicapped person or as to the nature or severity of a handicap. A recipient may, however, make preemployment inquiry into an applicant's ability to perform job-related functions.

(2) Nothing in this section shall prohibit an organization from conditioning an offer of employment under any program or activity receiving Federal financial assistance from OPM on the results of a medical examination conducted prior to the employee's entrance on duty: *Provided,* That (i) All entering employees are subjected to such an examination regardless of handicap or when a preemployment medical questionnaire used for positions which do not routinely require medical examination indicates a condition for which further examination is required because of the job-related nature of the condition; and

(ii) The results of such an examination are used in accordance with the requirements of this subpart.

§ 900.707 Certification required.

(a) *General.* Each application to OPM for financial assistance, as a condition to its approval and the extension of financial assistance, shall contain or be accompanied by, a certification from the applicant in a form prescribed by OPM that the program will be conducted in compliance with the requirements of this subpart. The assurance shall obligate the recipient for the period during which the financial assistance is extended to the program.

(b) *Certification from subgrantees.* A certification shall be required of all subgrantees receiving financial assistance from OPM to the effect that all programs or parts thereof carried out by subgrantees shall be in compliance with the requirements of this subpart. The recipient shall be responsible for securing the certification from subgrantees.

§ 900.708 Self-evaluation.

(a) Each recipient shall, within one year of the receipt of financial assistance, conduct or have conducted an evaluation of its compliance with this subpart with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons. Each such recipient shall evaluate its current policies and practices and their effects, and modify any that do not meet the requirements of this part. Each such recipient shall permit the Office of Personnel Management, during normal business hours, to examine its self-evaluation along with its books, records, accounts, facilities and other sources of information as may be useful to determine whether there has been compliance with this subpart. Self-evaluation required under other Federal programs may be accepted by OPM if the information pertaining to activities receiving financial assistance from OPM is included and the records are available to OPM representatives.

(b) Each recipient shall modify, after consultation with interested persons and organizations, including handicapped persons, any policies and practices that do not meet the requirements of this subpart; and

(c) Each recipient shall take, after consultation with interested persons, including handicapped persons or organizations representing handicapped persons, appropriate remedial steps to eliminate the effects of any discrimination that resulted from adherence to these policies and practices.

§ 900.709 Notice and Consultation.

(a) Programs and activities receiving OPM financial support shall take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, that it does not discriminate on the basis of handicap in violation of Section 504 and this subpart.

(b) As appropriate, a recipient shall consult with interested persons, including handicapped persons or organizations representing handicapped persons, in achieving compliance with this subpart.

§ 900.710 Procedure for effecting compliance.

When the Office of Personnel Management determines that a recipient has failed or threatens to fail to comply with this subpart and the noncompliance or threatened noncompliance cannot be corrected by informal means, OPM may suspend or terminate or refuse to grant or continue financial assistance as provided in § 900.408 of Title 5 of the Code of Federal Regulations.

[FR Doc. 80-35526 Filed 11-13-80; 8:45 am]
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federal register

Friday
November 14, 1980

Part X

Department of the Interior

Bureau of Land Management

Wilderness Review Decision

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Wilderness Inventory Results for Public Lands Under Administration of the Bureau of Land Management in the Contiguous Western States

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Results of Wilderness Inventory.

SUMMARY: The Bureau of Land Management (BLM) has completed the wilderness inventory of public lands under its administration in 14 contiguous Western States. BLM State Directors have made final decisions identifying a total of 23,772,000 acres, in 919 separate areas, as wilderness study areas (WSA's), out of a total 174 million acres of public lands that were subject to wilderness inventory under provisions of the Federal Land Policy and Management Act of 1976 (FLPMA). Public lands not identified as wilderness study areas—a total of 149,262,000 acres—have been released from further wilderness review. These figures reflect decisions issued by BLM State Directors on November 14, 1980, as well as other decisions previously issued.

The wilderness study areas represent lands that were determined by the BLM to have wilderness characteristics as described in the Wilderness Act of 1964. These WSA's will be studied by the BLM, with public participation, to determine whether they are suitable for preservation as wilderness or more suitable for other uses. Recommendations resulting from the studies will be reported through the Secretary of the Interior and the President to the Congress, which has sole authority to designate public lands as wilderness.

FOR FURTHER INFORMATION CONTACT: Questions about wilderness inventory decisions in particular States should be directed to the appropriate BLM State Directors, whose addresses appear in separate **Federal Register** notices on or about November 14, 1980, announcing wilderness inventory decisions. Questions about the nationwide aspects of the program should be directed to Robert Lund, Division of Wilderness and Environmental Areas (430), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240. Telephone (202) 343–6064.

Background

In the Federal Land Policy and Management Act of 1976 (FLPMA), Congress gave the Bureau of Land Management a mandate to examine the wilderness potential of certain public lands administered by the Bureau. Approximately 174 million acres in the contiguous Western States are subject to wilderness inventory. The wilderness review provision of FLPMA, section 603, directs the BLM to conduct an inventory to identify all roadless areas of 5,000 acres or more and all roadless islands of any size that have wilderness characteristics as described in the Wilderness Act of 1964. Once those areas and islands have been identified, they must be studied to determine whether each is suitable for preservaton as wilderness, or is more suitable for other uses. The findings of these studies lead to recommendations through the Secretary of the Interior and the President to the Congress. The law requires the Secretary to report his recommendations from time to time; all areas must be reported on by October 21, 1991. The President must report to Congress on all areas by October 21, 1993. Only Congress has authority to designate public lands as wilderness.

To carry out this statutory mandate, the Bureau of Land Management has developed a process consisting of three phases: wilderness inventory, wilderness studies, and reporting to Congress.

The BLM wilderness inventory began in 1978, using criteria and procedures described in the BLM *Wilderness Inventory Handbook,* dated September 27, 1978. The inventory consisted of two major steps. The first was an "initial inventory," which was completed by December 1979 in the contiguous Western States. Its purpose was to identify and eliminate from further consideration those public lands that clearly and obviously lacked wilderness characteristics. It was based on examination of data already available in BLM field offices concerning roads, structures, and other developed features present on the land; extensive new field observation was not involved at this stage. BLM State Directors published their proposed initial inventory decisions and asked for comments from the public before reaching their final decisions.

The second major step in the wilderness inventory was the "intensive inventory," which has largely been completed as of November 14, 1980, in the contiguous Western States. The intensive inventory began with public lands about which it was not clear and obvious from readily available data that the area lacked wilderness characteristics. The purpose of the intensive inventory is to further examine these areas and sort the lands into two categories: (1) lands determined to have wilderness characteristics, which are therefore identified as wilderness study areas, and (2) lands determined to lack wilderness characteristics, which therefore will not be considered further.

The criteria used in the intensive inventory were also applied ahead of the regular inventory schedule on certain public lands in the West. This was done in connection with particular proposed projects or areas of development interest, such as the proposed Intermountain Power Project and the Overthrust Belt. The final decisions resulting from such special inventories were previously announced by BLM State Directors. Wilderness review of the California Desert Conservation Area also proceeded on an accelerated schedule in response to the statutory mandate to complete a comprehensive plan for the Conservation Area by September 30, 1980. In addition, the intensive inventory elsewhere in California was completed by January 1980 and the results were announced at that time. As a result of all these efforts, approximately 12 million acres had been identified as wilderness study areas prior to November 14, 1980, and approximately 126 million acres had been determined to lack wilderness characteristics.

The term "wilderness characteristics" used above refers to the following factors which must be present for public lands to be identified as a wilderness study area:

1. Size. The area must have at least 5,000 contiguous roadless acres. Roadless islands may be of smaller size. (Smaller roadless areas may also be considered under special circumstances described in the *Wilderness Inventory Handbook.*) The definition of "roadless" used by the BLM was drawn from the legislative history of the Federal Land Policy and Management Act, as follows:

"The word 'roadless' refers to the absence of roads which have been improved and maintained by mechanical means to insure relatively regular and continuous use. A way maintained solely by the passage of vehicles does not constitute a road."

2. Naturalness. The area must generally appear to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable.

3. Outstanding Opportunities. The area must have either outstanding opportunities for solitude, or outstanding opportunities for a primitive and unconfined type of recreation.

RESULTS OF THE INVENTORY: On November 14, 1980, BLM State Directors are announcing final intensive inventory decisions on approximately 36 million acres of public lands.

As a result of all wilderness inventory efforts to date, BLM State Directors have now issued final decisions identifying 919 areas, containing 23,772,000 acres, as wilderness study areas. Their decisions also identify 149,262,000 acres as lacking wilderness characteristics; these will not be considered further in the wilderness review. The results of the inventory are summarized in Table 1.

The final decisions just issued are subject to protest and appeal, so there may be changes in acreage at a later date as a result of decisions on protests and appeals.

Table 1 shows 693,000 acres as areas on which the final inventory decision has not been announced. These are either areas on which appeals are still pending on initial inventory decisions, or cases in which additional time was required for interagency coordination.

The Bureau of Land Management will soon publish a comprehensive list of wilderness study areas identified to date, with their locations and acreages, to facilitate public participation in future consideration of the areas. A notice will be published in the **Federal Register** when this is available.

PUBLIC PARTICIPATION: The public has made very effective contributions to the completion of the wilderness inventory. First, the public commented upon the Bureau's draft inventory criteria and procedures, and these comments were used in developing the *Wilderness Inventory Handbook*. Then, during the inventory itself, each inventory decision was made only after an opportunity for public review and comment. In most cases there was active participation by the public, and the information provided was used by BLM State Directors in reaching their inventory decisions. The Bureau greatly appreciates the efforts devoted to the wilderness inventory by the public.

FUTURE ACTION: Each wilderness study area identified as a result of the wilderness inventory will now be the subject of a wilderness study, in which the BLM land-use planning system will be used to analyze all the values, resources, and uses—both existing and potential—of the WSA. The public will be invited to participate, as it is in all BLM planning. The central question of the wilderness study is whether the area is suitable for preservation as wilderness, or more suitable for other resource uses.

The end product of the wilderness study is a recommendation submitted through the Secretary of the Interior and the President to Congress as to whether the area is suitable or nonsuitable for preservation as wilderness. For any area recommended as "suitable," a mineral survey must be conducted by the U.S. Geological survey and Bureau of Mines to determine the mineral values, if any, that may be present.

Under FLPMA, recommendations on all wilderness study areas must reach the President no later than October 21, 1991, and must reach Congress by October 21, 1993. The Bureau intends to complete all the studies and submit recommendations through the Secretary to the President as quickly as possible, prior to the statutory deadline. In the near future, a schedule for wilderness studies will be developed; wilderness study areas with the most important resource conflicts will be scheduled for early study. Wilderness studies are already in progress for the California Desert Conservation Area and for 55 formally designated BLM natural areas and primitive areas.

Three documents concerning the wilderness review are currently in preparation on which the Bureau of Land Management will request public review and comment through separate **Federal Register** notices in the near future: (1) a proposed wilderness study schedule, (2) a draft wilderness study, policies and procedures document, and (3) a draft document containing management policies and quidelines for BLM-administered wilderness areas. Any person wishing to receive these future documents for review should request copies from the Division of Wilderness and Environmental Areas, Bureau of Land Management (430), 1800 C Street, N.W., Washington, D.C. 20240. Copies may also be requested from BLM State Directors in the Western States.

Dated: November 8, 1980.

Frank Gregg,

Director.

Table 1.—*Statistical Summary Table*

[BLM Wilderness Inventory Results [1] as of November 14, 1980]

Contiguous Western States	Public lands subject to wilderness inventory (acres)	Identified as Wilderness Study Areas		Determined to lack wilderness characteristics (acres)	Inventory still in progress [2] (acres)
		Number of areas	Acres		
Arizona	12,596,000	128	2,901,000	9,695,000	0
California	16,585,000	232	6,246,000	10,339,000	0
Colorado	7,996,000	70	804,000	7,189,000	3,000
Idaho	11,949,000	61	1,592,000	10,105,000	252,000
Montana	8,140,000	43	430,000	7,664,000	46,000
Nevada	49,118,000	108	5,120,000	43,895,000	103,000
New Mexico	12,847,000	54	1,024,000	11,814,000	9,000
North Dakota	68,000	0	0	68,000	0
Oklahoma	7,000	0	0	7,000	0
Oregon	13,965,000	87	2,491,000	11,194,000	280,000
South Dakota	277,000	0	0	277,000	0
Utah	22,076,000	87	2,577,000	19,499,000	0
Washington	310,000	2	6,000	304,000	0
Wyoming	17,793,000	47	581,000	17,212,000	0
Totals	173,727,000	919	23,772,000	149,262,000	693,000

[1] Figure represents final intensive inventory decisions, some of which are still subject to protest and appeal. There may be changes in acreage at a later date as a result of decisions on protests and appeals.

[2] Wilderness inventory is still in progress either because the lands are affected by appeals pending on initial inventory decisions, or because additional time was required for interagency coordination.

[FR Doc. 80-35557 Filed 11-13-80; 8:45 am]

BILLING CODE 4310-84-M

Status of Wilderness Review of Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Status of Wilderness Review of Public Lands.

SUMMARY: This notice summarizes the present status of the Wilderness review of roadless public lands and islands required by the Federal Land Policy and Management Act, section 603(a). The purposes of this notice and calendar of events are to provide (1) one source of information summarizing current wilderness review activities. and (2) advance notice of upcoming decisions and public review periods.

DATE: All information in this notice is current through November 5, 1980.

FOR FURTHER INFORMATION CONTACT: Gary G. Marsh, Bureau of Land Management, Division of Wilderness and Environmental Areas, 18th and C Streets, N.W., Washington, D.C. 20240, Telephone: (202) 343-6064.

SUPPLEMENTARY INFORMATION: This calendar of events is the tenth in a series whose last notice appeared in the **Federal Register** October 6, 1980, (p. 66210). The calendar of events focuses only on the current status of all ongoing wilderness review activities. Those inventories whose final decisions are in effect, as well as studies or reports not yet initiated, are not reported in this notice. For detailed information regarding each specific activity, reference is made either to the appropriate notice previously appearing in the **Federal Register**, or to notices which are anticipated to be published in the upcoming 30 days. It must be noted that "anticipated" dates are projected only, and thus are subject to change.

The Bureau of Land Management wilderness review includes (1) an inventory of public lands to identify roadless lands and islands having wilderness characteristics; (2) a study of those areas found to have wilderness characteristics (wilderness study areas or "WSA's"); and (3) a report from the Secretary of the Interior to the President as to whether each WSA is more suitable for wilderness or other resource uses. The President will send his recommendations to Congress. Only Congress can actually designate an area as wilderness.

The inventory process has two stages. (1) an initial inventory designed to quickly identify and release from wilderness review those lands which clearly and obviously lack wilderness characteristics; and (2) an intensive inventory for those lands which may possess wilderness characteristics. The initial inventory process was completed in the contiguous Western States by October 1, 1979. In instances where important resource use decisions are pending, the inventory process may be accelerated in order to reach final decisions as quickly as possible. Such inventories are referred to as "special project inventories" or "accelerated intensive inventories."

The Federal Land Policy and Management Act (FLPMA) also requires early study of 55 natural and primitive areas which were formally identified by the Secretary of the Interior prior to November 1, 1975. They are referred to as "instant study areas" (ISA's). As of November 10, 1980, the reports are under administrative review.

The Wilderness inventory deadline for the contiguous Western States was extended to November 15, 1980, as announced in the **Federal Register** on June 17, 1980 (p. 41074). A statistical summary table reflecting the final intensive inventory decisions for the contiguous Western States will be available in a separate announcement in the **Federal Register** on November 14, 1980. Any appeals of the State Director's wilderness inventory decisions will be subject to the administrative procedures as outlined in Title 43, *Code of Federal Regulations*, Part 4. This regulation identifies the Interior Board of Land Appeals as the office to evaluate and act on such appeals.

Dated: November 7, 1980.

James W. Monroe,

Acting Deputy Director.

Calendar of Events

Arizona

Statewide Intensive Inventory

Final decision anticipated to be announced in **Federal Register** November 14, 1980.

Accelerated Intensive Inventory

Hualapai-Aquarius Planning Area final decision announced in **Federal Register** October 14, 1980 (p. 67780), initiating a 30-day protest period ending November 14, 1980. Affects units 2–37/43, 2–46, 2–48, 2–50, 2–51, 2–53, 2–54, 2–56 to 2–63, 2–65, 2–67.

State Director's decision on protests for the Overthrust Belt anticipated late November 1980. Affects units: 1–105 to 1–109, 1–112 to 1–115, 1–119 to 1–124, 1–127 to 1–30, 1–134, 1–135.

Study/Reporting

Aravaipa Canyon Instant Study Area final environmental impact statement and suitability report complete; under administrative review.

Paiute, Paria, and Vermillion Cliffs ISA's draft suitability report and draft environmental impact statement availability announced in **Federal Register** April 22, 1980 (p. 27022); U.S. Geological Survey and Bureau of Mines mineral reports available for public review, as announced in **Federal Register** September 25, 1980 (p. 63558); public comment period will end December 22, 1980.

California

Statewide Intensive Inventory

Final decision for Oregon-California interstate units anticipated to be announced in **Federal Register** November 14, 1980.

Final decision for Nevada-California interstate units anticipated to be announced in **Federal Register** November 14, 1980.

Units Under Appeal to IBLA

Notice of appeal announced in **Federal Register** January 7, 1980 (p. 1456). Affects CDCA intensive inventory units: 117, 131, 136, 137A, 143, 150, 156, 158, 172, 217, 221, 222, 227, 242, 263, 264, 265, 266, 271, 299, 305, 321, 325, 334, 343, 348, 376.

Notice of appeal announced in **Federal Register** January 7, 1980 (p. 1457). Affects non-CDCA initial inventory units: 010–031, 033, 047, 069, 087, 101; 020–701, 901, 1001; 030–300, 400, 500.

Notice of appeals announced in **Federal Register** August 28, 1980 (p. 57549). Affects non-CDCA intensive inventory units 010–040, 060, 063, 065, 068; 050–131, 134, 135, 211.

Notices of appeal filed on units amended by protest decision; affects non-CDCA intensive inventory units 020–211, 609, 1013; 030–054.

Study/Reporting

CDCA final environmental impact statement and proposed plan notice of availability announced in **Federal Register** September 30, 1980 (p. 64714); public comment period extended from November 3 to November 21, 1980, as announced in **Federal Register** October 17, 1980 (p. 69051).

Colorado

Statewide Intensive Inventory

Final decision anticipated to be announced in **Federal Register** November 14, 1980.

Units Under Appeal to IBLA

Notice of appeal filed January 21, 1980. Affects initial inventory unit 070–031.

Study/Reporting

Powderhorn ISA draft environmental impact statement and draft suitability report availability announced in **Federal Register** May 7, 1980 (p. 30141); public comment period ended July 1, 1980.

Eastern States

Statewide Intensive Inventory (Minnesota Only)

Final decision on remaining 174 islands announced in **Federal Register** September 17, 1980 (p. 61797); 30-day protest period ended October 17, 1980, without protest.

Idaho

Statewide Initial Inventory

State Director's proposed intensive inventory decision on Jim Sage unit 23–1 announced in **Federal Register** June 4, 1980 (p. 37738) initiating 90-day comment period, which ended September 2, 1980; final decision anticipated November 14, 1980.

Statewide Intensive Inventory

Final decision anticipated to be announced in **Federal Register** November 14, 1980.

Accelerated Intensive Inventory

State Director's announcement of decision on protests for Owyhee Planning Area anticipated November 14, 1980. Affects units 16–26, 16–28, 16–36, 16–40 to 16–42, 16–44, 16–45, 16–47, 16–49 a, b, d, e, 16–52.

Study/Reporting

Great Rift (Grassland Kipuka) ISA draft environmental impact statement availability announced in **Federal Register** March 5, 1980 (p. 14251); public comment period ended May 27, 1980; under administrative review.

Units Under Appeal to IBLA

Notice of appeal filed April 11, 1980, affecting stateline initial inventory units 16–48a, b, and c, 16–53, 16–56a, 16–59, 16–70e, 17–19, 17–21, 17–26, 22–1.

Two notices of appeal filed April 11, 1980, affecting Challis Planning Area intensive inventory units 46–11, 46–13, 46–14, 46–14a.

Notice of appeal filed July 30, 1980, affecting St. Anthony Sand Dunes intial inventory units 35–3, 35–4, 35–5.

Montana

Statewide Intensive Inventory

Final decision anticipated to be announced in **Federal Register** November 14, 1980.

Accelerated Intensive Inventory

State Director's Overthrust Belt decision on protests announced in **Federal Register** August 7, 1980 (p. 52465); decision on protests for revised boundaries for three Overthrust Belt units: 076–002, 026, 028, announced in **Federal Register** October 16, 1980 (p. 68761) initiating a 30-day appeal period.

Units Under Appeal to IBLA

Notice of appeal filed June 10, 1980. Affects OTB accelerated intensive inventory unit 076–026.

Notices of appeal filed July 28, 1980. Affects OTB accelerated intensive inventory units 075–123; 076–003, 011, 025.

Notice of appeal filed July 29, 1980. Affects OTB accelerated intensive inventory units 076–001, 002, 007, 022, 026, 028, 034, 069.

Notice of appeal filed August 22, 1980. Affects accelerated intensive inventory units 076–025, 026, 059.

Notices of appeal filed October 22, 1980. Affects accelerated inventory unit 064–356 (Bitter Creek).

Study/Reporting

Humbug Spires and Bear Trap Canyon ISA's draft environmental impact statements and draft suitability reports availability announced in **Federal Register** April 18, 1980 (p. 26477) and April 30, 1980 (p. 28823); public comment period ended June 17, 1980. U.S. Geological Survey and Bureau of Mines mineral reports were available for 30-day public review during the month of October as announced in **Federal Register** September 26, 1980 (p. 64937).

Nevada

Statewide Intensive Inventory

Final decision anticipated to be announced in **Federal Register** November 14, 1980.

New Mexico

Statewide Intensive Inventory

Final decision anticipated to be announced in **Federal Register** November 14, 1980.

Oregon

Statewide Intensive Inventory (Includes Washington)

Final decision anticipated to be announced in **Federal Register** November 14, 1980.

Units Under Appeal to IBLA

Notice of appeal announced in **Federal Register** November 29, 1979 (p. 68526); affects initial inventory unit 11–6.

Notice of appeal announced in **Federal Register** October 2, 1980 (p. 65339); affects accelerated intensive inventory units 2–81L (contiguous with NV–020–0642), 2–82H.

Utah

Statewide Intensive Inventory

Final decision anticipated to be announced in **Federal Register** November 14, 1980.

Accelerated Intensive Inventory

Protests received as announced in **Federal Register** June 18, 1980 (p. 41223), on Devil's Garden and Link Flats ISA's.

Units Under Appeal to IBLA

Notice of appeal filed January 24, 1980. Affects accelerated inventory units 050–233; 060–007, 011, 012.

Notice of appeal announced in **Federal Register** July 17, 1980 (p. 47936). Affects accelerated intensive inventory unit 050–236.

Wyoming

Statewide Intensive Inventory

Final decision anticipated to be announced in **Federal Register** November 14, 1980.

Units Under Appeal to IBLA

Three notices of appeal filed April 14, 1980. Affects accelerated intensive inventory units 040–110, 221, 222, 223.

[FR Doc. 80-35593 Filed 11-13-80; 8:45 am]

BILLING CODE 4310-84-M

Arizona; Announcement of Final Intensive Wilderness Inventory Decision

Note.—This document was originally published on November 7, 1980, at 45 FR 74066. It is reprinted at the request of the agency.

I hereby announce my final intensive inventory decision under the authority of Sec. 603 of the Federal Land Policy and Management Act (FLPMA) and in accordance with the guidelines in the September 27, 1978, BLM *Wilderness Inventory Handbook* and Organic Act Directive No. 78–61, Change 3.

The proposed intensive inventory decision was published in the May 30, 1980, **Federal Register** page 36525, which initiated a 90-day public comment period. A supplement to the May 30 announcement, which amended the announced wilderness inventory, was published in the July 24, 1980, **Federal Register**, page 49364.

These **Federal Register** notices stated that the public comment period was to end on August 28, 1980 and gave the following State Wilderness Study Area units and acreages:

Districts	Acres intensive inventoried	Acres proposed for WSA	(Units)	Acres proposed to be dropped
Arizona Strip	1,576,672	483,618	(25)	1,093,054
Phoenix	1,867,081	907,024	(35)	960,057
Safford	311,333	191,731	(19)	119,602
Yuma	680,455	337,965	(19)	342,490
State	4,435,541	1,920,338 (98 WSA's)		2,515,203

Thirteen public meetings were held throughout Arizona during the 90-day comment period. Verbal and written comments concerning the wilderness characteristics of the WSA units were filed in the permanent documentation files. Those comments which provided

new information were field checked and verified. Specific comments which disagreed with BLM's judgment of the application of the wilderness criteria mandated by Sec. 603 of the FLPMA of 1976 were also field checked. The comments received during the public comment period resulted in WSA boundary adjustments, dropping some recommended WSAs from further wilderness consideration and adding other WSA units which were proposed to be released from Sec. 603 of FLPMA.

Public comments received during this period are on file in the BLM District offices responsible for management of the specific inventory unit in question. WSA final decision maps and summary narratives are available from any Arizona BLM office listed at the end of this notice.

The WSA final decision is set forth in the following tables which list each inventory unit. Approximately 1,941,426 acres (94 units) have been determined to possess wilderness characteristics as set forth in Sec. 2(c) of the 1964 Wilderness Act and are WSAs. The remaining areas, consisting of about 2,467,398 acres, have been determined not to possess wilderness characteristics as set forth in Sec. 2(c) of the 1964 Wilderness Act and is therefore dropped from further consideration under the wilderness review process and released from the constraints of interim management as specified in Sec. 603(c) of the FLPMA of 1976.

Wilderness Study Area Final Decision

Inventory units name	Unit number	Acres intensively inventoried	Acres proposed for WSA	Acres proposed to be dropped	Final WSA acres	Final acres to be dropped
Arizona Strip District	AZ-010-006	26,502	.....	14,988	.....	14,988
Ferry Swale	AZ-010-006A	.....	10,170	.....	10,170	.....
Judd Hollow	AZ-010-006B	.....	1,226	.....	1,226	.....
Paria Rim	AZ-010-006C	.....	106	.....	106	.....
Cedar Mtn	AZ-010-006D	.....	12	.....	12	.....
	AZ-010-008/019	136,859	.....	5,083	.....	5,083
Paria Plateau	AZ-010-008A/19	.....	124,428	.....	124,428	.....
Overlook	AZ-010-008B	.....	7,348	.....	7,348	.....
Emmett Wash	AZ-010-009	25,856	12,913	12,943	12,913	12,943
House Rock Valley	AZ-010-010	15,437	0	15,437	0	15,437
Buffalo Range	AZ-010-011	25,139	0	25,139	0	25,139
North Canyon	AZ-010-012	8,550	0	8,550	0	8,550
Anderson Ranch	AZ-010-014	6,053	0	6,053	0	6,053
Round Valley	AZ-010-015	5,708	0	5,708	0	5,708
Big Ridge	AZ-010-016	6,912	0	6,912	0	6,912
Sand Hills	AZ-010-017	17,408	0	17,408	0	17,408
Corral Valley	AZ-010-018	9,164	0	9,164	0	9,164
Kaibab	AZ-010-020	11,990	0	11,990	0	11,990
Pine Hollow Canyon	AZ-010-021	11,635	0	11,635	0	11,635
Buckskin Mtns	AZ-010-022	9,064	0	9,064	0	9,064
Pasture Canyon	AZ-010-023	13,850	0	13,850	0	13,850
Rock Canyon	AZ-010-024	5,171	0	5,171	0	5,171
LeFevre Canyon	AZ-010-025	18,912	0	18,912	0	18,912
Muggings Flat	AZ-010-026	17,894	0	17,894	0	17,894
Shinarump Cliff	AZ-010-027	13,696	0	13,696	0	13,696
Wildcat Canyon	AZ-010-028	40,533	0	40,533	0	40,533
Pigeon Canyon East	AZ-010-029	20,275	0	20,275	0	20,275
Little Cedar Knoll	AZ-010-030	10,320	0	10,320	0	10,320
Knab Creek	AZ-010-031	49,565	39,907	9,658	39,907	9,658
Scotts Hole	AZ-010-032	11,264	0	11,264	0	11,264
Hack Canyon (A)	AZ-010-033A	70,046	63,682	6,364	63,682	6,364
Hack Canyon (B)	AZ-010-033B	10,802	0	10,802	0	10,802
Robinson	AZ-010-034	9,741	9,671	70	9,671	70
Nates Canyon	AZ-010-038	5,550	0	5,550	0	5,550
Yellowstone Mesa	AZ-010-039	51,519	0	51,519	0	51,519
Bull Pasture	AZ-010-040	11,034	0	11,034	0	11,034
Cottonwood Point	AZ-010-041	6,790	6,449	341	6,449	341
Wild Band Pockets	AZ-010-045	7,706	0	7,706	0	7,706
Swapp	AZ-010-047	9,022	0	9,022	0	9,022
Hancock Knolls	AZ-010-048	12,189	0	12,189	0	12,189
Broad Canyon	AZ-010-049	4,122	0	4,122	0	4,122
Toroweap	AZ-010-050	5,427	5,312	115	5,312	115
Mt. Logan	AZ-010-051	18,608	8,803	9,805	8,803	9,805
Mt. Trumbull	AZ-010-052	8,400	7,285	1,115	7,285	1,115
Marshall Ranch	AZ-010-053	5,555	0	5,555	0	5,555
Pugh Knoll	AZ-010-055	25,702	0	25,702	0	25,702
Crosby Tank	AZ-010-056	8,320	0	8,320	0	8,320
Nickalas	AZ-010-057	15,633	0	15,633	0	15,633
Hurricane Cliffs	AZ-010-058	36,071	0	36,071	0	36,071
Vunkaret	AZ-010-059	43,059	0	43,059	0	43,059
Flat Top	AZ-010-062	9,088	0	9,088	0	9,088
Rocks	AZ-010-063	8,960	0	8,960	0	8,960
Snake Pond	AZ-010-064	13,309	0	13,309	0	13,309
White Pockets	AZ-010-065	8,653	0	8,653	0	8,653
East Antelope	AZ-010-066	6,989	0	6,989	0	6,989
Atkins Well	AZ-010-067	6,451	0	6,451	0	6,451
Spring Mtn	AZ-010-068	7,104	0	7,104	0	7,104

Wilderness Stud Area Final Decision—Continued

Inventory units name	Unit number	Acres intensively inventoried	Acres proposed for WSA	Acres proposed to be dropped	Final WSA acres	Final acres to be dropped
Canaan Gap	AZ-010-069	22,950	0	22,950	0	22,950
Cottonwood Canyon	AZ-010-071	41,472	0	41,472	0	41,472
East Mesa	AZ-010-072	29,286	0	29,286	0	29,286
Yellow Horse Flat	AZ-010-073A	10,440	0	10,440	0	10,440
Quail Draw	AZ-010-073B	22,540	0	22,540	0	22,540
Seegmiller	AZ-010-074	8,550	0	8,550	0	8,550
Gyp Pocket	AZ-010-076	7,275	0	7,275	0	7,275
Nutter Pond	AZ-010-077	9,467	0	9,467	0	9,467
Lower Hurricane	AZ-010-078	51,018	0	5,018	0	5,018
Navajo	AZ-010-079	4,996	0	4,996	0	4,996
Hole-in-Wall	AZ-010-080	19,507	0	19,507	0	19,507
Main Street	AZ-010-081	10,163	0	10,163	0	10,163
Hard Pond	AZ-010-082	12,133	0	12,133	0	12,133
Hooter	AZ-010-083	7,665	0	7,665	0	7,665
Hurricane Wash	AZ-010-084	6,298	0	6,298	0	6,298
Round Pond	AZ-010-085	5,120	0	5,120	0	5,120
Sink Hole	AZ-010-086	6,530	0	6,530	0	6,530
Mudhole	AZ-010-087	11,726	0	11,726	0	11,726
Sullivan	AZ-010-088	8,243	0	8,243	0	8,243
Rocky's	AZ-010-089	6,451	0	6,451	0	6,451
Poverty Mtn	AZ-010-091	11,699	0	11,699	7,872	3,827
Parashaunt	AZ-010-093	38,938	28,141	10,797	28,141	10,797
	AZ-010-094	2,945	0	2,945	0	2,945
	AZ-010-095	1,920	0	1,920	0	1,920
Darnsil Canyon	AZ-010-096A	294	294	0	294	0
Parashaunt Wash	AZ-010-096B	7,770	0	7,770	0	7,770
Grassy Mtn	AZ-010-096C	56,573	.....	2,822	.....	2,822
Grassy Mtn	AZ-010-096C	.....	5,503	.....	5,503	.....
Andrus Canyon	AZ-010-096D	.....	48,248	.....	48,248	.....
North Dellenbaugh	AZ-010-097	10,698	10,678	20	10,678	20
	AZ-010-098	640	0	640	0	640
G&F	AZ-010-099	640	640	0	640	0
	AZ-010-100	640	0	640	0	640
	AZ-010-101	320	0	320	0	320
	AZ-010-102	640	0	640	0	640
Burnt Canyon	AZ-010-103	6,400	0	6,400	0	6,400
	AZ-010-104	49,522	.....	8,807	.....	8,807
Salt House	AZ-010-104A	.....	13,465	0	13,465	0
Mustang Point	AZ-010-104B	.....	27,250	0	27,250	0
Hidden Wash	AZ-010-110	19,950	0	19,950	0	19,950
Last Chance	AZ-010-111	38,460	38,050	410	38,050	410
Nutter	AZ-010-116	6,835	0	6,835	0	6,835
Eaglestead	AZ-010-117	5,350	0	5,350	0	5,350
Shoebuckle	AZ-010-118	11,955	0	11,955	0	11,955
Hobble Pond	AZ-010-125	17,126	0	17,126	0	17,126
Wolf Hole	AZ-010-131	12,251	0	12,251	0	12,251
Purgatory	AZ-010-132	21,187	7,557	13,630	7,557	13,630
Mokaac Mtns	AZ-010-133	32,246	0	32,246	0	32,246
Mt. Emma	AZ-010-136	8,320	6,480	1,840	6,480	1,840
	AZ-010-137	1,408	0	1,408	0	1,408
	AZ-010-138	614	0	614	0	614
	AZ-010-139	1,485	0	1,485	0	1,485
	AZ-010-140	1,446	0	1,446	0	1,446
	AZ-010-141	179	0	179	0	179
	AZ-010-143	2,397	0	2,397	0	2,397
	AZ-010-145	2,312	0	2,312	0	2,312
	AZ-010-146	4,075	0	4,075	0	4,075
Total 110 units inventoried		1,576,672	483,618 (25 WSAs)	1,093,054	491,490 (26 WSAs)	1,085,182
Phoenix District	AZ-020-001	36,203	.....	.....	.....	.....
Mt. Wilson	AZ-020-001A	.....	24,821	0	24,821	0
Mt. Wilson Plain	AZ-020-001B	.....	0	11,382	0	11,382
Squaw Peak	AZ-020-002	20,525	0	20,525	0	20,525
Trail Rapids Hills	AZ-020-003	10,430	0	10,430	0	10,430
S. Detrital Valley	AZ-020-004/005	13,920	0	13,920	0	13,920
Pope Mine	AZ-020-006	1,100	0	1,100	0	1,100
Van Deeman	AZ-020-007	3,200	1,550	1,650	1,550	1,650
Mockingbird	AZ-020-008	5,700	5,700	0	5,700	0
Black Mtns. N	AZ-020-009	20,400	20,398	2	20,398	2
Burns Spring	AZ-020-010	30,000	29,961	39	29,961	39
Mt. Tipton	AZ-020-012/042	22,560	19,550	3,010	19,550	3,010
Grapevine Wash	AZ-020-014	2,200	2,200	0	2,200	0
Grand Wash Cliffs	AZ-020-015	12,746	12,176	570	12,176	570
Music Mtns	AZ-020-017	32,800	0	32,800	0	32,800
Mt. Davis	AZ-020-021 (4 parcels)	2,560	0	2,560	2,560	0
Pinnacles	AZ-020-023	10,460	0	10,460	0	10,460
Mt. Nutt	AZ-020-024	33,345	26,300	7,045	29,200	4,145
Warm Springs	AZ-020-028/029	143,000	118,695	24,305	118,355	24,645
Detrital Valley	AZ-020-039	16,022	0	16,022	0	16,022
Peoples Canyon	AZ-020-068	3,480	3,480	0	3,480	0
Buckskin Mtns	AZ-020-071	78,348	47,582	30,766	47,582	30,766
Sycamore Mesa	AZ-020-072	5,897	0	5,897	0	5,897
Harcuvar Mtns	AZ-020-075	94,313	74,778	19,535	74,778	19,535

Wilderness Study Area Final Decision—Continued

Inventory units name	Unit number	Acres intensively inventoried	Acres proposed for WSA	Acres proposed to be dropped	Final WSA acres	Final acres to be dropped
Hassayampa River Canyon	AZ-020-083	26,985	24,200	2,785	24,200	2,785
	AZ-020-084	6,667	.....	.....	.....	.....
S. Bradshaws E	AZ-020-084A	.....	640	0	640	0
S. Bradshaws W	AZ-020-084B	.....	0	6,027	0	6,027
Buckhorns	AZ-020-086	6,571	5,427	1,144	0	6,571
Granite Wash Mtns	AZ-020-090	43,938	0	43,938	0	43,938
Tank Pass	AZ-020-091	14,441	0	14,441	0	14,441
Harcuvar Peak	AZ-020-092	33,600	0	33,600	0	33,600
Big Horn Mtns	AZ-020-099	24,133	22,337	1,796	22,337	1,796
Hummingbird Springs	AZ-020-100	69,025	61,660	7,365	67,680	1,345
Black Butte	AZ-020-103	20,460	0	20,460	0	20,460
Belmont Hills N	AZ-020-107	11,500	0	11,500	0	11,500
Belmont Hills	AZ-020-108	18,773	0	18,773	0	18,773
Cedar Basin	AZ-020-118	7,883	0	7,883	0	7,883
Hells Canyon	AZ-020-119	9,385	9,379	6	9,379	6
Baldy Mtn	AZ-020-120	10,736	0	10,736	0	10,736
Petrified Forest	AZ-020-124	560	0	560	0	560
New Water Mtns	AZ-020-125	58,600	58,600	0	58,600	0
	AZ-020-126	25,690	.....	.....	.....	.....
Little Horn Mtns. West	AZ-020-126A	.....	13,800	2,650	13,800	2,650
Little Horn Mtns. West B	AZ-020-126B	.....	0	9,240	0	9,240
Red Raven Wash	AZ-020-127A	27,079	0	27,079	0	27,079
Palomas Plain	AZ-020-130	30,700	0	30,700	0	30,700
Tank Mtns	AZ-020-131	43,400	0	43,400	0	43,400
Palomas Mtns	AZ-020-132/133	28,040	0	28,040	0	28,040
Fact Mtn	AZ-020-136	39,560	0	39,560	27,575	11,985
Yellow Medicine Butte	AZ-020-137	37,983	0	37,983	0	37,983
Signal Mtn	AZ-020-138	29,070	20,920	8,150	20,920	8,150
Hyder Valley	AZ-020-140	9,340	0	9,340	0	9,340
Woolsey Peak	AZ-020-142/144	81,700	73,930	7,770	73,930	7,770
Gila Bend Mtns	AZ-020-143	19,900	0	19,900	0	19,900
Gila River	AZ-020-148	16,400	0	16,400	0	16,400
	AZ-020-155	49,200	.....	.....	.....	.....
Painted Rocks Mtns. S	AZ-020-155A	.....	0	39,450	0	39,450
Painted Rocks Mtns. N	AZ-020-155B	.....	9,320	430	0	9,750
N. Maricopa Mnts	AZ-020-157	77,650	75,485	2,165	75,483	2,167
Sierra Estrella S. Maricopa Mnts.	AZ-020-160	22,740	0	22,740	14,190	8,550
S. Maricopa Mnts	AZ-020-163	80,181	72,004	8,177	72,004	8,177
Butterfield Stage Memorial	AZ-020-164	9,574	9,566	8	9,566	8
Squaw Tits	AZ-020-169	33,690	0	33,690	0	33,690
Table Top Mtn	AZ-020-172	46,363	0	46,363	39,823	6,540
Batamote Mtns	AZ-020-175	57,697	0	57,697	0	57,697
Sikort Chapa Mtns	AZ-020-176	10,665	10,665	0	10,665	0
Pozo Redondo	AZ-020-177	19,890	0	19,890	0	19,890
Mineral Mtns	AZ-020-186	8,660	0	8,660	0	8,660
White Canyon	AZ-020-187	6,975	6,970	5	6,968	7
Tortilla Mtns	AZ-020-188	5,030	0	5,030	0	5,030
Sawtooths	AZ-020-190	11,900	11,900	0	0	11,900
Picacho Mtns	AZ-020-194	6,400	6,400	0	6,400	0
W. Silver Bell Mtns	AZ-020-196	10,500	0	10,500	0	10,500
Ragged Top	AZ-020-197	8,480	0	8,480	4,460	4,020
Pan Quemado	AZ-020-199	11,870	0	11,870	0	11,870
Roskruge Mtns	AZ-020-200	7,700	0	7,700	0	7,700
Coyote Mtns.*	AZ-020-202	5,783	5,780	3	5,080	3
Baboquivari Peak	AZ-020-203	4,435	.....	.....	.....	.....
Baboquivari Peak North	AZ-020-203A	.....	0	2,370	0	2,370
Baboquivari Peak South	AZ-020-203B	.....	2,065	0	2,065	0
Ives Peak	AZ-020-204	11,435	9,875	1,560	9,675	1,760
Tres Alamo	AZ-020-205	8,935	8,910	25	8,910	25
Total 78 units inventoried		1,867,081	907,024 (35 WSAs)	960,057	976,661 (37 WSAs)	889,720

*No boundary adjustments were made. Final acres reflect a more accurate counting method.

Stafford District:	AZ-040-001	25,174	.....	3,029	.....	3,029
Needles's Eye	AZ-040-001A	.....	10,020	0	9,485	535
Mescal Mtns	AZ-040-001B	.....	7,140	0	0	7,140
El Capitan	AZ-040-001C	.....	0	4,985	0	4,985
Zapata Wash	AZ-040-004	6,360	0	6,360	0	6,360
Black Rock	AZ-040-008	8,620	8,492	128	8,492	128
Ashurst	AZ-040-009	11,506	0	11,506	0	11,506
Bear Spring Flat	AZ-040-010/011	19,989	0	19,989	0	19,989
Diamond Bar	AZ-040-013	6,240	6,240	0	0	6,240
Fishhooks	AZ-040-014	32,633	20,600	12,033	15,013	17,620
Daymine	AZ-040-016	28,815	16,639	12,176	16,639	12,176
Oliver Knoll	AZ-040-017	7,786	6,984	802	0	7,786
Johnny Spring	AZ-040-020	8,382	8,225	157	0	8,382
	AZ-040-022/023/024	46,264	.....	9,220	.....	9,220
Gila Box	AZ-040-022/023/024A	.....	19,622	0	13,470	6,152
Turtle Mtn	AZ-040-022/023/024B	.....	17,422	0	17,422	0
Thumb Butte	AZ-040-030	10,075	0	10,075	0	10,075
Javelina Peak	AZ-040-048	18,207	17,870	337	17,870	337
Little Pranks	AZ-040-055	7,535	0	7,535	0	7,535
Orange Butte	AZ-040-059	7,655	0	7,655	0	7,655

Wilderness Study Area Final Decision—Continued

Inventory units name	Unit number	Acres intensively inventoried	Acres proposed for WSA	Acres proposed to be dropped	Final WSA acres	Final acres to be dropped
Peloncillo Mtns	AZ-040-060	13,368	13,032	336	13,032	336
Happy Camp Canyon	AZ-040-065	20,327	17,271	3,056	16,771	3,556
Bowie Mtn	AZ-040-066	6,617	6,555	62	*	*
Baker Canyon	AZ-040-070	4,814	4,812	2	*	*
Rhode's Peak	AZ-040-072	279	0	279	*	*
YLE	AZ-040-073	960	0	960	*	*
Pothole	AZ-040-074	5,481	5,480	1	0	5,481
Linden Creek	AZ-040-075	160	0	160	0	160
Apache Box	AZ-040-076	932	932	0	932	0
Hoverrocker	AZ-040-077	3,754	3,754	0	2,769	985
Ketchum	AZ-040-078	22	0	22	0	22
Galiuro Addition #1	AZ-040-079	63	0	63	*	*
Galiuro Addition #2	AZ-040-080	160	0	160	*	*
Galiuro Addition #3	AZ-040-081	640	640	0	*	*
Holdout	AZ-040-082	116	0	116	0	116
Steeple Rock	AZ-040-083	8,400	0	8,400	0	8,400
Total 34 units inventoried		311,333	191,731 (19 WSAs)	119,602	131,895 (11 WSAs)	165,906

*These units were announced separately under an accelerated inventory. The final decision was released in the October 8, 1980 FEDERAL REGISTER, page 66876.

Yuma District						
Dead Mtn. North Addition	AZ-050-001	1,815	0	0	1,815	0
Dead Mtns. South Addition	AZ-050-002	630	630	0	630	0
Chemehuevi Mnts	AZ-050-003	195	195	0	195	0
Chemehuevi/Needles	AZ-050-004	960	960	0	960	0
Needles North Addition	AZ-050-005A	*5,835	0	*5,835	0	5,590
Needles Eastern Addition	AZ-050-005B	7,315	465	0	465	0
Needles Southern Addition	AZ-050-005C	.....	0	6,850	0	6,850
Buck Mtns	AZ-050-007A	19,675	0	9,020	0	9,020
West Buck Mtns	AZ-050-007F	.....	0	10,655	0	10,655
Mohave Wash	AZ-050-007C/5-48/2-52	104,605	104,605	0	104,605	0
No Name	AZ-050-007D	5,945	0	5,945	0	5,945
East Whipple Mtns	AZ-050-009	5,235	0	5,235	0	5,235
Whipple Mtn. Addition	AZ-050-010	1,380	1,380	0	1,380	0
The Mesa	AZ-050-011	14,185	0	14,185	0	14,185
Gilbraltar Mtn	AZ-050-012	25,260	25,260	0	25,260	0
Planet Peak	AZ-050-013	17,695	17,645	50	17,645	50
	AZ-050-014	72,825	.....	.....	.....	.....
Cactus Plain	AZ-050-014A	.....	65,645	2,145	70,360	2,465
Cactus Plain	AZ-050-014B	.....	0	5,035	.....	.....
Swansea	AZ-050-015A	44,785	41,690	3,095	41,690	3,095
Clara Peak	AZ-050-015B	9,695	0	9,695	0	9,695
E. Cactus Plain	AZ-050-017	14,020	13,735	285	13,735	285
Big Maria Mtns. N	AZ-050-018	415	415	0	415	0
Big Maria S	AZ-050-019	2,145	1,420	725	1,420	725
	AZ-050-020	54,230	.....	.....	2	.....
La Posa Plain	AZ-050-020A	.....	0	24,960	0	24,960
S. La Posa Plain	AZ-050-020B	.....	0	29,270	0	29,270
No Name	AZ-050-021	16,510	0	16,510	0	16,510
	AZ-050-023A/B	52,740	42,670	10,070	.....	.....
S. Trigo Mtns	AZ-050-023A	.....	.....	.....	4,500	1,390
Trigo Mtns	AZ-050-023B	.....	.....	.....	36,870	9,980
Kofa Unit 2	AZ-050-028	3,085	0	3,085	0	3,085
Kofa Unit 3	AZ-050-030	9,240	0	9,240	0	9,240
Kofa Unit 3 S	AZ-050-031	11,270	3,400	7,870	3,400	7,870
Kofa Unit 4 N	AZ-050-033	2,195	1,900	295	1,900	295
Kofa Unit 4 S	AZ-050-034	11,220	11,220	0	11,220	0
Little Picacho Peak Addition	AZ-050-035	2,950	2,915	35	2,915	35
No Name	AZ-050-036	5,060	0	5,060	0	5,060
No Name	AZ-050-037	6,740	0	6,740	0	6,740
Laguna Mtn	AZ-050-038	9,265	0	9,265	0	9,265
N. Gila Mtns	AZ-050-039	13,165	0	13,165	0	13,165
Gila Mtns	AZ-050-040	8,765	0	8,765	0	8,765
N. Mohawk Mtn	AZ-050-042	4,725	0	4,725	0	4,725
Butler Pass	AZ-050-047/2-73	27,340	0	27,340	0	27,340
Polomosa Mtn	AZ-050-049	*87,340	0	*87,340	0	75,100
Total 37 units inventoried		680,455	337,965 (19 WSAs)	342,490	341,380 (20 WSAs)	326,590

*No boundary adjustments were made. Final acres reflect a more accurate counting method.

Summary of Wilderness Inventory

District	Acres proposed for WSA	Acres final WSA units	Acres proposed to be dropped	Acres final to be dropped	Total final acres reported*
Arizona Strip	483,618	491,490	1,093,054	1,085,182	1,576,672
Phoenix	907,024	976,661	960,057	889,720	1,866,381
Safford	191,731	131,895	119,602	165,906	297,801

Summary of Wilderness Inventory—Continued

District	Acres proposed for WSA	Acres final WSA units	Acres proposed to be dropped	Acres final to be dropped	Total final acres reported*
Yuma	337,965	341,380	342,490	326,590	667,970
State Totals	1,920,338	1,941,426 (94 Units)	2,515,203	2,467,398	4,408,824

*The final total acres do not include units which were reported in the accelerated inventories.

The final intensive inventory decisions will become effective on December 15, 1980.

Protests and Appeal Procedures

The decision for each inventory unit is considered individually and separately from the decision for every other inventory unit. These decisions will become effective on December 15, 1980 unless timely protests are received by the Arizona State Director.

Persons wishing to protest any of the decisions announced herein must file a written protest with the State Director, Bureau of Land Management, Arizona State Office, 2400 Valley Bank Center, Phoenix, Arizona 85073, on or before 4:15 p.m., December 15, 1980. Only those protests received by the Arizona State Office by time and date specified will be accepted.

The protest must specify the specific inventory unit to which it is directed. It must include a clear and concise statement and reason for the protest, as well as data supporting the reason.

At the conclusion of the protest period, the State Director will publish in the **Federal Register** a notice of those decisions that were not protested and therefore have become final, and those decisions which are under formal protest. The notice will identify those inventory units under protest and will announce that the decisions on the units will not become final pending a decision on the protest and any resulting appeal.

The State director will issue a written decision on any protest which is filed according to the above requirements and will publish a notice in the **Federal Register** of the action taken in response to the protest.

Any person adversely affected by the State Director's decision on a written protest may appeal such decision under the provisions of 43 CFR Part 4.

All Wilderness Study Areas or inventory units under protest, or otherwise not formally dropped from further consideration, are subject to certain management and use restrictions as identified in the Interim Management Policy published December 12, 1979.

WSA final decision maps and summary narratives are available from any Arizona BLM office listed below.

Arizona Strip District Office,
196 East Tabernacle,
P.O. Box 250,
St. George, Utah 84770(801) 673–4882.
Safford District Office,
425 East Fourth Street,
Safford, Arizona 85546(602) 428–4040.
Kingman Resource Area Office,
2475 Beverly Avenue,
Kingman Arizona 86401
(602) 757–4011.
Phoenix District Office,
2929 West Clarendon Avenue,
Phoenix, Arizona 85017
(602) 241–2501.
Yuma District Office,
2450 Fourth Avenue,
P.O. Box 5680,
Yuma, Arizona 85364
(602) 726–6300.
Havasu Resource Area Office,
2049 Swanson Avenue,
P.O. Box 685,
Lake Havasu City, Arizona 86403
(602) 855–8017.

Clair M. Whitlock,

State Director.

October 30, 1980.

[FR Doc. 80-34524 Filed 11-13-80; 8:45 am]

BILLING CODE 1505-02-M

DEPARTMENT OF THE INTERIOR

California Wilderness Program

I. Final Intensive Inventory Decisions on the Interstate Inventory Units California shares with the Oregon and Nevada State Offices.

The Inventory Decision Report on these Final Intensive Inventory Units is available from the California State Director, Bureau of Land Management, Room E–2841, 2800 Cottage Way, Sacramento, CA 95825. Copies have been mailed to more than 6,000 persons on the California Wilderness Inventory mailing list.

The Final Inventory Decisions Announced in this Report are summarized by Inventory Unit as follows:

Unit No.	Name	WSA	Non-WSA	Total acres
CA-010-105/NV-030-531	Slinkard	5,440 CA		5,440
CA-020-403/NV-030-603	Fort Sage Mountain		10,080 NV 12,910 CA	22,990
CA-020-618 and 621/NV-020-012	Poodle Mountain	127,829 NV	9,331 NV	137,160
CA-020-816, 820, 821/NV-020-010	Crutcher		52,745 NV	52,745
CA-020-813 A and B/NV-020-004	Hog Ranch Mountain		9,980 NV	9,980
CA-020-822	Negro Creek		5,300 NV	5,300
CA-020-822 A and B, 823/NV-020-021	(No name)		5,230 NV	5,230
CA-020-823/NV-020-009	Leadville		27,023 NV	27,023
CA-020-913/NV-020-008	Little High Rock Canyon	52,143 NV	1,430 NV	53,573
CA-020-914/NV-020-006A	East Fork High Rock Canyon	53,920 NV		53,920
CA-020-914A/NV-020-006	Warm Springs Canyon		65,369 NV	65,369
CA-020-919/NV-020-001	Ten Mile Springs		11,470 NV	11,470
CA-020-1004/OR 1-164	Snuff/12 Mile Creek		1,440 OR 3,060 CA 11,630 NV	16,130
CA-020-1005/OR 1-156	Coleman Valley West Coleman Ranch.		10,000 OR 13,005 NV	23,005
CA-020-1010/OR 1-126	Coleman Valley/Macy Flat		23,640 OR 13,060 NV	36,700
Total=		233,892 NV 5,440 CA	235,653 NV 35,080 OR 15,970 CA	526,035

These determinations are based upon wilderness intensive inventories completed for each inventory unit, and an analysis of public comments received prior to and during the formal public review and comment periods conducted as outlined in our **Federal Register** Notice of April 3, 1980, pages 22198–22200, and our March 31, 1980, Proposed Intensive Inventory Reports for the respective interstate units.

When effective, those portions of the above intensive inventory units determined not to meet the criteria for identification as Wilderness Study Areas will no longer be subject to the management restrictions imposed by Section 603–C of the Federal Land Policy & Management Act of 1976, Pub. L. 94–579. Those portions identified as Wilderness Study Areas will continue to be subject to the interim management restrictions of this Act.

These final intensive inventory determinations are effective December 16, 1980. For the purposes of this determination, each inventory unit is considered individually and separately from every other inventory unit. Should any amendment to these determinations be made by the BLM State Director, California, as a result of new information received following this publication, that amendment will be formally published in the **Federal Register** and will become effective 30 days following such publication. This 30 day extension will apply only to the amendment and not to the original designations.

Persons wishing to protest any of the determinations of the final intensive inventory units made herein shall have 30 days after this publication in the **Federal Register**, up to and including December 15, 1980, to file a written protest. Protests should address a specific inventory unit, must include a clear and concise statement of reasons for the protest, and must furnish supporting data to the State Director, Bureau of Land Management, Room E–2841, 2800 Cottage Way, Sacramento, California 95825. Protests must be received by the State Director by December 15, 1980. Protests received after that date will not be accepted unless postmarked on or before December 15, 1980. The State Director, California, will render a written decision on any protest so received.

Any persons adversely affected by the State Director's decision on a written protest may appeal such decisions following normal administrative procedures applicable at that time.

II. California's Amended Final Intensive Inventory Report of August 28, 1980, identified nine inventory units wherein the wilderness inventory decision was amended as a result of information obtained during the protest period on these units.

The amended inventory decision on units CA–010–064 and 075, CA–030–402 and 501 and CA–060–026 are not final. The amended inventory decisions on units CA–020–211, 609 and 1013, CA–030–504 have been formally appealed.

III. Summary of California's Wilderness Inventory Finding to Date

Public Lands Subject to Wilderness Inventory (administered by California State Office), 17,867,000 acres.

*Completed Inventory:**

A—Acres dropped due to lack of characteristics, 9,980,265 acres

B—Acres identified as WSA's 4,466,615 acres

C—Acres under appeal: Proposed to be dropped, 1,003,421 acres

Proposed as WSA's, 2,416,699 acres

(**Federal Register** notices will continue to announce the decisions for these 51 units as appeals are resolved)

*The Final Inventory Decisions announced in our November 14, 1980 report are included in the acreages in A&B as appropriate.

California Desert Conservation Area

[Units under appeal (Acres listed as proposed)]

Unit Number	Acres	Non-WSA acres	Total acres
117	405,215	10,240	415,455
131	24,873	68,320	93,193
136	52,696	7,680	60,376
137A	8,532	5,760	14,292
143	46,529	19,200	65,729
150	109,701	3,840	113,541
156	113,901	2,560	116,461
158	36,023	960	36,983
172	7,040	9,600	16,640
217	53,219	7,040	60,259
221	87,831	4,480	92,311
222	255,058	65,280	320,338
227	14,107	13,440	27,547
242	106,641	3,200	109,841
263	51,057	4,480	55,537
264	13,300	1,220	14,520
265	35,583	16,640	52,223
266	36,239	4,480	40,719
271	37,758	10,880	48,638
299	100,826	13,440	114,266
305	135,827	238,720	374,338
321	50,538	60,600	111,547
325	239,878	227,200	467,078
334	49,723	28,160	77,883
343	15,655	12,800	28,455
348	126,057	38,400	164,457
376	—	25,600	25,600
Subtotal	2,213,807	904,420	3,118,227

Outside the California Desert Conservation Area

Unit Number	WAS acres	Non-WSA acres	Total acres
CA-010			
031	—	2,760	2,760
033	—	3,660	3,660
040	—	7,192	7,192
047	—	27,500	27,500
060	7,600	5,160	12,260
063	3,211	1,060	4,271
065	6,518	2,180	8,698
068	3,197	—	3,197
069	—	7,400	7,400
087	—	3,400	3,400
101	—	440	400
CA-020			
211	16,950	—	16,950
609	45,800	1,360	47,160
701	—	6,280	6,280
901	—	1,130	1,130
1001	—	1,320	1,320
1013	110,000	—	110.000
CA-030			
300	—	4,165	4,165
400	—	7,123	7,123
500	—	5,760	5,760
504	68	—	68
CA-050			
131	—	5,871	5,871
134	—	2,360	2,360
135	—	2,880	2,880
211	9,548	—	9,548
Subtotal	202,892	99,001	301,893
Statewide total	2,416,699	1,003,421	3,420,120

IV. California's Land use Planning Schedules

Wilderness studies are being considered during FY–81 as part a of the following District Land Use Planning efforts.

Bakersfield District

Planning Units:		
South Sierra Foothills	FY–81/83	8 WSA's.
Joint Forest Service Planning	FY–8183/	22 WSA's.
Bodie-Coleville	FY–80/82	10 WSA's.
Susanville District:		
None.		
Redding District:		
Redding	FY–81/83	6 WSA's
Ukiah District:		
Big Butte/Joint Forest Service	FY–81/82	1 WSA.
Clear Lake Resource Area (tentative)	FY–81/83	2 WSA's.
California Desert District:		
East San Diego County	FY–78/81	5 WSA's.
California Desert Plan	FY–81	137 WSA's.

As identified in earlier wilderness reports, wilderness studies will be conducted by Each District Office as part of their ongoing Land Use Planning Program. Individuals interested in participating in the planning efforts should notify the appropriate District Office.

Districts

Bureau of Land Management
Bakersfield District Office
800 Truxtun Ave., Rm. 311
Bakersfield, CA 93301

Bureau of Land Management
Redding District Office
355 Hemstead Drive
Redding, CA 96002

Bureau of Land Management
California Desert District Office
1695 Spruce Street
Riverside, CA 92507

Bureau of Land Management
Susanville District Office
Post Office Box 1090
Susanville, CA 96130

Bureau of Land Management
Ukiah District Office
Post Office Box 940
555 Leslie Street
Ukiah, CA 95482

Ronald D. Hofman,

Acting State Director, California.

[FR Doc. 80-35099 Filed 11-13-80

BILLING CODE 4310-84-M

Colorado; Final Intensive Wilderness Inventory Decision and Commencement of Protest Period on Intensive Wilderness Inventory

I hereby announce my final intensive wilderness inventory decision under the authority of Section 603 of the Federal Land Policy and Management Act of 1976 (Pub. L. 94–579) and in accordance with the guidelines in the September 27, 1978, BLM *Wilderness Inventory Handbook* and Organic Act Directive No. 78–61, change 3. This notice also announces a protest period on my final intensive wilderness inventory decision which begins on the date of this announcement and ends December 15, 1980.

By publication in the **Federal Register,** Vol. 45, No. 23, Friday, February 1, 1980, pages 7312–7315, the BLM announced the beginning of a 90-day public review and comment period on the 117 intensive wilderness inventory units in Colorado encompassing approximately 1,316,800 acres. During the public comment period, 12 public workshops were held. All comments, whether mailed in or presented at a public meeting in writing or verbally, as well as late comments received in time to be reviewed before a final decision was made, were treated equally. They have been read, recorded, analyzed, evaluated and where appropriate, field checked. The final intensive wilderness inventory documentation, including all public comments, is contained in permanent documentation files located in the BLM Colorado State Office and in the appropriate BLM District Offices as listed in this announcement. A summary report, including statewide and area specific maps on the final intensive wilderness inventory, is available at no cost upon request from: Wilderness, Colorado State Office, Bureau of Land Management, Colorado State Bank Building, Room 700, 1600 Broadway, Denver, Colorado 80202.

Final Intensive Wilderness Inventory Decision

1. These units are identified as Wilderness Study Areas (WSA).

A. Units proposed as WSAs in the February 1, 1980 **Federal Register** notice:

Craig District

Unit No.	Acreage	Unit name
CO–010–001**	11,777	Bull Canyon.
CO–010–002	13,368	Willow Creek.
CO–010–003	13,740	Skull Creek.
CO–010–007A*	9,932	Black Mountain.
CO–010–007C	12,274	Windy Gulch.
CO–010–046	17,740	Oil Spring Mountain.
CO–010–155	8,250	Troublesome.
CO–010–208**	14,352	Cold Springs West.
CO–010–214**	31,480	Diamond Breaks.
CO–010–230	14,081	Cross Mountain.
Craig District Subtotal: 10 units; 146,994 acres.		

*Portions of unit CO–010–007B, Berry Point, are now included in this unit.

**Portions of units CO–010–001, CO–010–208 and CO–010–214 extend into the Utah Vernal District; only those acres of the units located in the Craig District are listed here.

Montrose District

Unit No.	Acreage	Unit name
CO–030–053A	2,440	Steers Gulch.
CO–030–057	6,070	Willow Creek.
CO–030–063	2,520	Dillon Mesa.
CO–030–085	350	Bill Hare Gulch.
CO–030–086	880	Larson Creek.
CO–030–088	1,120	Sparling Gulch.
CO–030–089	50,140	Powderhorn ISA.
CO–030–208	32,800	Red Cloud Peak.
CO–030–211	1,640	Slumgullion Slide.
CO–030–213	720	Friends Creek.
CO–030–217	3,400	American Flats.
CO–030–229A	5,780	West Needles Contiguous.
CO–030–229B	4,200	Needle Creek.
CO–030–230B	5,640	Whitehead Gulch.
CO–030–238B	1,840	Weminuche Contiguous.

Montrose District—Continued

Unit No.	Acreage	Unit name
CO-030-241	16,100	Handies Peak.
CO-030-251	7,360	Menefee Mountain.
CO-030-252	6,320	Weber Mountain.
CO-030-265**	8,440	Cross Canyon.
CO-030-265A**	4,680	Squaw/Papoose Canyons.
CO-030-265D**	8,385	Cahone Canyon.
CO-030-286	21,900	McKenna Peak.
CO-030-290	25,550	Dolores River Canyon.
CO-030-300	7,270	Tabeguach Creek
CO-030-310A*	1,660	Sewemup Mesa.
CO-030-332	400	Baldy Peak Contiguous.
CO-030-353	10,900	Camel Back.
CO-030-363*	43,810	Dominguez Canyon.
CO-030-370A	6,690	Kannah Creek Contiguous.
CO-030-370B	10,560	Adobe Badlands.
CO-030-338	19,560	Gunnison Gorge.

Montrose District Subtotal: 31 units; 319,125 acres.

*Portions of units CO-030-310A and CO-030-363 extend into the Colorado Grand Junction District; only those acres of the units located in the Montrose District are listed here.
**Portions of units CO-030-265, CO-030-265A and CO-030-265D extend into the Utah Moab District; only those acres of the units located in the Montrose District are listed here.

Canon City District

Unit No.	Acreage	Unit name
CO-050-002	6,614	Browns Canyon.
CO-050-013	16,800	McIntyre Hills.
CO-050-014	11,700	Lower Grape Creek.
CO-050-016	26,150	Beaver Creek.
CO-050-017	10,200	Upper Grape Creek.
CO-050-131	2,300	Black Canyon.
CO-050-132B	870	South Piney Creek.
CO-050-135	1,644	Sand Castle.
CO-050-137	1,020	Papa Keal.
CO-050-139B	720	Zapata Creek.
CO-050-141	10,240	San Luis Hills.

Canon City District Subtotal: 11 units; 88,258 acres.

Grand Junction District

Unit No.	Acreage	Unit name
CO-070-009	21,050	Demaree Canyon.
CO-070-066	26,525	Little Bookcliffs Wild Horse Area.
CO-070-103	4,250	Kannah Creek.
CO-070-103A	2,100	Nannah Creek North.
CO-070-113	18,150	Black Ridge Canyons.
CO-070-113A**	49,190	Black Ridge Canyons West.
CO-070-132	26,050	The Palisade.
CO-070-150*	31,990	Dominguiz Canyon.
CO-070-176*	17,480	Sewemup Mesa.
CO-070-392	330	Eagle Mountain.
CO-070-425	3,360	Hack Lake.
CO-070-430	15,000	Bull Gulch.
CO-070-433	11,940	Castle Peak.

Grand Junction District Subtotal: 13 units; 227,415 acres.
Grand Total for Colorado: 62 WSA units; 781,462 acres.

*Portions of units CO-070-150 and CO-070-176 extend into the Colorado Montrose District; only those acres of the units located in the Grand Junction District are listed here.
**Portions of unit CO-070-113A extend into the Utah Moab District; only those acres of the unit located in the Grand Junction District are listed here.

B. Units proposed to be dropped in the February 1, 1980 **Federal Register** notice but returned to WSA due to further evaluation of public comments by the BLM:

Craig District

Unit No.	Acreage	Unit name
CO-010-224	4,340	Dinosaur Adjacent-North.
CO-010-224A	1,320	Dinosaur Adjacent-North.
CO-010-226	4,880	Dinosaur Adjacent-North.

Craig District—Continued

Unit No.	Acreage	Unit name
CO-010-228	5,200	Dinosaur Adjacent-North.
CO-010-229D	6,900	Dinosaur Adjacent-North.

Craig District Subtotal: 5 units; 22,640 acres.
Grand Total for Colorado: 5 units; 22,640 acres.

2. These units are no longer subject to wilderness review because they were found to lack wilderness characteristics.

A. Units proposed to be dropped in the February 1, 1980 **Federal Register** notice:

Craig District

Unit No.	Acreage	Unit name
CO-010-006B	8,778	Pinyon Ridge.
CO-010-00N1	110	Dinosaur Adjacent-South.
CO-010-00N2	80	Dinosaur Adjacent-South.
CO-010-00N3	320	Dinosaur Adjacent-South.
CO-010-00N4A	240	Dinosaur Adjacent-South.
CO-010-00N4B	4,100	Dinosaur Adjacent-South.
CO-010-00N4C	1,600	Dinosaur Adjacent-South.
CO-010-00N4D	1,200	Dinosaur Adjacent-South.
CO-010-00N4E	4,500	Dinosaur Adjacent-South.
CO-010-00N5	560	Dinosaur Adjacent-South.
CO-010-00N6	3,800	Dinosaur Adjacent-South.
CO-010-168	9,870	Drowsy Water.
CO-010-178	9,590	Yarmony Mountain.
CO-010-208E	8,740	Limestone.
CO-010-210	6,600	Irish Canyon.
CO-010-210D	16,960	Douglas Draw.
CO-010-218	8,230	Dinosaur Adjacent-North.
CO-010-218A	1,900	Dinosaur Adjacent-North.
CO-010-227	240	Dinosaur Adjacent-North.
CO-010-271/N6B	4,800	Dinosaur Adjacent-North.
UT-080-104*	4,650	Wild Mountain.
UT-080-110*	10,769	Hoy Mountain.
UT-080-114	2,071	Pot Creek.

Craig District Subtotal: 23 units; 109,708 acres.

*Portions of units UT-080-104 and UT-080-110 are located in the Colorado Craig District and the Utah Vernal District; only those acres of the units located in the Craig District are listed here.

Montrose District

Unit No.	Acreage	Unit name
CO-030-210	5,960	Rambouillet Park.
CO-030-212	80	Waterdog Lake.
CO-030-253	720	Mesa Verde Contiguous.
CO-030-262	6,240	Hamilton Mesa.
CO-030-263*	13,410	Rare Lizard and Snake ISA.

Montrose District Subtotal: 5 units; 26,430 acres.

*Portions of unit CO-030-263 extend into the Utah Moab District; only those acres of the unit in the Montrose District are listed here.

Canon City District

Unit No.	Acreage	Unit name
CO-050-010	12,950	Bear Mountain.
CO-050-140	9,114	Flat Top.
CO-050-142	12,900	Twin Peaks.

Canon City District Subtotal: 3 units; 34,964 acres.

Grand Junction District

Unit No.	Acreage	Unit name
CO-070-001*	10,200	Prairie Canyon.
CO-070-015	17,500	Cow Ridge.
CO-070-015A	13,005	Hunter Canyon.
CO-070-015B	12,810	Garvey Canyon.
CO-070-031	28,860	South Shale Ridge.
CO-070-130	21,500	Bangs Canyon.
CO-070-130A	8,000	Rough Canyon.

Grand Junction District—Continued

Unit No.	Acreage	Unit name
CO-070-132A*	12,280	Granite Creek.
CO-070-132B*	6,720	Renegade Creek.
CO-070-138	8,900	West Unaweep.
CO-070-150A	11,600	Gunnison River.
CO-070-316	9,000	Grand Hogback.
CO-070-338	7,000	Storm King.
CO-070-372	8,800	Thompson Creek.
CO-070-421	15,518	Pisgah Mountain.

Grand Junction District Subtotal: 15 units; 191,693 acres.
Grand Total for Colorado: 46 units; 362,795 acres.

*Portions of units CO-070-001, CO-070-132A and CO-070-132B extend into the Utah Moab District; only those acres in the Grand Junction District are listed here.

B. Units proposed as WSAs in the February 1, 1980 **Federal Register** notice but have been found to lack wilderness characteristics after further evaluation of public comments by the BLM.

Canon City District

Unit No.	Acreage	Unit name
CO-050-033	160	Crystal Falls.

Canon City District Subtotal: 1 unit; 160 acres.
Grand Total for Colorado: 1 unit; 160 acres.

Grand totals presented in section 2 of this announcement do not reflect numerous boundary adjustment acreages found not to contain wilderness characteristics in intensive inventory units identified as WSAs. The following decision chart reflects both entire intensive inventory units not identified as WSAs and also boundary adjustment acreages found not to contain wilderness characteristics in units identified as WSAs.

Final Intensive Inventory Decision Summary

District	Identified as WSA		Not identified as WSA	
	Units	Acres	Units	Acres
Craig	15	169,634	24	147,330
Montrose	31	319,125	5	88,905
Canon City	11	88,258	4	34,920
Grand Junction	13	227,415	15	241,217
Total	70	804,432	48	512,372

A 5,040-acre portion of unit CO-070-031, South Shale Ridge, is under formal appeal to the Interior Board of Land Appeals (IBLA) as a result of the final initial wilderness inventory decision as released through **Federal Register** notice December 13, 1979. This portion of unit CO-070-031 will be subject to BLM's *Interim Management Policy and Guidelines for Lands Under Wilderness Review* (IMP) until the IBLA issues a final decision. The IMP guidelines will remain in effect on all units remaining under wilderness review which are under appeal or identified as WSAs.

The final intensive wilderness inventory decisions will become effective on *December 15, 1980.*

Protest and Appeal Procedures

The decision for each inventory unit is considered individually and separately from the decision for every other inventory unit. These decisions will become effective on *December 15, 1980* unless timely protests are received by the Colorado State Director.

Persons wishing to protest any of the decisions announced herein must file a written protest with the Colorado State Director, Colorado State Office, Bureau of Land Management, Colorado State Bank Building, Room 700, 1600 Broadway, Denver, Colorado 80202, on or before 4:00 p.m., December 15, 1980. Only those protests received by the Colorado State Office by the time and date specified will be accepted.

The protest must specify the inventory unit to which it is directed. It must include a clear and concise statement of the reasons for the protest, as well as data to support the reasons stated.

At the conclusion of the protest period, the State Director will publish in the **Federal Register** a notice of those decisions that were not protested and therefore have become final, and those decisions which are under formal protest. The notice will identify those inventory units under protest and will announce that the decision on the units will not become final pending a decision on the protest and any resulting appeal.

The State Director will issue a written decision on any protest which is filed according to the above requirements and will publish a notice in the **Federal Register** of the action taken in response to the protest.

Any person adversely affected by the State Director's decision on a written protest may appeal such decision under the provisions of 43 CFR Part 4.

Additional Information

Information on the wilderness review process and inventory units can be obtained by contacting BLM personnel at the following locations:

Canon City District Office, 275–7494, 3080 East Main Street, Canon City, Colorado 81212; District Manager: Mel Clausen. Wilderness Specialist: Ken Smith.

Craig District Office, 824–3417, 455 Emerson Street, P.O. Box 248, Craig, Colorado 81625; District Manager: Marvin Pearson. Wilderness Specialist: Vaughn Baker.

Grand Junction District Office, 243–6552, 764 Horizon Drive, Grand Junction, Colorado 81501; District Manager: Dave Jones. Wilderness Specialist: Wade Johnson.

Montrose District Office, 249–7791, Highway 550 South, P.O. Box 1269, Montrose, Colorado 81402; District Manager: Marlyn Jones. Wilderness Specialist: Jon Sering.

In Denver contact: Colorado State Office, Colorado State Bank Building, Room 700, 1600 Broadway, Denver, Colorado 80202; State Wilderness Coordinator: Harold Belisle, 837–3393.

Dated: November 14, 1980.

Charles W. Luscher,

Acting State Director, Colorado, Bureau of Land Management, Denver, Colorado.

[FR Doc. 80-34525 Filed 11-13-80; 8:45 am]

BILLING CODE 4310-84-M

Idaho Wilderness Intensive Inventory; Final Decision

I hereby announce my final intensive wilderness inventory decision for BLM lands in Idaho under the authority of Section 603 of the Federal Land Policy and Management Act and in accordance with the guidelines in the September 27, 1978, BLM *Wilderness Inventory Handbook* and Organic Act Directive No. 78–61, Change 3.

By publication in the April 3, 1980, **Federal Register** pages 22195–22197, the BLM announced the beginning of a 90-day public review and comment period on 107 intensive inventory units encompassing approximately 1,924,000 acres. The public comment period ended on July 3, 1980. During the public comment period, 18 public meetings (workshops, open houses) were held. The proposed decision for the Jim Sage Units was published in the June 4, 1980, **Federal Register,** pages 37738–37739, which initiated a 90–day comment period, ending on September 2, 1980. During the comment period, one open house session was held. All comments, whether mailed in or presented at a public meeting in writing or verbally, as well as late comments received in time to be reviewed before a final decision was made, were treated equally. They have been read, recorded, analyzed, and, where appropriate, field checked. The final intensive wilderness inventory report, including maps, is available upon request from the Idaho State Office of the BLM.

Final Intensive Inventory Decision

Units Identified As WSA's

Units proposed as WSA's in the April 3, 1980, **Federal Register** notice:

		Acres
17-11	Jarbidge River	75,340
110-91a	Box Creek	428
111-6	Little Jack's Creek	58,040

		Acres
111-7c	Big Jack's Creek	54,833
111-17	Bruneau River	107,020
111-18	Pole Creek	24,509
111-36a	Sheep Creek West	11,680
	Boise district total	331,850
28-1	Petticoat Peak	11,298
	Burley district total	11,298
31-14	Appendicitis Hill	24,870
32-17	White Knob Mountains	9,950
32-3	Hawley Mountains	15,510
32-9	Black Canyon	5,400
33-4	Cedar Butte	35,700
33-15	Hell's Half Acre	66,200
	Idaho Falls district total	157,630
43-3	Eighteen Mile	24,922
45-12	Burnt Creek	24,980
47-4	Borah Peak	3,100
	Salmon district total	53,002
54-5	Little City of Rocks	5,875
54-6	Black Canyon	10,371
54-8a	Gooding City of Rocks	14,743
54-8b	Gooding City of Rocks	6,287
54-10	Deer Creek	7,487
56-2	Lava	23,680
57-2	Shale Butte	15,968
57-8	Sand Butte	20,792
57-10	Raven's Eye	67,110
57-11	Little Deer	33,531
57-14	Bear Den Butte	9,700
59-7	Shoshone	6,914
	Shoshone district total	222,458
61-1	Silkirk Crest	720
61-10	Crystal Lake	9,027
61-15a	Grandmother Mountain	10,339
61-15b	Grandmother Mountain	6,790
62-1	Snowhole Rapids	5,068
62-10	Marshall Mountain	6,524
	Coeur d'Alene district total	38,468
	Total	814,706

Unit proposed to be dropped in the April 3, 1980, FEDERAL REGISTER notice now identified as a WSA after further evaluation of public comments:

17-10	Lower Salmon Falls Creek (located in both Boise and Burley Districts)	3,500

Units no longer subject to wilderness review because of a lack of wilderness characteristics.

Unit proposed as a WSA in the April 3, 1980, FEDERAL REGISTER notice, now dropped after evaluation of public comments:

62-2	Confluence (Located in Coeur d'Alene District)	5,110

Units proposed to be dropped in the April 3, 1980, FEDERAL REGISTER notice:

		Acres
11-17	Outcrop	6,420
14-19	Long Tome Creek	13,226
14-21	Bennett Creek	11,162
16-2	Jump Creek	8,301
16-9	Reynolds Creek Canyon	14,650
16-49c	Squaw Meadows	10,316
17-1a	Lookout Butte	20,077
17-1b	East Fork Bruneau River	10,178
17-6	Dry Lakes	26,208
17-7	Clover Crossing	6,314
17-10	Lower Slamon Falls Creek[1]	18,787
17-11	Jarbridge River[1]	35,670
17-12	Poison Creek	13,532
18-1	Wildhourse	7,472
19-1	Cold Springs Creek	21,380
111-5	Poison Gulch	30,742
111-6	Little Jack's Creek[1]	16,879
111-7a	Big Hill	12,924
111-7b	Duncan Creek	10,005
111-7c	Big Jack's Creek[1]	10,301
111-12	Sheep Trail	19,702
111-17	Bruneau River[1]	27,042
111-18	Pole Creek[1]	7,247
111-19a	Camas Creek	19,347
111-19b	Bull Gulch	33,150
111-20a	Big Springs	5,342
111-20b	Upper Battle Creek	17,787
111-21	Bull Basin	17,625
111-36a	Sheep Creek West[1]	3,696
111-36b	Sheep Creek East	12,412
	Boise district total	467,894
23-1a	Jim Sage[2]	6,901
23-1b	Jim Sage[2]	7,010
26-1	Harnzel Mountain	20,615
26-3	South Samaria	6,615
27-1	South Deep Creek	9,609
27-2	Deep Creek Peak	6,646
28-1	Petticoat Peak[1]	1,748
	Burley district total	59,144
31-10	Illinois	11,150
31-11	Deadman Canyon	23,000
31-13	Timbered Dome	10,240
31-14	Appendicitis Hill[1]	630
31-15	Dry Hollow	17,800
32-2	Sands Canyon	8,010
32-3	Hawley Mountain[1]	640
32-4	Taylor Mountain	11,134
32-16	Pass Creek	1,220
33-4	Cedar Butte[1]	3,120
33-5	Skull	8,650
33-6	Rye Grass	8,000
33-7	Cottontail	9,300
33-12	Split Top	18,080
33-13	Bear Point	20,650
33-14	Mosby Butte	35,720
33-15	Hell's Half Acre[1]	2,720
33-16	Morgan	9,420
33-22	Cox's Place	12,790
33-23	Bear Trap	13,860
33-24	Firth Quad Islands	86
33-25	Moreland Quad Islands	807
	Idaho Falls district total	227,027
41-3	Geertson Creek	10,720
42-6	Baldy Basin	10,720
44-2	King Mountain	12,602
44-3	Hat Creek	9,707
44-4	Ellis Creek	28,040
44-9	Crouks Canyon	7,470
45-5	Mill Creek	1,330
45-12	Burnt Creek[1]	5,130
47-4	Borah Peak[1]	780
	Salmon district total	86,499
54-3	Preacher Creek	8,827
54-4	Rattlesnake Canyon	11,355
54-5	Little City of Rocks[1]	95
54-6	Black Canyon[1]	10,589
54-7	Four Mile Bench	7,542
54-8	Cooding City of Rocks[1]	2,440
54-9	Clover Creek	8,455
54-10	Deer Creek[1]	1,394
54-11	Indian	16,968
54-12	Dempsey Creek	23,644
54-13	Forgotten Hills	9,420
56-2	Lava[1]	1,913
57-2	Shale Butte[1]	5,930
57-3	Antelope	12,271
57-4	Balck Ridge Crater	8,138
57-5	Lone Rock	10,934
57-6	Wildhorse	21,544

		Acres
57-7	Pagari	33,116
57-8	Sand Butte[1]	15,953
57-10	Raven's Eye[1]	190
57-11	Little Deer[1]	9,443
57-12	Laidlaw Butte	9,868
57-13	Potter Butte	16,180.
57-14	Bear Den Butte[1]	4
57-15	Point	7,398
57-16	MacRae Lake	7,876
59-7	Shoshone[1]	3,014
	Shoshone district total	264,501
61-1	Selkirk Crest[1]	440
61-6c	Hideway Island	170
61-9	Rochat Creek	6,960
62-1	Snowhole Rapids[1]	238
62-4	Big Canyon	1,100
62-10	Marshall Mountain[1]	966
	Coer d'Alene district total	9,874
	Total	1,114,939

[1] Portions of these units are also identified as WSA's.
[2] Jim Sage proposed decision was announced in the June 4, 1980, **Federal Register** notice.

Acreage Summary

Total acres inventoried	11,949,386
Acres dropped during initial inventory phase	8,288,943
Acres considered under intensive inventory phase	3,660,443
Intensive inventory decision	
Previous decisions	
Acres droped	695,775
Acres identified as wilderness study areas	773,999
Current decisions	
Acres proposed to be dropped	1,120,049
Acres proposed as wilderness study areas	818,206
Acres-decision deferred due to appeals	252,414

The inventory units listed below are under formal appeal to the Interior Board of Land Appeals (IBLA) as a result of the final initial inventory decisions. These inventory units will be subject to Interim Management Policy and Guidelines (IMP) until the IBLA issues a final decision.

16-48a	Spring Creek
16-48b	Owyhee River
16-48c	Little Owyhee River
16-53	South Fork Owyhee River
16-56a	Upper Little Owyhee River
16-59	Juniper Basin
16-70e	Oregon Butte
17-19	Upper Bruneau River
17-21	Jarbidge Addition
17-26	Salmon Falls Creek
22-1	Little Goose Creek
35-3	Sand Mountain
35-4	Black Knoll
35-5	Big Sandy

The final decision on the following previously identified Wilderness Study Areas is also under appeal to IBLA.

		Acres
46-11	Corral-Horse Basin	51,500
46-13	Boulder Creek	2,573
46-14	Jerry Peak	48,000
46-14a	Jerry Peak West	15,000

Protest and Appeal Procedures

The final intensive inventory decision for each inventory unit is considered individually and separately from the decision for every other inventory unit. These decisions will become effective on December 15, 1980, unless timely protests are received by the Idaho State Director of the Bureau of Land Management.

Persons wishing to protest any of the decisions announced herein must file a written protest with the BLM Idaho State Director, Box 042, Federal Building, 550 W. Fort Street, Boise, Idaho 83724, on or before 4:15 p.m., December 15, 1980. Only those protests received by the Idaho State Director by the time and date specified will be accepted.

The protest must specify the inventory unit(s) to which it is directed. It must include a clear and concise statement of the reasons for the protest, as well as data to support the reasons stated.

At the conclusion of the protest period, the State Director will publish in the **Federal Register** a notice of those decisions that were not protested and therefore have become final, and those decisions which are under formal protest, which will not become final pending a decision on the protest and any resulting appeal.

The State Director will issue a written decision on any protest which is filed according to the above requirements and will publish a notice in the **Federal Register** of the action taken in response to the protest.

Any person adversely affected by the State Director's decision on a written protest, may appeal such decision under the provisions of 43 Code of Federal Regulations (CFR), Part 4.

Dated: November 5, 1980.

Guy E. Baier,

Idaho State Director, Bureau of land Management.

[FR Doc. 80-35236 Filed 11-13-80; 8:45 am]

BILLING CODE 4310-84-M

Idaho; Wilderness Inventory Owyhee Protest Decision

The final decision on the Owyhee wilderness intensive inventory in the Boise District, as announced in the January 16, 1980, **Federal Register**, pages 3113 and 3114, indicated that ten inventory units possessed wilderness characteristics and were identified as Wilderness Study Areas (WSA's).

During the protest period which ended February 15, 1980, a number of protest letters were received, protesting the identification of all ten of the WSA's. Several protests were also received on the decision to drop four units lacking in wilderness characteristics.

Analysis and field checking of comments has resulted in the following units remaining identified as WSA's:

		Acres
16-40	North Fork Owyhee River	55,147
16-41	Horsehead Spring	6,211
16-42	Squaw Creek Canyon	11,379
16-44	Deep Creek—Nickel Creek	11,510
16-45	Middle Fork Owyhee River	13,336
16-47	West Fork Red Canyon	[1] 12,882
16-49a	Deep Creek—Owyhee River	[2] 72,083
16-49d	Yatahoney Creek	9,331
16-49e	Battle Creek	[3] 31,540
16-52	Upper Owyhee River	12,682

[1] Unit 16-47 is reduced by 1,828 acres due to exclusion of two areas that are impacted by roads and fences.
[2] Unit 16-49a shows a net increase of 80 acres due to boundary adjustments for areas impacted by roads/ways and fences, and adjustments that more correctly identify a portion of the boundary by legal subdivisions.
[3] Unit 16-49e remains the same acreage, however, a short dead end road has been added to the boundary.

Analysis and field checking has resulted in no change in the decision for Units 16-26, 16-28, 16-36, and 16-49b; the units remain identified as lacking in wilderness characteristics.

This final decision on the Owyhee area is now subject to appeal. Appeals to the Interior Board of Land Appeals (IBLA) will be processed in accordance with the policy and procedures in Title 43 *Code of Federal Regulations* (CFR), Part 4 and as amended in 45 FR 5713.

For further information on the Owyhee area inventory, contact the Boise District Office or the Idaho State Office of the BLM.

Idaho State Office, Box 042, Federal Building, 550 W. Fort Street, Boise, Idaho 83724.

Boise District Office, 3948 Development Avenue, Boise, Idaho 83705.

Dated: November 5, 1980.

Guy E. Baier,

Idaho State Director, Bureau of Land Management.

[FR Doc. 80-35237 Filed 11-13-80; 8:45 am]

BILLING CODE 4310-84-M

Montana Wilderness Inventory, Final Intensive Inventory Decision; Miles City and Lewistown Districts

October 31, 1980.

I hereby announce my final intensive inventory decision for the Miles City and Lewistown BLM Districts under the authority of Section 603 of the Federal Land Policy and Management Act and in accordance with the guidelines in the September 27, 1978, BLM *Wilderness Inventory Handbook* and Organic Act Directive No. 78-61, Change 3.

By publication in the March 28, 1980, **Federal Register**, pages 20570 and 20571, the Montana Bureau of Land Management announced the beginning of a 90-day public review and comment period on the 138 inventory units encompassing approximately 1,847,653 acres in the Miles City and Lewistown Districts. The public comment period was later extended to August 30, 1980. During the public comment period, 10 public meetings (open houses) were held. All comments, whether mailed in or presented at a public meeting in writing or verbally, as well as late comments received in time to be reviewed before a final decision was made, were treated equally. Comments have been read, recorded, analyzed, and where appropriate, field checked. The final intensive wilderness inventory report, including maps, is available upon request from the Bureau of Land Management, Office of Public Affairs, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107.

Final Intensive Inventory Decision

1. These units are identified as wilderness study areas.

A. Units proposed as WSA's in the March 28, 1980, **Federal Register** notice.

Miles City District

Unit name and number	WSA designated acreage	Acreage dropped
Billy Creek MT-024-633	3,480	
Seven Blackfoot MT-024-657	19,677*	123*
Bridge Coulee MT-024-675	5,650	
Musselshell Breaks MT-024-677	8,050	
Zook Creek MT-027-701	8,440*	1,280*
Buffalo Creek MT-027-702	5,650*	2,290*

Miles City District—Continued

Unit name and number		
Tongue River Breaks Contiguity MT-027-736	1,484*	520*
Total—Miles City District	52,431	4,213

Lewistown District

Pryor Mountain MT-067-206	MT 12,575*	1,140*
	WY 4,352	
Big Horn Tack-On MT-067-207	MT 4, 470*	
	WY 80	
Twin Coulee MT-067-212	6,870	
Two Calf Creek MT-068-231	8,500*	6,500*
Dog Creek South MT-068-244	5,230*	6,520*
Stafford MT-066-250	4,700*	2,477*
Ervin Ridge MT-066-253	12,000*	10,527*
Cow Creek MT-066-256	36,200*	34,913*
Antelope Creek MT-065-266	9,400*	12,100*
Burnt Lodge/Sage Creek MT-065-278	15,000*	51,460*
Total—Montana Lands, Lewistown District	114,945	125,637
Total—Wyoming Lands (Interstate Units)	4,432	
Total—Lewistown District	119,377	125,637
Grand Total, Lewistown and Miles City Districts	171,808	129,850

*Acreage changes due to boundary modifications between proposed intensive inventory decision and final intersive inventory decision.

2. These units are no longer subject to wilderness review because they were found to lack wilderness characteristics.

A. Units proposed to be dropped in the March 28, 1980, **Federal Register** notice.

Miles City District

Unit name and number	Acreage
Yellowstone Island MT-024-610	5
Yellowstone Island MT-024-611	4
Yellowstone Island MT-024-612	2
Missouri River Island MT-024-617	617
East Bridge Coulee MT-024-632	7,300
Cabin South MT-024-634	7,030
Timber Creek MT-024-635	6,500
Lone Tree-Ash MT-024-642	19,040
Sand Arroyo MT-024-643	6,990
Jack Creek MT-024-645	9,720
McGuire Creek MT-024-646	13,440
Germaine Coulee MT-024-648	5,065
S. Fork Little Squaw Creek MT-024-649	16,400
Jack Lane Coulee MT-024-650	8,540
Lodgepole Creek MT-024-652	7,580
North Squaw Creek MT-024-653	6,840
Squaw Creek MT-024-654	7,070
Maloney Hill MT-024-661	17,120
Crooked Creek MT-024-662	6,530
Woody Flat MT-024-665	9,800
Cairn Butte MT-024-671	5,270
Newhouse Coulee MT-024-676	9,000
Lisk-Cherry MT-024-679	6,150
Brackett Creek MT-024-685	7,130
Stellar Creek MT-024-691	5,100
E. Hell Creek-Crooked Creek MT-024-699	160
Buck Creek MT-027-703	7,280
Rough Creek MT-027-704	5,280
Dry Creek MT-027-709	9,200
Spring Creek MT-027-710	9,960
Lone Tree MT-027-711	43,870
Corral Creek MT-027-712	37,480
Muskrat MT-027-714	7,480

Miles City District—Continued

Unit name and number	Acreage
Prairie Dog MT-027-716	40,025
Beaver Dam MT-027-717	MT 10,040
	SD 4,000
Indian Creek MT-027-718	MT 16,540
	SD 600
Owl Creek MT-027-719	MT 12,667
	WY 2,000
Fence Creek MT-027-721	MT 4,220
	WY 1,900
Cottonwood MT-027-723	6,520
Dixon-Deep MT-027-728	5,760
Willow Creek MT-027-729	9,100
Whitetail MT 027-730	5,120
Crow MT-027-732	20,860
Deadman Creek MT-027-733	MT 6,476
	WY 3,064
Whitetail Creek MT-027-734	6,250
Total—Montana Lands, Miles City District	452,531
Total—South Dakota Lands, Miles City District	4,600
Total—Wyoming Lands (Interstate Units)	6,964
Total—Miles City District	464,095

Lewistown District

Dry Creek MT-067-200	5,860
Deer Mountain MT-067-201	6,970
Bear Creek MT-067-204	MT 8,950
	WY 550
Yellowstone Island MT-067-210	302
Big Snowy Tack-Ons MT-067-211, MT-068-217	1,725
Middle Fork Judith Tack-On MT-068-216	145
Cottonwood/W. Cottonwood MT-068-221, 222	12,650
Blood Creek MT-068-223	20,100
Dovetail Creek MT-068-224	24,380
Arrow Creek MT-068-225	9,100
Fargo Coulee MT-068-228	5,000
Carter Coulee MT-068-229	5,760
Drag Creek MT-068-233	16,500
W. Crooked Creek MT-068-236	10,700
Horse Camp Trail MT-068-237	11,200
Chain Buttes MT-068-238	7,200
Fort Musselshell Tack-On "A" MT-068-240	1,200
Missouri River Island MT-068-243	917
Woodhawk Creek MT-068-247	5,820
Cummings Bench MT-066-251	6,280
Black Elk Coulee MT-066-252	9,700
Sand Creek MT-066-254	12,087
Bullwacker MT-066-255	40,851
Timber Ridge MT-066-258	8,000
Wild Horse Lake MT-066-261	11,453
Woody Island Coulee MT-066-264	23,035
Cyprian Creek MT-065-268	6,900
Beauchamp Creek MT-065-274	30,400
Indian Lake MT-065-275	20,600
Dry Fork Creek MT-065-280	16,000
Third Creek MT-065-282	31,860
Flat Creek MT-065-290	29,760
Beaver Creek MT-065-297	19,700
Black Coulee MT-065-303	8,360
Lamere Coulee MT-065-304	37,100
Frenchman Creek W. MT-065-320	13,700
E. Beauchamp Tack-On MT-065-365	960
Beauchamp Tack-On MT-065-366	2,680
Wagon Coulee Tack-On MT-064-325	560
Carpenter Creek MT-064-326	10,000
Duck Creek MT-064-328	6,400
Gumbo Plateau MT-064-329	18,200
South Fork Willow Creek MT-064-331	10,840
Grant Coulee MT-064-337	66,980
Pearson Coulee MT-064-338	23,840
Hurricane MT-064-340	6,680
Coyote Creek MT-064-342	22,430
Moss Coulee MT-064-343	20,160
Sage Hen MT-064-346	7,540
Seventh Parallel MT-064-347	6,660
North Fork Brazil Creek MT-064-348	7,960

Miles City District—Continued

Unit name and number	Acreage
S. Fork Antelope Creek MT-064-350	6,160
Antelope Creek MT-064-352	15,840
Willow Creek MT-064-357	39,040
E. Fork Crow Creek MT-064-360	24,940
Little Flat MT-064-361	13,940
Total—Montana Lands, Lewistown District	792,075
Total—Wyoming Lands (Interstate Units)	550
Total—Lewistown District	792,625
Grand Total, Miles City and Lewistown Districts	1,256,720

B. Units proposed as WSA's in the March 28, 1980, **Federal Register** notice, but have been found to lack wilderness characteristics after further evaluation of public comments.

Miles City District

Unit name and numbers	Acreage
Cheyenne Island MT-024-613	132
Yellowstone Island MT-024-614	31
Yellowstone Island MT-024-615	147
Seven Sisters Island MT-024-616	83
Deadhorse Badlands MT-027-715	26,140
Total—Miles City District	26,533
Lewistown District	
Burnt Timber Canyon MT-067-205	MT 10,438
	WY 120
Armell's Creek MT-068-227	18,750
Reed Coulee MT-068-232	10,430
Chimney Bend MT-068-245	16,700
Woodhawk MT-068-246	17,000
The Wall MT-066-249	12,200
Box Elder Creek MT-065-277	15,500
Little Rockies MT-065-286	6,900
Square Creek MT-064-323	10,800
Caravan MT-064-330	5,580
Marsh Hawk Hills MT-064-336	78,340
Crow Creek MT-064-358	7,054
Frenchman Creek East MT-064-359	49,094
Total—Montana Lands, Lewistown District	258,786
Total—Wyoming Lands (Interstate Unit)	120
Total—Lewistown District	258,906
Grand Total—Miles City and Lewistown Districts	285,439

Inventory Units Under Formal Appeal

The inventory units listed below are under formal appeal to the Interior Board of Land Appeals (IBLA) as a result of the accelerated Overthrust Belt Inventory decision (Butte District, Montana). These inventory units will be subject to the BLM Wilderness Interim Management Policy and Guidelines until the IBLA issues a final decision.

Butte District

Unit name and number	Acreage
Ruby Mountains MT-076-001	32,000
Blacktail Mountains MT-076-002	21,450
Blacktail Mountains West MT-076-003	2,130
East Fork, Blacktail Deer Creek MT-076-007	6,180
Lima Reservoir MT-076-011	5,360
Hidden Pasture Creek MT-086-022	15,475
McCartney Mountain/Sandy Hollow MT-076-025	16,380

Butte District—Continued

Unit name and number	Acreage
Bell/Limekiln Canyon MT-076-026	22,729
Henneberry Ridge MT-076-028	37,700
Farlin Creek MT-076-034	1,340
Block Mountain MT-076-059	6,700
Axolotl Lakes MT-076-069	7,444
Missouri River Island MT-075-123	22

Lewistown District

The following inventory unit was designated a WSA as a result of the Northern Border accelerated inventory.

Bitter Creek MT-064-356	78,634
Total—Montana Acreage Under Formal Appeal	253,544

Protest and Appeals Procedure

The decision for each inventory unit is considered individually and separately from the decision for every other inventory unit.

Persons wishing to protest any of the decisions announced herein must file a written protest with: Montana State Director (931), Bureau of Land Management, P.O. Box 30157, 222 North 32nd Street, Billings, Montana 59107.

Protests must be filed with the Montana State Director by 4:30 p.m., December 31, 1980. No specific forms need be used in filing a protest; however, protests must be identified as follows:

"PROTESTS TO MONTANA STATE DIRECTOR'S FINAL WILDERNESS INVENTORY DECISION."

Protests should address specific inventory unit(s) and must include a clear and concise statement of reasons for the protest, including any supporting documents available. Should any protests be filed on any inventory units, the State Director will consider such protests and issue a written decision. If a particular decision remains unchanged, the individual filing the protest has the right of appeal to the Interior Board of Land Appeals under the provisions of the Code of Federal Regulations 43, Part 4.

This decision will become effective at 4:30 p.m., December 31, 1980, (close of protest period) for all inventory units on which no protest was filed. A **Federal Register** and media notice, as well as a mailing to all individuals on the Montana BLM wilderness mailing list, will be made announcing this fact after the close of the protest period. The notice will also identify those inventory units under protest and will announce that the decision on the units will not become final pending a decision on the protest and any resulting appeal.

The Montana State Director will issue a written decision on any protest which is filed according to the above requirements and will publish a notice in the **Federal Register** of the action taken in response to the protest.

Michael J. Penfold,

State Director.

[FR Doc. 80-34618 Filed 11-13-80; 8:45 am]

BILLING CODE 4310-84-M

New Mexico Wilderness Inventory

November 14, 1980.

AGENCY: Bureau of Land Management.

ACTION: Notice of final intensive wilderness inventory decisions.

SUMMARY: The New Mexico State Director of the Bureau of Land Management announces his final intensive wilderness inventory decision under the authority of Section 603 of the Federal Land Policy and Management Act (FLPMA) and in accordance with the guidelines in the September 27, 1978, BLM *Wilderness Inventory Handbook* and Organic Act Directive No. 78-61, Change 3.

By publication in the March 28, 1980 **Federal Register,** pages 20572-20574, the BLM announced the beginning of a 92-day public review and comment period on the 100 intensive inventory units encompassing approximately 2,213,339 acres. The public comment period was later extended an additional 21 days and ended on July 21. During the public comment period, ten public meetings and eight open houses were held. All comments, whether mailed in or presented at a public meeting in writing or verbally as well as any late comments received in time to be reviewed before a final decision was made, were read, recorded, analyzed and, where appropriate, field checked. The analysis did not involve "vote counting;" comments were analyzed for the information they contained relevant to the wilderness characteristics of specific units. Copies of the public comment analysis report and the final intensive wilderness inventory report, including maps, are available upon request from: WILDERNESS, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Final Intensive Wilderness Inventory Decision

Inventory Units Identified as Wilderness Study Areas

A. Units Proposed as WSA's in the March 28, 1980, **Federal Register** Notice.

BLM district	Name	Number	Acreage
Albuquerque	Ignacio Chavez	NM-010-020	32,248
Albuquerque	Chamisa	NM-010-021	11,091
Albuquerque	Cabezon	NM-010-022	7,235
Albuquerque	San Antonio	NM-010-035	[1]7,050
Albuquerque	Sabinosa	NM-010-055	15,760
Albuquerque	Navajo Peak	NM-010-059	7,750
Albuquerque	Empedrado	NM-010-063	8,419
Albuquerque	La Lena	NM-010-063A	9,359
Albuquerque	Manzano	NM-010-092	845
Total			99,757
Socorro	Rimrock	NM-020-007	29,430
Socorro	Sand Canyon	NM-020-008	8,320
Socorro	Little Rimrock	NM-020-009	9,540
Socorro	Pinyon	NM-020-010	13,160
Socorro	Petaca Pinta	NM-020-014	[1]12,400
Socorro	Sierra Ladrones	NM-020-016	[1]38,922
Socorro	Mesita Blanca	NM-020-018	[1]19,440
Socorro	Eagle Peak	NM-020-019	[1]43,520
Socorro	Veranito	NM-020-035	7,450
Socorro	Sierra Las Canas	NM-020-038	[1]11,000
Socorro	Horse Mountain	NM-020-043	5,140
Socorro	Continental Divide	NM-020-044	70,000
Socorro	Devils Backbone	NM-020-047A	8,820
Socorro	Devil's Reach	NM-020-047B	860
Socorro	Jornada Del Muerto	NM-020-055	[1]25,260
Total			303,262
Las Cruces	Cowboy Spring	NM-030-007	6,710
Las Cruces	Gila Box	NM-030-023	[1]7,980
Las Cruces	Blue Creek	NM-030-026	[1]13,584
Las Cruces	Cooke Range	NM-030-031	[1]19,870
Las Cruces	Big Hatchet Mountains	NM-030-035	[1]65,950
Las Cruces	Alamo Hueco Mountains	NM-030-038	20,840
Las Cruces	West Potrillo Mountains	NM-030-052	[1]150,545
Las Cruces	Aden Lava Flow	NM-030-053	24,725
Las Cruces	Organ Mountains	NM-030-074	[1]7,200
Las Cruces	Jornada Del Muerto	NM-030-081	3,659
Las Cruces	Sacramento Escarpment	NM-030-104B	3,510
Las Cruces	Bug Scuffle Canyon	NM-030-165	.....
Las Cruces	Brokeoff Mountains	NM-030-112	[1]28,600
Las Cruces	Little Dog Canyon	NM-030-114	7,053
	Pup Canyon	NM-030-115	.....
	Rim	NM-030-124	.....
Las Cruces	Culp Canyon	NM-030-152	10,937
Total			371,163
Roswell	Little Black Peak	NM-060-109	15,570
Roswell	Carrizozo Lava Flow	NM-060-110A	[1]11,000
Roswell	Mudgetts	NM-060-819/819A	2,941

Final Intensive Wilderness Inventory Decision—Continued

Inventory Units Identified as Wilderness Study Areas

A. Units Proposed as WSA's in the March 28, 1980, **Federal Register** Notice.

BLM district	Name	Number	Acreage
Total			29,511

[1] These units have undergone significant boundary adjustments.

B. Units Proposed to be Dropped in the March 28, 1980, **Federal Register** Notice, but Returned to WSA Due to Further Evaluation of Public Comments by the BLM.

BLM district	Name	Number	Acreage
Albuquerque	Ojito	NM-010-024	[1]11,200
Total			11,200
Socorro	Stallion	NM-020-040	[1]22,000
Total			22,000
Las Cruces	Cedar Mountains	NM-030-042	[1]16,680
Las Cruces	Robledo Mountains	NM-030-063	[1]11,640

Final Intensive Wilderness Inventory Decision—Continued

Inventory Units Identified as Wilderness Study Areas

A. Units Proposed as WSA's in the March 28, 1980, Federal Register Notice.

BLM district	Name	Number	Acreage
Las Cruces	Las Uvas Mountains	NM-030-065	[1] 10,680
Total			39,000

[1] These units have undergone significant boundary adjustments.

Final Intensive Wilderness Inventory Decision

Inventory Units Being Deleted From Further Consideration as Wilderness

A. Units Proposed to be Dropped in the March 28, 1980, Federal Register Notice.

BLM district	Name	Number	Acreage
Albuquerque	San Ysidro	NM-010-012/013	9,250
Albuquerque	Chijuilla	NM-010-015	10,600
Albuquerque	Windmill	NM-010-033	9,447
Albuquerque	Cerro de la Olla	NM-010-036	13,283
Albuquerque	Seco	NM-010-056	6,550
Albuquerque	Rattlesnake	NM-010-090	381
Albuquerque	Simon	NM-010-091	273
Total			[1] 71,230
Socorro	Shoemaker	NM-020-027B	7,760
Socorro	Padilla	NM-020-051	24,800
Socorro	Lumbre	NM-020-056A	10,700
Socorro	Crawford Hollow	NM-020-056B	12,240
Socorro	Canyon	NM-020-061	8,300
Socorro	Big Yucca	NM-020-064	5,460
Socorro	Offspring	NM-020-065	3,600
Total			[1] 139,571
Las Cruces	Rodeo	NM-030-001	5,600
Las Cruces	Granite Gap	NM-030-006	25,860

Final Intensive Wilderness Inventory Decision—Continued

Inventory Units Being Deleted From Further Consideration as Wilderness

A. Units Proposed to be Dropped in the March 28, 1980, Federal Register Notice.

BLM district	Name	Number	Acreage
Las Cruces	Millsite Creek	NM-030-008	9,720
Las Cruces	Beacon Hill	NM-030-009	37,660
Las Cruces	Pyramids	NM-030-011	52,860
Las Cruces	UHL Draw	NM-030-012	23,120
Las Cruces	Redrock	NM-030-025	14,460
Las Cruces	Mud Springs Peak	NM-030-027	12,900
Las Cruces	High Lonesome	NM-030-029	12,640
Las Cruces	Sierra Rica Mountains	NM-030-036	28,120
Las Cruces	East Potrillo Mountains	NM-030-051	26,300
Las Cruces	Magdalena Peak	NM-0300.66	82,247
Las Cruces	Potter	NM-030-086	8,535
Las Cruces	Wind Mountain	NM-030-135	6,045
Las Cruces	Flat Top	NM-030-136	5,120
Las Cruces	Alamo Mountain	NM-030-137	5,090
Las Cruces	Cress Garden	NM-030-155	11,760
Total			[1] 932,295
	Texas Hill	NM-060-810E	5,740
	Jurnigan	NM-060-802	4,800
Total			[1] 43,780

[1] District totals include portions of wilderness study areas which were deleted due to a lack of wilderness characteristics.

B. Units Proposed as WSA's in the March 28, 1980, Federal Register Notice, but have been Found to Lack Wilderness Characteristics After Evaluation of Further Comments by the BLM.

BLM district	Name	Number	Acreage
Socorro	Presilla	NM-020-037	9,600
Socorro	Antelope	NM-020-053	20,800
Total			30,400
Las Cruces	Black Mountain	NM-030-003	6,560
Las Cruces	Grapevine Spring	NM-030-028	5,560

Final Intensive Wilderness Inventory Decisions—Continued

Inventory Units in Which a Wilderness Study Decision is Being Deferred

BLM district	Name	Number	Acreage
Las Cruces	Florida Mountains	NM-030-034	75,310
Las Cruces	Texas Hill "A"	NM-030-810A	7,340
Las Cruces	Texas Hill "B"	NM-030-810B	5,310
Total			100,080
Roswell	Mescalero Sands	NM-060-501	10,800
Total			10,800

Final Intensive Wilderness Inventory Decisions

Inventory Units in Which a Wilderness Study Decision is Being Deferred

BLM district	Name	Number	Acreage
Socorro	Magdalena "A"	NM-020-048A	3,640
Socorro	Magdalena "B"	NM-020-048B	320
Socorro	Magdalena "C"	NM-020-048C	400
Total			4,360
Roswell	Devil's Den Canyon	NM-060-145	320
Roswell	McKittrick Canyon	NM-060-146	200
Roswell	Lonesome Ridge	NM-060-801	2,443
Roswell	Letchuguilla Canyon	NM-060-803	1,167
Roswell	Fawn Valley	NM-060-820	700
Total			4,830

Summary of Wilderness Review in New Mexico

Total BLM Acreage Subject to Wilderness Review	12,846,966
Total BLM Acreage Under Intensive Inventory:	
Final acreage with wilderness characteristics	875,893
Final acreage lacking wilderness characteristics	1,328,156
Decisions being deferred	9,190
Total	2,213,239
Acres Previously Identified as Wilderness Study Areas:	
Denazin	19,000
Bisti	3,520
Ah-she-sle-pah	6,000
El Malpais Instant Study Area	115,000
Mathers Instant Study Area	360
Guadalupe Canyon Instant Study Area	4,146
Total	148,026

The final intensive inventory decisions will become effective on December 15, 1980, pending any protests or appeals.

Protest and Appeal Procedures

The decision for each inventory unit is considered individually and separately from the decision for every other inventory unit. These decisions will become effective on December 15, 1980 unless timely protests are received by the New Mexico State Director.

Persons wishing to protest any of the decisions announced herein must file a written protest with WILDERNESS, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501 on or before 4:30 p.m., December 15, 1980. Only those protests received by the New Mexico State Office by the time and date specified will be accepted.

The protest must specify the inventory unit(s) to which it is directed. It must include a clear and concise statement of the reasons for the protest as well as data to support the reasons stated.

At the conclusion of the protest period, the State Director will publish, in the **Federal Register**, a notice of those decisions that were not protested and, therefore, have become final and those decisions which are under formal protest. The notice will identify those inventory units under protest and will announce that the decision on the units will not become final pending a decision on the protest and any resulting appeal.

The State Director will issue a written decision on any protest which is filed according to the above requirements and will publish a notice in the **Federal Register** of the action taken in response to the protest.

Any person adversely affected by the State Director's decision on a written protest may appeal such decision under the provisions of 43 CFR Part 4.

Larry L. Woodward,

Acting State Director.

[FR Doc. 80-35412 Filed 11-13-80; 8:45 am]

BILLING CODE 4310-84-M

Nevada; BLM Announces Final Intensive Wilderness Inventory Decisions

Note.—This document was originally published on November 7, 1980 at 45 FR 74070. It is reprinted at the request of the agency.

The Bureau of Land Management in Nevada hereby announces the final intensive wilderness inventory decisions under the authority of Sec. 603 of the Federal Land Policy and Management Act and in accordance with the guidelines in the September 27, 1978, BLM *Wilderness Inventory Handbook* and Organic Act Directive No. 78–61, change 3.

By publication in the April 1, 1980 **Federal Register**, pages 21356 through 21362, the BLM announced the beginning of a 90 day public review and comment period on the proposed decisions for approximately 14,108,000 acres subjected to the statewide intensive wilderness inventory. The public comment period ended on June 30, 1980. During the public comment period, twenty-five public meetings and open houses were held. All comments, whether mailed in or presented at a public meeting in writing or verbally, as well as late comments received in time to be reviewed before final decisions were made, were treated equally. They have been read, recorded, analyzed, and where appropriate, field checked. The final intensive wilderness inventory report, including maps, is available upon request from the Bureau of Land Management, Nevada State Office, 300 Booth Street, P.O. Box 12000, Reno, Nevada 89520. Public comments received may also be inspected at this address.

The decision for each unit is considered individually and separately from the decision for every other inventory unit. Persons wishing to protest any of the decisions announced herein must file a written protest with State Director, Ed Spang, Nevada State Office, Bureau of Land Management, 300 Booth Street, P.O. 12000, Reno, Nevada 89520 on or before 4:15 p.m., December 15, 1980. Only those written protests received by the Nevada State Office by this time and date specified will be accepted.

The protest must specify the inventory unit(s) to which it is directed and include the name and address of the person(s) protesting. It must also include a clear and concise statement of the reasons for the protest, as well as data to support the reasons stated.

At the conclusion of the protest period, the State Director will publish in the **Federal Register** a notice of those decisions that were not protested and those decisions which are under formal protest. The notice will identify those inventory units under protest and will announce that the decision on the units will not become final pending a decision on the protest and any resulting appeal.

The State Director will issue a written decision on any protest which is filed according to the above requirements and will publish a notice in the **Federal Register** of the action taken in response to the protest.

Any person adversely affected by the State Director's decision on a written protest, may appeal such decision under the provisions of 43 CFR Part 4.

Dated: October 31, 1980.

Roger McCormack,

Associate State Director, Nevada.

Units Proposed as WSA's in the Apr. 1, 1980 "Federal Register" Notice and Are Now Identified as WSA's

Unit No.	Unit names	Acres designated WSA's
	Elko District	
NV-010-027	Bluebell	63,150
NV-010-033	Goshute Peak	86,440
NV-010-106	Owyhee Canyon	17,170
NV-010-132	Little Humboldt River	40,100
NV-010-184	Bad Lands	9,000
	Winnemucca District	
NV-020-006-A/CA-020-914.	East Fork High Rock Canyon.	53,920
NV-020-008-A/CA-020-913.	Little High Rock Canyon.	52,143
NV-020-0121		
CA-020-621, 618	Poodle Mountain	127,829
NV-020-014	Fox Mountain Range	[4] 72,347
NV-020-019	Calico Mountains	65,861
NV-020-200	Selenite Mountain	[6] 31,920
NV-020-201	Mt. Limbo	24,126
NV-020-600	Blue Lakes	[4] 23,397
NV-020-603	South Jackson Mtns.	61,708
NV-020-606	North Jackson Mtns.	25,780
NV-020-620	Black Rock Desert	333,111
NV-020-622	North Black Rock Range.	[9] 29,945
NV-020-637	McGee Mountain	25,406
NV-020-827	No. Fork Little Humboldt.	81,320

Units Proposed as WSA's in the Apr. 1, 1980 "Federal Register" Notice and Are Now Identified as WSA's—Continued

Unit No.	Unit names	Acres designated WSA's
NV-020-8591		
OR-3-1531		
OR-2-78	Disaster Peak	[3] 18,200
	Carson City District	
NV-030-102	Clan Alpine Mtns.	[6] 193,120
NV-030-104	Stillwater Range	[6] 92,053
NV-030-110	Desatoya Mountains	48,150
NV-030-122	Job Peak	[6] 91,022
NV-030-407	Gabbs Valley Range	77,330
NV-030-430	Basalt	[5] 27,560
NV-030-432	Hontone Mine	1,570
NV-030-531/CA-010-105.	Slinkard	5,440
NV-030-532	Carson-Iceberg	550
	Ely District	
NV-040-015	Goshute Canyon	[5] 35,100
NV-040-0861		
UT-050-029	Granite Spring	[3] 23,400
NV-040-154	Park Range	[5] 46,500
NV-040-166	Riordan's Well	[5] 56,800
NV-040-197	Table Mountain	[5] 35,600
NV-040-2021		
UT-040-216	White Rock Range	[3] 19,590
NV-040-246	Weepah Spring	[6] 61,000
	Las Vegas District	
NV-050-0131	East Pahranagat	16,200
NV-050-0132	South Pahrocs/Hiko	28,600
NV-050-0154	Medsger Pass	11,462
NV-050-0165	Lower Pahranagat Lake.	3,350
NV-050-0350	Pigeon Spring	[6] 3,575
NV-050-0054	Queer Mountain	[4] 81,550
NV-050-0355	Bonnie Claire Flat	[4] 69,000
NV-050-0368	Porter Mine	6,089
NV-050-0369	Amargosa	12,453
NV-050-0370	Nothing Flats	9,510
NV-050-03R-22	Gem	2,153
NV-050-0401	Mt. Stirling	[6] 69,650
NV-050-4014	Pine Creek	[10] 24,000
NV-050-0460	Resting Springs Range	3,850
	Battle Mountain District	
NV-060-019	Kawich	[6] 27,360
NV-060-059	Rawhide Mountain	[6] 64,360
NV-060-112	South Reveille	106,200
NV-060-142/162	Palisade Mesa	99,550
NV-060-158/199	Blue Eagle	[4] 59,560
NV-060-163	The Wall	38,000
NV-060-166	Grant Range	[5] 5,840
NV-060-191	Morey	20,120
NV-060-231/241	Antelope	[6] 87,400
NV-060-541	Roberts	15,090

See footnotes at end of tabular matter

Units Proposed To Be Dropped in the April 1, 1980 "Federal Register" Notice, but Identified as WSA After Further Evaluation of Public Comments by BLM

Unit number	Unit name	Acres designated WSA
	Elko District	
NV-010-035	South Pequop	39,900
NV-010-151	Rough Hills	6,300
Total Elko District		46,200

Units Proposed To Be Dropped in the April 1, 1980 "Federal Register" Notice, but Identified as WSA After Further Evaluation of Public Comments by BLM—Continued

Unit number	Unit name	Acres designated WSA
	Winnemucca District	
NV-020-007	High Rock Lake	62,527
NV-020-406	Tobin Range	21,952
NV-020-621	Pahute Peak	55,052
Total Winnemucca District.		139,531
	Carson City District	
NV-030-108	Augusta Mountain	93,200
NV-030-525A	Burbank Canyons	13,395
Total Carson City District.		106,595
	Ely District	
NV-040-242	Worthington Mountains	47,100
Total Ely District		47,100
	Las Vegas District	
NV-050-0338	Silver Peak Range North.	33,900
Total Las Vegas District.		33,900
	Battle Mountain District	
NV-060-190	Fandango	40,940
NV-060-428	Simpson Park	49,670
Total Battle Mountain District.		90,610
State total		463,936

Units Dropped From Further Consideration Because of Lack of Wilderness Characteristics (These Units Were Proposed To Be Dropped in the Apr. 1, 1980 "Federal Register" and Now Are Dropped)

Unit no.	Unit name	Acres Released From Further Wilderness Consideration
	Elko District	
NV-010-002	Maverick Springs	84,840
NV-010-002-A	Maverick Springs	6,360
NV-010-002-B	Maverick Springs	5,760
NV-010-002-C	Maverick Springs	7,040
NV-010-002-D	Maverick Springs	7,700
NV-010-002-E	Maverick Springs	5,800
NV-010-002-F	Maverick Springs	31,360
NV-010-002-G	Maverick Springs	10,900
NV-010-002-J	Maverick Springs	7,700
NV-010-004	High Bald Peaks	31,560
NV-010-004-B	High Bald Peaks	16,000
NV-010-016	Spruce Mountain	35,960
NV-010-016-B	Spruce Mountain	8,150
NV-010-017	Spruce Ridge	46,600
NV-010-017-C	Spruce Ridge	6,500
NV-010-022	Hogan	15,460
NV-010-023	Collar & Elbow	10,000
NV-010-023-A	Collar & Elbow	8,300
NV-010-025	Leppy Peak	10,840
NV-010-027	Bluebell	[1] 2,980
NV-010-032	Morgan Basin	12,160
NV-010-033	Goshute Peak	[1] 12,900
NV-010-035	South Pequop	[1] [3] 6,760
NV-010-035-B	South Pequop	6,100
NV-010-036	Boone Springs	8,320
NV-010-037	Brush Creek	13,320
NV-010-044	Antelope	33,020
NV-010-045	Currie Hills	27,640
NV-010-045-A	Currie Hills	7,760
NV-010-045-B	Currie Hills	5,200

Units Dropped From Further Consideration Because of Lack of Wilderness Characteristics (These Units Were Proposed To Be Dropped in the Apr. 1, 1980 "Federal Register" and Now Are Dropped)—Continued

Unit no.	Unit name	Acres Released From Further Wilderness Consideration
NV-010-047	Kingsley	21,800
NV-010-047-D	Kingsley	8,160
NV-010-049	Sugarloaf	17,600
NV-010-050	Ferguson Mountain	6,960
NV-010-052	Lead Mine Hills	11,520
NV-010-053	Dead Cedar Wash	13,340
NV-010-054/UT-020-044.	Ferber Wash	[3] 6,900
NV-010-058	Dead Horse	10,800
NV-010-060	White Sage Flat	19,540
NV-010-061/UT-020-050.	Ferber Flat	[3] 6,300
NV-010-062UT-020-046.	Utah Peak	[4] 5,700
NV-010-070	Cortez	33,260
NV-010-074	Florio	12,100
NV-010-081	Smith Creek Mountains.	20,850
NV-010-085	Diamond Hills	56,320
NV-010-102-A	Little Owyhee	5,800
NV-010-104	Hat Peak	49,800
NV-010-105	Forklift	17,280
NV-010-106	Owyhee Canyon	[1] 350
NV-010-106-A	Owyhee Canyon	7,360
NV-010-106-B	Owyhee Canyon	43,520
NV-010-107	Airstrip No. 1	42,240
NV-010-108	Star Valley Cabin	32,000
NV-010-109	Silver Lake	41,470
NV-010-109-A-	Silver Lake	43,650
NV-010-110	Milligan Creek	121,360
NV-010-111	Winter Creek	59,780
NV-010-112	Bullhead	55,150
NV-010-113	Burner Hill	16,770
NV-010-114	Cornucopia	28,760
NV-010-115	Big Cottonwood Canyon.	56,140
NV-010-116	Sulphur	15,000
NV-010-129	Six Mile Hill	42,680
NV-010-130	Rock Creek	37,080
NV-010-131	Snowstorm	12,130
NV-010-132	Little Humboldt River	[1] 56,220
NV-010-133	Three Mile Creek	28,440
NV-010-134	Chino Creek	9,680
NV-010-135	Bull Run	8,700
NV-010-143	Adobe	11,230
NV-010-147	Double Mountain	36,740
NV-010-148	Beaver Creek	22,240
NV-010-149	Lookout Mountain	44,960
NV-010-150	Table Mountain	47,300
NV-010-152	Charleston Reservoir	5,120
NV-010-153	Mahala Creek	10,240
NV-010-160/UT-020-009, 011, 012.	Wagon Box Pass	[3] 16,330
NV-010-160-B	Wagon Box Pass	6,000
NV-010-161	Bald Mountain	16,620
NV-010-162	Tee Pee Rock No. 2	11,000
NV-010-167	Little Goose Creek No. 4.	5,300
NV-010-167-B	Little Goose Creek No. 4.	6,100
NV-010-170	Bedke Well	26,880
NV-010-171	Delano	7,400
NV-010-171-A	Delano	10,450
NV-010-171-B	Delano	10,540
NV-010-174	Ninemile	21,120
NV-010-177	Tijuana John	12,840
NV-010-177-B	Tijuana John	12,990
NV-010-177-F	Tijuana John	6,560
NV-010-177-J	Tijuana John	6,320
NV-010-177-L	Tijuana John	14,400
NV-010-178	Granite	8,300
NV-010-178-A	Granite	15,420
NV-010-178-C	Granite	9,900
NV-010-178-F	Granite	7,900
NV-010-181	Ellen and Dee	6,010
NV-010-181-C	Ellen and Dee	6,000
NV-010-181-E	Ellen and Dee	5,340
NV-010-183	Fort Yoho	12,350
NV-010-184	Bad Lands	[1] 63,480
NV-010-185	Canyon Creek	35,760
NV-010-187	Cottonwood	15,490

Units Dropped From Further Consideration Because of Lack of Wilderness Characteristics (These Units Were Proposed To Be Dropped in the Apr. 1, 1980 "Federal Register" and Now Are Dropped)—Continued

Unit no.	Unit name	Acres Released From Further Wilderness Consideration
NV-010-188	Beaver Ponds	17,320
NV-010-193	Anderson Creek	8,920
NV-010-197	Hank's Creek	37,640
NV-010-198	Coyote	9,580
NV-010-199	Stag Mountain	40,240
Total Elko District		2,243,830
	Winnemucca District	
NV-020-001/CA-020-919.	Tenmile Spring	11,470
NV-020-004/CA-020-813-A&B.	Hog Ranch Mountain	9,980
NV-020-006/CA-020-914-A.	Warm Springs Canyon	65,369
NV-020-00	High Rock Lake	[1] [2] 9,869
NV-020-008/CA-020-913-A.	Little High Rock Canyon.	1,430
NV-020-009/CA-020-823.	Leadville	27,023
NV-020-010/CA-020-816/CA-020-821/CA-020-820.	Crutcher	52,745
NV-020-012/CA-020-621, 618.	Poodle Mountain	[1] 9,331
NV-020-014	Fox Mountain Range	[1] 9,077
NV-020-018	Division Peak	27,927
NV-020-019	Calico Mountains	[1] 2,070
NV-020-021/CA-020-822-A&B/CA-020-823.	No Name	5,230
NV-020-200	Selenite Mountain	[1] [6] 2,811
NV-020-021	Mt. Limbo	[1] 386
NV-020-204	Nightingales	56,549
NV-020-209	Razorback	67,467
NV-020-212	Lava Beds	69,605
NV-020-216	South Shawavee Mountains.	20,541
NV-020-217	Shawavee Mountains	65,757
NV-020-222	Blue Wing Mountains	43,711
NV-020-235	North Lava Bed	87,747
NV-020-406	Tobin Range	[3] 64,920
NV-020-408	Jersey Valley	55,710
NV-020-410	Table Mountain	64,518
NV-020-436	Granite Mountain	20,269
NV-020-600	Blue Lakes	[1] [6] 9,827
NV-020-601	Alder Creek	30,467
NV-020-602	Mahogany Mountains	26,115
NV-020-603	South Jackson Mtns.	[1] 7,606
NV-02-604	Trident Peak	69,718
NV-020-606	North Jackson Mtns.	[1] 643
NV-020-609/OR-2-80.	Maggie Creek	[3] 20,894
NV-020-610	Sentinel Peak	28,060
NV-020-612	Bilk Creek	21,072
NV-020-615	Wood Canyon	[5] 6,681
NV-020-617	Middle Spring	11,460
NV-020-618	Texas Springs	10,853
NV-020-620	Black Rock Desert	[5] 218,189
NV-020-621	Pahute Peak	[1] [6] 420
NV-020-621-A	Pahute Peak	32,240
NV-020-622	North Black Rock Range.	[1] 64,411
NV-020-641	Paiute Meadows	16,349
NV-020-642	Pueblo Mountains	640
NV-020-800	Long Ridge	12,430
NV-020-809-A/OR-3-172.	Deer Flat	1,200
NV-020-810/OR-3-191.	Carin "C"	[3] 3,700
NV-020-827	N. Fork Little Humboldt.	32,701
NV-020-830	Sugar Loaf Hill	35,901
NV-020-835	Forks Ranch	21,998
NV-020-836	Little Owyhee River	34,833
NV-020-838	Lone Willow	24,597
NV-020-839	Calico Ranch	[5] 33,043
NV-020-840	No Springs	11,174
NV-020-843	Raven Creek	21,436
NV-020-859/OR-3-153/OR-2-78.	Disaster Peak	[3] 419,135

Units Dropped From Further Consideration Because of Lack of Wilderness Characteristics (These Units Were Proposed To Be Dropped in the Apr. 1, 1980 "Federal Register" and Now Are Dropped)—Continued

Unit no.	Unit name	Acres Released From Further Wilderness Consideration
Total Winnemucca District.		1,679,355
	Carson City District	
NV-030-102	Clan Alpine Mtns.	[1]63,880
NV-030-104	Stillwater Range	[16]3,177
NV-030-105	New Pass Range	61,500
NV-030-106	Shoshone Meadows	53,000
NV-030-108	Augusta Mountains	[12]2,800
NV-030-110/NV-060-288.	Desatoya Mountains	[15]30,010
NV-030-117	Diamond Canyon	65,000
NV-030-118	Desatoya South	[5]30,240
NV-030-125	Desatoya North	[9]55,500
NV-030-127	Job Peak	[16]24,098
NV-020-,136	Mount Annie	19,500
NV-030-323	Wassuk Range	[5]57,600
NV-030-402	Gillis Range North	51,580
NV-030-407	Gabbs Valley Range	[13]3,790
NV-030-409	Stewart Valley Hills	44,410
NV-030-425	Excelsior Mountains	66,850
NV-030-430	Basalt	[15]27,890
NV-030-432	Hontone Mine	[7]1,000
NV-030-435	Truman Meadows	7,560
NV-030-436	Queen Valley North	7,640
NV-030-437	Queen Valley Ranch	610
NV-030-439	Orchard Spring	76
NV-030-517	Rawe Peak	49,480
NV-030-520	Lyon Peak	36,000
NV-030-525	East Pine Nuts	[5]38,785
NV-030-525-A	Burbank Canyons	[12]1,095
NV-030-603/CA-020-403.	Fort Sage Mountain	22,990
NV-030-605	Virginia Mountains	89,275
NV-030-610	Peterson Mountain	17,170
Total Carson City District.		951,270
	Ely District	
NV-040-001/UT-020-053, 054.	Northeast Corner	[3]26,950
NV-040-004	Chin Creek	16,000
NV-040-007	Lehman Creek	17,300
NV-040-007-A	Lehman Creek	7,700
NV-040-008	Antelope Range	13,100
NV-040-009	Warm Springs	18,400
NV-040-015	Goshute Canyon	[15]155,580
NV-040-016	Willow Spring	19,200
NV-040-019	Egan Basin	20,900
NV-040-021	Butte Mountains	47,860
NV-040-021-A	Butte Mountains	33,460
NV-040-034	Buck Mountain	41,180
NV-040-042	Maple Syrup Well	20,400
NV-040-043	Robber's Roost	48,400
NV-040-047	Frank's Well	20,500
NV-040-048	Toner Spring	20,900
NV-040-048-A	Heusser Mountain	[7]32,940
NV-040-048-B	Toner Spring	[3]6,940
NV-040-049	Telegraph Canyon	20,020
NV-040-050	Hot Springs	8,900
NV-040-065	Golden Springs	16,200
NV-040-070	Red Hills	12,800
NV-040-078	Grass Valley Reservoir.	11,100
NV-040-079/UT-050-017.	Kern Mountains	[3]7,500
NV-040-079-A	Kern Mountains	7,300
NV-040-081	White Cloud Basin	25,100
NV-040-081-A	White Cloud Basin	17,800
NV-040-085	Yelland Ranch	9,900
NV-040-086/UT-050-029.	Granite Spring	[13]69,700
NV-040-100	Colorado Gulch	38,200
NV-040-100-C	John's Wash	3,000
NV-040-107	Kious Spring	2,900
NV-040-109	Snake Creek Cave	2,400
NV-040-110	Big Wash	1,000
NV-040-123	Martin Spring	24,800
NV-040-129	Copper Flat	42,600
NV-040-130-A	Deadman Gulch	9,800
NV-040-130-AA	Deadman Gulch	8,200
NV-040-130-AB	Deadman Gulch	11,900
NV-040-153	West Pancakes	317,820
NV-040-154	Park Range	[15]4,100
NV-040-155	South Pancakes	140,400
NV-040-159	Manzone Well	30,000
NV-040-159-A	Manzone Well	9,100
NV-040-159-B	Manzone Well	8,240
NV-040-166	Riordan's Well	[15]133,900
NV-040-184	Big Spring Wash	12,500
NV-040-185	Lexington Creek	4,900
NV-040-197	Table Mountain	[15]21,660
NV-040-202/UT-040-216.	White Rock Range	[13]13,780
NV-040-203	Burnt Canyon	7,860
NV-040-204	Camp Valley	16,000
NV-040-217	Black Cone	24,100
NV-040-226	Gap Mountain	9,800
NV-040-229	Scofield	10,200
NV-040-231	Bruno Creek	4,500
NV-040-234-A	South Badger Gulch	440
NV-040-235	Barton Spring	13,460
NV-040-241	Griswold	23,900
NV-040-241-A	Griswold	31,880
NV-040-242	Worthington Mtns	[12]15,300
NV-040-243	Garden Valley Reservoir.	99,580
NV-040-246	Weepah Spring	[15]130,700
NV-040-247	Fossil Peak	88,900
NV-040-249	North Pahranagat Range.	55,900
NV-040-249-A	North Pahranagat Range.	21,500
NV-040-250	Southpaw	34,900
Total Ely District		2,204,150
	Las Vegas District	
NV-050-0100	Quinn Canyon	12,810
NV-050-0107	North Pahroc	28,847
NV-050-0108	Nesbitt	20,931
NV-050-0109	Seep Springs	15,149
NV-050-0112	Timpahute Range	52,800
NV-050-0113	Pahroc Summit Pass	61,737
NV-050-0114	Pahroc Spring	15,950
NV-050-0116	Chief Mountain	12,673
NV-050-0127	Swirl Cake Rock	8,690
NV-050-0131	East Pahranagat	[1]136,258
NV-050-0132	South Pahrocs/Hiko	[1]42,455
NV-050-0302	Cedar Mountain	10,577
NV-050-0304	Relay Station	23,379
NV-050-0305	Far North	11,905
NV-050-0306	Pilot Peak	59,274
NV-050-0308	Monte	7,637
NV-050-0311	Devils Gate	36,332
NV-050-0312	Rock Hill	41,392
NV-050-0317	Lone Mountain	38,239
NV-050-0319	Montezuma Valley	12,047
NV-050-0320	Weepah Hills	29,153
NV-050-0323	Emigrant Peak	25,337
NV-050-0324	Volcanic Hills	25,444
NV-050-0325	Pinchot Creek	15,254
NV-050-0327	The Sump	30,693
NV-050-0328	Emigrant Pass	30,583
NV-050-0330/NV-050-0330-A.	Monocline	20,150
NV-050-0331	The Choice	23,676
NV-050-0335	Misplaced	49,040
NV-050-0336	Clayton Ridge	106,593
NV-050-0337	Company Spring South.	[3]25,206
NV-050-0337-A	Company Spring North	10,880
NV-050-0338	Silver Peak Range North.	[12]38,879
NV-050-0338-A	Silver Peak Range South.	[3]54,845
NV-050-0339	Aiken	1,279
NV-050-0340	Red Mountain Triangle	33
NV-050-0341	Furnace Creek	1,050
NV-050-0342	Palmeto Mountains	30,165
NV-050-0344	Mount Jackson North	33,720
NV-050-0344-A	Mount Jackson South	6,184
NV-050-0345/NV-050-0345-A.	Chispa Hills	30,599
NV-050-0349	Magruder Mountain	19,651
NV-050-0350	Pigeon Spring	[16]3,402
NV-050-0351	Uncle Sam	24,223
NV-050-0352	Slate Ridge West	28,874
NV-050-0352-A	Slate Ridge East	8,813
NV-050-0353	Hell's Gate	19,596
NV-050-0354	Queer Mountain	[14]7,179
NV-050-0355	Bonnie Claire Flat	[14]12,766
NV-050-0358	Can You Believe	32,327
NV-050-0368	Porter Mine	[1]600
NV-050-0369	Amargosa	[1]73
NV-050-0370	Nothing Flats	[12]2,545
NV-050-0372	Crater Flat	37,242
NV-050-0373	Black Marble	28,864
NV-050-0375	Big Dune	21,900
NV-050-0376	Dry Well	21,732
NV-050-0377	Jokersville	4,625
NV-050-0386	Claw	820
NV-050-0387	Old McNett Ranch	23,661
NV-050-03R-11-A	Fish Lake Valley	165
NV-050-03R-12	Pinto Hill	16,712
NV-050-03R-15-A	Lida Valley	852
NV-050-03R-22	Gem	[1]40
NV-050-03R-23	Von Schmidt	2,786
NV-050-0401	Mount Stirling	[16]133,350
NV-050-0406	Lost Cabin Spring	68,421
NV-050-0410	Shoemaker Spring	82,917
NV-050-0414	Pine Creek	[1]10,761
NV-050-0416	Wheeler	7,282
NV-050-0421	Clark Canyon	7,880
NV-050-0450	Striped Hills	20,698
NV-050-0451	Specter Range	34,340
NV-050-0457	Mount Montgomery	45,193
NV-050-0459	Ash Meadows	9,770
NV-050-0460	Resting Springs Range.	[1]17,208
NV-050-0461	Last Chance Range	27,079
NV-050-0462	High Peak	10,872
NV-050-0463	Grown	7,064
NV-050-04R-03-A B&C.	Pahrump	10,958
NV-050-CDCA276	Dead Mountains	750
Total Las Vegas District.		2,051,846
	Battle Mountain District	
NV-060-019	Kawich	[16]11,640
NV-060-059	Rawhide Mountain	[16]11,040
NV-060-069	Empire Canyon	17,620
NV-060-078	Stone Cabin	24,000
NV-060-079	Hot Creek	45,970
NV-060-086	Monarch	11,700
NV-060-089	Woods Canyon	25,900
NV-060-112	South Reveille	[1]8,300
NV-060-113	Quinn Canyon	105,570
NV-060-120	East Kawich	18,100
NV-060-130	Castle Rock	22,300
NV-060-132	North Reveille	65,000
NV-060-136	Quinn Range	23,703
NV-060-142/162	Palisade Mesa	[1]17,450
NV-060-158/199	Blue Eagle	[14]13,340
NV-060-163	The Wall	5,300
NV-060-166	Grant Range	650
NV-060-174	Black Rock	25,500
NV-060-176	Big Round Valley	6,200
NV-060-183	North Pancake I	17,200
NV-060-184	North Pancake III	19,200
NV-060-188	Morgan	9,000
NV-060-190	Fandango	[12]7,660
NV-060-191	Morey	[1]9,580
NV-060-192	Slanted Buttes	23,900
NV-060-194	North Pancake II	26,400
NV-060-201/211	Sixmile	12,600

Units Dropped From Further Consideration Because of Lack of Wilderness Characteristics (These Units Were Proposed To Be Dropped in the Apr. 1, 1980 "Federal Register" and Now Are Dropped)—Continued

Unit no.	Unit name	Acres Released From Further Wilderness Consideration
NV-060-212	Rhyolite Hills	34,300
NV-060-213	Red Ring Mountain	6,200
NV-060-219	Milton Ranch	9,300
NV-060-231/241	Antelope	[1] [6] 60,900
NV-060-258	Buzanes	10,900
NV-060-278	Haypress	2,900
NV-060-279	White Rock	26,400
NV-060-347	Diana's Punchbowl	14,700
NV-060-407	Bates Mountain	77,930
NV-060-415	Callaghan	79,300
NV-060-422	White Sage	16,400
NV-060-428	Simpson Park	[1] [5] 1,830
NV-060-432	Willow Creek	35,300
NV-060-433	Manhattan Mountain	31,300
NV-060-442	Sage	10,900
NV-060-459	Rocky Hills	57,360
NV-060-461	South Fish Creek	104,500
NV-060-464	Elephant Head	44,200
NV-060-465	Carico Ranch	8,000
NV-060-467	Francis Cabin	5,700
NV-060-474	Red Rock	14,100
NV-060-478	Caetano Ranch	9,560
NV-060-482	North Fish Creek	52,400
NV-060-504	Diamond Mountains	73,470
NV-060-530	Rutabaga Creek	13,800
NV-060-531	Henderson	12,700
NV-060-541	Roberts	[7] 42,710
NV-060-554	North Diamond	43,800
Total Battle Mountain District.		1,485,683
State total		10,616,134

See footnotes at end of tabular matter.

Units Under Formal Appeal to the Interior Board of Land Appeals

Unit No.	Unit name	Acres under formal appeal
NV-010-102/ID-12-56A.	Little Owyhee	53,280
NV-010-103/ID-16-53	Devil's Corral	8,960
NV-010-103-A/ID-16-53.	Devil's Corral	10,880
NV-010-164/ID-202-1/UT-020-001.	Little Goose Creek No. 1.	7,695
NV-010-179/ID-107/26/ID-17-26.	Cottonwood-Salmon Falls.	11,790
NV-020-811/OR-3-159/ID-106-70-E.	Tent Creek	10,680
NV-020-642/OR-2-81 (an accelerated inventory unit).	Pueblo Mountains	600

The inventory units listed above are under formal appeal to the Interior Board of Land Appeals (IBLA) as a result of the final initial inventory decisions, and in one case, an accelerated inventory decision. These inventory units will be subject to Interim Management Policy and Guidelines (IMP) until the IBLA issues a final decision. The IMP guidelines will remain in effect on those units remaining under wilderness review.

[1] A portion of this unit has been identified as a Wilderness Study Area, but the portion represented in this table was dropped from further wilderness consideration, because it lacks wilderness characteristics.

[2] The final decision for this unit represents a change from the proposed decision. Public comments received prompted a reconsideration of wilderness characteristics in the area, resulting in a decrease in Wilderness Study Area.

[3] The proposed decision for this interstate unit cited total public land acreage in Nevada and the adjoining state. This figure represents only Nevada acreage. The final decision for the entire unit has not changed from the proposed decision.

[4] The final decision for this unit represents a change from the proposed decision. Public comments received prompted a reconsideration of wilderness characteristics in the area, resulting in a decrease in Wilderness Study Area Coverage.

[5] The acreage cited in the final decision differs from the proposed decision because of a more accurate acreage calculation.

[6] The final decision for this unit represents a change from the proposed decision. Public comments received prompted a reconsideration of wilderness characteristics in the area, resulting in a decrease in Wilderness Study Area acreage.

[7] Includes Heusser Mountain Bristlecone Pine Natural Area.

[8] Includes a portion of Pinyon Joshua Transition Natural Area.

[9] Includes Lahontan Cutthroat Trout Natural Area.

[10] Includes Pine Creek Natural Area.

[FR Doc. 80-34531 Filed 11-13-80 8:45 am]

BILLING CODE 4310-84-M

Final Decisions on the Intensive Wilderness Inventory in Oregon and Washington

Note.—This document was originally published on November 6, 1980 at 45 FR 73802. It is reprinted at the request of the agency.

I hereby announce my final intensive inventory decisions for 266 inventory units in Oregon containing 5,727,963 acres, for 44 units in Washington containing 13,956 acres, and for one unit in both Oregon and Washington containing 2,935 acres. The final decisions for three inventory units in Oregon containing 280,170 acres have been deferred. These decisions are issued under the authority of Section 603 of the Federal Land Policy and Management Act of 1976 and in accordance with the guidelines in BLM's *Wilderness Inventory Handbook* (issued September 27, 1978) and Organic Act Directive Number 78-61, Change 3.

By publication in the **Federal Register** on March 27, 1980, pages 20167 through 20170, this office announced the beginning of a 90-day period for public review and comment on the proposed decisions concerning these inventory units. The public comment period ended on June 25, 1980. During the public comment period, 16 public meetings were held in Oregon and three in Washington. All comments, whether received by mail or at a public meeting, as well as late comments received in time to be reviewed before the final decisions were made, were treated equally. They were read, recorded, analyzed and, when appropriate, the information provided in the comments was checked in the field. The original comments are available for inspection at the offices to which they were originally sent. Copies of all comments received by the district offices are also on file at the state office. The report including maps, on the final intensive inventory decisions is available on request from

the Oregon State Office, BLM, P.O. Box 1985, Portland, OR 97208.

Wilderness Study Areas

The following inventory units or portions of inventory units are identified as wilderness study areas (WSAs).

a. Lands proposed as WSAs in the March 27, 1980 **Federal Register** notice and now identified as WSAs:

Oregon—*Inventory Unit*

Number	Name	Acres
	Lakeview District	
1-2	Devils Garden Lava Bed	29,640
1-3	Squaw Ridge Lava Bed	28,320
1-22	Four Craters Lava Bed	12,120
1-58	Diablo Mountain	113,120
1-117B	Monument Flat	18,720
1-139B	Spaulding Reservoir	65,720
1-146A	Hawksie Walksie	68,360
1-146B	Hawksie Walksie	8,520
	Subtotal Lakeview District	344,320
	Burns District	
2-72C	Sheepshead Mountains	50,300
2-72I	Sheepshead Mountains	38,855
2-73A	Winter Range	21,395
2-73H	Winter Range	14,640
2-77B	Mahogany Ridge	23,780
2-78D	Red Mountain	2,720
2-78F	Red Mountain	14,730
2-83A	Alvord Peak	14,655
2-85F	South Steens	65,940
2-86E	Blitzen River	52,060
2-86F	Blitzen River	9,380
2-98A	Strawberry Mountain	180
2-98C	Strawberry Mountain	720
2-98D	Strawberry Mountain	208
	Subtotal Burns District	309,563
	Vale District	
3-27 [1]	Beaver Dam Creek	18,900
3-31 [1]	Camp Creek	19,100
3-32 [1]	Cottonwood Creek	7,900
3-33A [1]	Gold Creek	13,400
3-35 [1]	Sperry Creek	5,300
3-47 [1]	Cedar Mountain	46,300
3-53 [1]	Dry Creek	22,800
3-56 [1]	Dry Creek Buttes	51,000
3-59A	Owyhee Breaks	12,800
3-73 [1]	Blue Canyon	12,800
3-74A [1]	Upper Leslie Gulch	3,000
3-75 [1]	Slocum Creek	7,600
3-77A [1]	Honeycombs	38,200
3-77B [1]	Honeycombs	12,500
3-110 [1]	Lower Owyhee Canyon	73,200
3-111 [1]	Saddle Butte	87,500
3-118A [1]	Bowden Hills	59,000
3-120 [1]	Clarks Butte	31,500
3-126A [1]	Jordan Craters	28,700
3-152 [1]	Willow Creek	29,800
3-153 [1]	Disaster Peak	13,300
3-157 [1]	Oregon Canyon	41,900
3-162A [1]		
3-162A [1]	Twelvemile	27,100
3-173A [1]	Upper West Little Owyhee	87,200
	Subtotal Vale District	750,800
	Prineville District	
5-6	Lower John Day	19,370
5-8	North Pole Ridge	6,062
5-9	Spring Basin	5,982
5-21	Badlands	32,053
5-31	North Fork	10,701
5-33	South Fork	19,631
5-34	Sand Hollow	8,791
5-35 [1]	Gerry Mountain	20,700
5-42A	Hampton Butte	10,460
5-43	Cougar Well	17,026
	Subtotal Prineville District	150,796

Oregon—*Inventory Unit*—Continued

Number	Name	Acres
	Baker District	
6-1	McGraw Creek	1,610
6-2	Homestead	10,700
6-3	Sheep Mountain	6,350
6-10 [2]	Cache Creek Ranch	1,960
	Subtotal Baker District	20,620
	Medford District	
11-1	Mountain Lakes	320
11-17	Soda Mountain	5,640
	Subtotal Medford District	5,960
	Coos Bay District	
12-8A	North Sisters Rocks	3
12-14A [1]	Zwagg Island	5
	Subtotal Coos Bay District	8
	Grand total Oregon	1,582,067

[1] The sizes of these units were re-calculated following the announcement of the proposed decisions.
[2] Of the total 2,935 acres in this unit, 975 acres are in Washington.

Washington—*Inventory Unit*

Number	Name	Acres
	Spokane District	
13-24	Little Patos Island	15
	Baker District	
6-10 [1]	Cache Creek Ranch	975
	Grand total Washington	990

[1] Of the total 2,935 acres in this unit, 1,960 are in Oregon.

b. Lands proposed to be eliminated from further wilderness review in the March 27, 1980 **Federal Register** notice; but now identified as WSAs after further evaluation in response to public comments:

Oregon—*Inventory Unit*

Number	Name	Acres
	Lakeview District	
1-24 [1]	San Dunes	15,520
1-101	Albert Rim	22,240
1-132	Guano Creek	10,560
	Subtotal Lakeview District	48,320
	Burns District	
2-72C	Sheepshead Mountains	3,890
2-72D	Sheepshead Mountains	35,000
2-72F	Sheepshead Mountains	20,330
2-72J	Sheepshead Mountains	7,755
2-74F [2]	Alvord Desert	63,080
2-77	Mahogany Ridge	3,070
2-84	Basque Hills	138,420
2-85G	South Steens	35,850

Oregon—*Inventory Unit*—Continued

Number	Name	Acres
2-85H	South Steens	24,990
2-87I	Bridge Creek	14,060
2-103	Aldrich Mountain	9,395
	Subtotal Burns District	355,840
	Vale District	
3-18	Castle Rock	7,100
3-114	Palomino Hills	54,700
	Subtotal Vale District	61,800
	Prineville District	
5-31A	North Fork	44
5-42A	Hampton Butte	120
5-43	Cougar Well	289
	Subtotal Prineville District	453
	Grand total Oregon	466,413

[1] Includes a portion of the Lost Forest Instant Study Area.
[2] In the March 1980 proposed decisions, these lands were included in Unit 3-119. That unit has been combined with the existing WSA, Subunit 2-74F.

Washington—Inventory Unit

Spokane District, Number, Name, and Acres

13-2 Chopaka Mountain, 5,520

c. Lands not included in the proposed decisions but now identified as part of a WSA following correction of an error in mapping the location of an inventory unit boundary:

Oregon—Burns District Inventory Unit

Number, Name, and Acres

2-77B Mahogany Ridge, 520

Total Oregon acres identified as wilderness study areas in these decisions, 2,049,000

Total Washington acres identified as wilderness study areas in these decisions, 6,510

Lands Eliminated From Further Wilderness Review

The following inventory units or portions of inventory units have been eliminated from further wilderness review because they lack wilderness characteristics.

a. Lands proposed to be eliminated from further wilderness review in the March 27, 1980 **Federal Register** notice and now eliminated from further review:

Oregon—*Inventory Unit*

Number	Name	Acres
	Lakeview District	
1-4	Walker Cabin	34,080
1-6	Little Benjamin Lake	13,080
1-9 [1]	Bull Lake	32,360
1-10	Benjamin Lake	16,200
1-11	Chicago Valley	7,080
1-12 [1]	Lost Forest	6,240
1-21	South Green Mountain	14,720
1-38	Cox Butte	41,200
1-52	Mack Cabin	24,000
1-53	Rawhide Creek	21,600
1-54	Monahan Lake	9,280
1-55	Pickett Spring	10,760
1-57	Robinson Lake	42,400
1-59	Whiskey Mountain	7,800
1-60	Coffee Lake	6,440
1-62	Whiskey Lake	48,560
1-64	Twin Buttes	22,080
1-65	Saunders Rim	17,000
1-67	Nub	6,520
1-71	Gray's Butte	25,040
1-72	Juniper Mountain	11,760
1-73	Pack Saddle Draw	18,680
1-74	Juniper Creek	23,280
1-75	Egan Cabin	6,240
1-79	Balls Lake	6,000
1-80	Twin Lakes	17,920
1-82	North Euchre Butte	22,600
1-85	Eagle Butte	13,220
1-86	Natural Corral Draw	12,500
1-87	Horseshoe Rim	21,000
1-88	Sunstone Mine North	29,360
1-89	Bacon Camp	5,560
1-90	Sunrise Canyon	4,880
1-93	Spine Cob Butte	11,000
1-94	Poker Jim Flat	14,360
1-95	ZX Ranch	21,120
1-96	Coglan Buttes	32,000
1-98	Abert Burn South	18,200
1-101	Abert Rim	640
1-102	Binkie Lake	13,440
1-106	Flint Hills	23,840
1-108	Rabbit Hills	15,360
1-114	Warner Lakes	33,680
1-115	Guano Slough	106,480
1-117	Monument Flat	16,240
1-118	Wakefield Cabin	28,880
1-120	Coleman Rim	11,280
1-124	Fish Canyon South	8,160
1-125	Horsehead Lake	12,000
1-126	Coleman Valley	23,640
1-127	Wool Lake	5,360
1-128	Long Lake	9,000
1-129	Jack Lake	10,000
1-130	Little Reservoir	24,280
1-131	Clover Swale	7,640
1-133	Guano Lake West	13,840
1-134	Lone Grave Butte	25,440
1-135	Guano Lake	11,680
1-136	Beatys Butte	5,580
1-137	Mahogany Mountain	8,000
1-138	Buckaroo Pass	12,640
1-139	Spaulding Reservoir	4,640
1-140	Sagehen Spring	13,440
1-142	Wilson Spring	16,040
1-143	Ryegrass Valley	31,880
1-144	Bald Mountain	14,040
1-145	Sagehen Flat	15,715
1-146A	Hawksie Walksie	3,800
1-146C	Hawksie Walksie	760
1-148	Miller Creek	6,480
1-149	Bumpheads	18,560
1-155	Swan Lake Rim	8,760
1-157	Coleman Valley West	10,000
1-158	Breezy	6,240
1-159	Catlow Valley	58,000
1-164	Snuff	1,440
	Subtotal Lakeview District	1,332,655
	Burns District	
2-18	Skull Creek	8,795
2-19	Silvies River	7,520
2-30	Palomino Buttes	13,075
2-43	Wagontire Mountain	48,875
2-44	Tired Horse	8,275
2-47	Surprise Lake	21,940
2-48	Hay Lake	18,350
2-49	Sheep Lake	28,965
2-50	Claw Creek	8,600
2-52	Miller Canyon	5,805
2-53	Gum Boot Canyon	6,475
2-54	Saddle Butte	9,120
2-55	Frenchglen	65,925
2-56	Black Rim	13,555
2-57	Jackass Creek	19,255
2-58	Keg Springs	22,200
2-59	Taylor Cabin	14,850
2-60	Weed Lake	19,520
2-61	Foster Flat	42,760
2-62	Nothing There	10,620
2-63	Chicken Feed Lake	12,800
2-64	Buzzard Creek	34,495
2-65	Deep Canyon	6,215
2-67	Iron Mountain	13,580
2-68	Smokey Hollow	8,225
2-69	Devils Canyon	14,015
2-70	Wilson Butte	9,745
2-71	Goose Egg	15,930
2-72	Sheepshead Mountains	31,485
2-73	Winter Range	35,715
2-74F	Alvord Desert [2]	40
2-75	Black Point	51,300
2-77	Mahogany Ridge	15,518
2-78	Red Mountain	10,420
2-78F	Red Mountain	3,740
2-80	Sand Hills	14,990
2-83	Alvord Peak	8,260
2-83A	Alvord Peak	16,665
2-84	Basque Hills	9,870
2-85	South Steens	15,965
2-85F	South Steens	3,690
2-86	Blitzen River	8,560
2-86E	Blitzen River	6,500
2-87	Bridge Creek	14,410
2-88	Moon Hill	9,900
2-91	Guano Slough	22,165
2-92	Dead Horse	36,970
2-93	South Bollenbaugh	20,545
2-94	Walls Lake	51,130
2-98	Strawberry Mountain	2,400
2-98A	Strawberry Mountain	20
2-98D	Strawberry Mountain	2
2-110	Cottonwood Creek	5,145
2-111	Hay Creek	7,610
2-114	Syrup Canyon	7,570
2-115	Alkali Flat	14,285
	Subtotal Burns District	936,355
	Vale District	
3-6	DeArmond Mountain	45,510
3-8	Westfall Highlands	15,600
3-12	Hog Creek	20,480
3-16	Lower Bully Creek	19,060
3-18	Castle Rock	50
3-19	North Fork Malheur River	3,160
3-20	Mustang Basin	13,120
3-22	Cottonwood Creek	11,560
3-24	Buckbrush Creek	7,800
3-30	Slaughter Gulch	15,400
3-33 [2]	Gold Creek	1,400
3-34	Squaw Creek	3,040
3-35	Sperry Creek	10
3-41	Keeney Creek	1,540
3-41A	Keeney Creek	1,960
3-47	Cedar Mountain	10
3-50	Freezeout Ridge	13,140
3-51	Broken Rim	10,800
3-52	Rock Canyon	8,460
3-53	Dry Creek	9,520
3-54	Burnt Mountain	9,600
3-56	Dry Creek Buttes	2,720
3-57	Quartz Mountain	4,340
3-59	Owyhee Breaks	100
3-59A	Owyhee Breaks	200
3-68	McIntyre Ridge	14,540
3-70	Spring Mountain	23,960
3-73	Blue Canyon	1,170
3-74	Upper Leslie Gulch	460
3-74A	Upper Leslie Gulch	8,740
3-77	Honeycombs	920
3-77A	Honeycombs	5,500
3-79	Mahogany Mountain	10,600
3-80	Mud Flat	8,760
3-82	Washboard Reservoir	7,040
3-100	Duck Pond	19,780
3-105	Piute	9,400
3-107	Obenchain	6,700
3-108	Turnbull Peak	13,240
3-110	Lower Owyhee Canyon	12,900
3-112	Scott's Butte	46,130
3-113	Rye Grass	21,300
3-116	Flat Top Mountain	16,100
3-118	Bowden Hills	260
3-118A	Bowden Hills	4,100
3-120	Clarks Butte	8,300
3-124	Bogus Rim	5,680
3-127	Little Crater	20,300
3-128	Jordan Craters	1,930
3-128A	Jordan Craters	500
3-130	Whitehorse Butte	25,420
3-132	Parsnip Peak	11,200
3-144	Hardin	21,200
3-145	Winter Range	86,000
3-146	Combined with Unit 3-148	
3-148	Big Grassy Mountain	55,200
3-149	Hanson Canyon	15,960
3-152	Willow Creek	14,970
3-157	Oregon Canyon	16,200
3-160	High Peak	14,040

Oregon—*Inventory Unit*—Continued

Number	Name	Acres
3-162	Twelvemile	3,760
3-162A	Twelvemile	6,840
3-163	Blue Mountain	61,980
3-164	Alcorta Rim	15,560
3-171	Pole Creek	19,200
3-172	Deer Flat	11,200
3-173	Upper West Little Owyhee	1,560
3-173A	Upper West Little Owyhee	1,160
3-178	Rattlesnake Creek	58,400
3-179	Rawhide	21,740
3-180	High Ridge	15,500
3-181	Antelope Creek	21,380
3-182	Red Rocks	22,400
3-183	Deadhorse	16,300
3-186	Field Creek	11,580
3-188	Star Valley	10,320
3-191	Cairn "C"	7,960
	Subtotal Vale District	1,055,920
	Prineville District	
5-5 [4]	Horse Ridge	4,855
5-6	Lower John Day	2,575
5-8	North Pole Ridge	6,120
5-9	Spring Basin	301
5-10	Mt. Misery	5,055
5-11	Fossil Beds	7,823
5-18	Rocky Canyon	8,466
5-19	Chimney Rock	5,120
5-20	Alkali Flat	7,035
5-21	Badlands	1,119
5-22	Dry River	6,221
5-23	West Butte	16,440
5-31	North Fork	335
5-33	South Fork	29
5-34	Sand Hollow	29
5-35 [3]	Gerry Mountain	1,140
5-36	Redman Rim	12,823
5-40	Sears Creek	11,980
5-42	Hampton Butte	1,740
5-46	Hampton	8,650
5-47	Stockpile	8,300
5-49	Hemstad	15,553
5-50	Whiskey Springs	6,792
5-51	Twin Pines	12,600
5-52	Dickerson Well	9,040
5-53	Two Post Lake	11,545
5-55	Lone Pine	17,175
5-56	Frederick Butte	8,380
5-59	Grassy Lake	24,337
5-63	Stud Horse Butte	16,504
5-64	Glass Butte	10,911
5-65	Round Mountain	20,080
5-68	Steamboat Island	1
5-69	Eagle Butte Island	1
5-76	Kimberly Island	1
5-82	Nomanisa	1
5-83	Fantasy Island	2
	Subtotal Prineville District	268,879
	Baker District	
6-1	McGraw Creek	290
6-2	Homestead	1,100
6-3	Sheep Mountain	1,850
6-11	Teepee Ridge	240
6-13	—Island	5
6-14	—Island	4
6-15	—Island	6
6-38	—Island	4
6-39	—Island	2
6-40	Hooker Gulch	6,100
	Subtotal Baker District	9,601
	Medford District	
11-16	Zane Grey	18,460
	Coos Bay District	
12-10A	Pistol River-Myers Creek Rocks	5
12-12A	Lone Ranch Rocks	4
12-13A	Harris Island	2
12-14A	Table Rock	1
12-15	Fish Rock	1
	Subtotal Coos Bay District	13
	Grand total Oregon	3,621,883

[1] Includes a portion of the Lost Forest Instant Study Area.

[2] In the March 1980 proposed decisions these 40 acres were included in Unit 3-119. That unit has been combined with the existing WSA, Subunit 2-74F.

[3] Includes the Western Juniper Instant Study Area.

[4] The sizes of these units were re-calculated following the announcement of the proposed decisions.

Washington—*Inventory Unit*

Number	Name	Acres
	Spokane District	
13-1	Juniper Forest	7,806
13-2	Chopaka Mountain	40
13-3	Lummi Rocks	8
13-4	Blind Island	2
13-5	Chuckanut Rocks	1
13-6	Fauntleroy Rock	1
13-7	Dot Rock	1
13-9	Read's Bay Island	3
13-10	Twin Rocks	2
13-11	Barnes Rocks	1
13-12	Clark Rocks	1
13-14	Matia Rock	2
13-15	Davis Bay Island and Rocks	2
13-16	Richardson Rock	2
13-17	Skull Island	3
13-18	Harbor Rocks	1
13-19	Trinka Rock	1
13-20	Oak Island and Rock	1
13-21	Victim Island	3
13-22	Jap Island	1
13-23	Freeman Island and Reach Haven Rock	2
13-27	King Islands	1
13-28	Kanaka Bay Islands	3
13-29	Park Bay Island	2
13-30	North Pass and McConnell Rocks	2
13-31	Broken Point Island	1
13-32	Posey Island	1
13-33	Mitchells Bay Rocks and Guss Island	4
13-34	Pudding Island	1
13-35	John's Pass Rock and Rock Island	1
13-36	Prevost Harbor Rocks	2
13-37	Reid Harbor Rock	1
13-38	John's Island Rock	1
13-39	Reservation Bay Rocks	1
13-40	Little Deadman and Deadman Islands	6
13-41	Narrow Rocks	2
13-44	Rockport Island	20
13-50	Clallam County Islands	20
13-59	Indian Island	2
13-60	Prindle Island	185
13-62	Lawrence Lake Island	1
13-63	Eagle Island	10
13-67	Columbia River Islands	270
	Grand total Washington	8,421

b. Lands proposed as WSAs or parts of WSAs in the March 27, 1980 **Federal Register** notice, but now eliminated from further wilderness review after re-evaluation in response to public comments.

Oregon—*Inventory Unit*

Number	Name	Acres
	Burns District	
2-85F	South Steens	1,380
	Vale District	
3-41	Keeney Creek	12,780
3-44	Star Mountain	14,360
3-57	Quartz Mountain	11,080
3-74A	Upper Leslie Gulch	200
3-121	Deadman Creek	8,440
3-132	Parsnip Peak	10,800
	Subtotal Vale District	57,660
	Grand total Oregon	59,040

Total Oregon acres eliminated from further wilderness review in these decisions, 3,680,923

Total Washington acres eliminated from further wilderness review in these decisions, 8,421

Deferred Decisions

Though proposed decisions for the following inventory units were announced in the March 27, 1980 **Federal Register** notice, the final decisions have been deferred pending resolution of initial inventory appeals affecting contiguous lands in Idaho.

Oregon—*Vale District—Inventory Unit*

Number	Name	Acres
3-143	Combined with Unit 3-195	
3-159	Tent Creek	32,440
3-194	Lookout Butte	65,640
3-195	Owyhee Canyon	182,090
	Total acres for which final decisions are deferred	280,170

Interstate Units

Eleven of the inventory units included in this announcement are contiguous to public lands in inventory units in adjacent states. The district offices which administer lands in each interstate unit coordinated their wilderness inventories. The Idaho and Nevada State Directors received public comments on the proposed intensive inventory decisions for public lands in those states during approximately the same period as Oregon. A public comment period for proposed decisions on public lands in California outside of the California Desert was conducted during the summer of 1979. The California State Director reannounced the proposed decisions on the interstate units in 1980 so the public would have an opportunity to comment on proposed decisions on lands in both states at the same time.

Units Adjacent to Idaho Units Under Appeal

A number of initial inventory decisions in the Boise District in Idaho are under appeal to the Interior Board of Land Appeals. Therefore, the Idaho State Director has not issued proposed intensive inventory decisions for those units. Three of those units are contiguous with inventory units in the Vale District. The affected units in Vale are 3-159, 3-194 and 3-195. Unit 3-159 is also contiguous with an inventory unit in Nevada. Though the proposed decisions for these three units were announced in March 1980, final decisions will not be made until the Idaho appeal is resolved and the Idaho State Director is able to proceed with the intensive inventory of the units now under appeal.

When the Idaho State Director announces proposed intensive inventory decisions on the three Idaho units, the Oregon State Office will reopen the public comment period for the three Oregon units so the public will have the opportunity to review and comment on the interstate units as complete entities. Final decisions will be announced concurrently by the two states (also Nevada in the case of Unit 3–159).

Interstate Units—*Public Land Roadless Areas Administered by More Than One State*

Unit No.	Unit name	Final decision				
		Wilderness study areas (WSA)		Lacking wilderness characteristics		
		Acres in Oregon	Acres in adjoining State	Acres in Oregon	Acres in adjoining State	Acres all public lands
OR–1–126	Coleman Valley			23,640		23,640
CA–020–1010 [1]	Macy Flat				13,060	13,060
Total						36,700
OR–1–157	Coleman Valley West			10,000		10,000
CA–020–1005 [1]	Coleman Ranch				13,005	13,005
Total						23,005
OR–1–164	Snuff			1,440		1,440
CA–020–1004 [1]	Twelve Mile Creek				14,690	14,690
Total						16,130
OR–2–78D	Red Mountain	2,720				2,720
OR–3–153	Disaster Peak	13,300				13,300
NV–020–859	Disaster Peak		11,622			11,622
Total						27,642
OR–2–78E	Red Mountain			5,460		5,460
NV–020–859J	Disaster Peak				540	540
Total						6,000
OR–2–80	Sand Hills			14,990		14,990
NV–020–609	Maggie Creek				20,594	20,594
Total						35,584
OR–3–159	Tent Creek					32,440
ID–106–70E	Tent Creek	([2])		([2])		3,400
NV–020–811	Tent Creek					10,680
Total						46,520
OR–3–172	Deer Flat			11,200		11,200
NV–020–809	Deer Flat				500	500
Total						11,700
OR–3–191	Cairn "C"			7,960		7,960
NV–020–210	Cairn "C"				3,700	3,700
Total						11,660
OR–3–194	Lookout Butte					65,640
ID–106–48A	Lookout Butte	([2])		([2])		39,200
Total						104,840
OR–3–195	Owyhee Canyon					182,090
ID–106–48B	Owyhee Canyon	([2])		([2])		33,710
Total						215,800

[1] All of CA–020–1010 and CA–020–1005, and the eastern portion of CA–020–1004 are lands located in Nevada but administered by the Susanville District, California.
[2] Decision deferred.

Summary of the Wilderness Inventory in Oregon

1. Total public lands administered by BLM—15,724,455 acres.
   a. Oregon and California Grant Lands exempt from wilderness review—1,759,200 acres.
2. Total area subject to wilderness review—13,965,255 acres.
3. Total area found to lack wilderness characteristics prior to the intensive inventory—6,677,669 acres.
4. Total area included in the intensive inventory—7,287,586 acres
   a. Previously eliminated from further wilderness review—835,154 acres.
   b. Eliminated from further wilderness review by decisions announced in this notice—3,680,923 acres.
   c. Previously identified as Wilderness Study Areas—442,339 acres.
   d. Identified as Wilderness Study Areas by decisions announced in this notice—2,049,000 acres.
   e. Total area for which decisions have been deferred—280,170 acres.

Summary of the Wilderness Inventory in Washington

1. Total public lands administered by BLM—310,239 acres.
2. Total area found to lack wilderness characteristics prior to the intensive inventory—295,308 acres.
3. Total area included in the intensive inventory—14,931 acres.
   a. Eliminated from further wilderness review by decisions announced in this notice—8,421 acres.
   b. Identified as Wilderness Study Areas by decisions announced in this notice—6,510 acres.

Inventory Units Under Formal Appeal

Inventory Unit 11–6, Greyback Glades, in the Medford District, Oregon, is under appeal to the Interior Board of Land Appeals (IBLA) as a result of the

initial inventory decision announced on August 29, 1979.

Inventory Subunits 2–81L, Pueblo Mountains, and 2–82H, Rincon, in the Burns District, Oregon, are under appeal to the IBLA as a result of the Oregon State Director's responses to protests of final intensive inventory decisions announced on March 27, 1980. The responses to the protests were announced on August 5, 1980, in the **Federal Register**, pages 51925–51926.

These three inventory units will be subject to the Interim Management Policy and Guidelines until the IBLA issues a decision and as long as the units remain under wilderness review.

Effective Date

The decision for each inventory unit is considered individually and separately from the decision for every other inventory unit. The final decisions announced in this notice will become effective on December 15, 1980, unless timely protests are received by the Oregon State Director.

Protest and Appeal Procedures

Persons wishing to protest any of the decisions announced herein must file a written protest with the State Director, Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, by or before 4:15 p.m., December 15, 1980. Only those protests received at the Oregon State Office by the date and time specified will be accepted.

A protest must specify the inventory unit or units to which it is directed, it must include a clear and concise statement of the reasons for the protest, and it must include data to support the reasons.

Following the close of the protest period, I will publish in the **Federal Register** a notice of those decisions that were not protested and, therefore, have become effective, and those which are under formal protest. Decisions under formal protest will not become effective until decisions are made on the protest and any resulting appeal.

I will issue a written decision on any protest which is filed according to the above requirements and will publish a notice in the **Federal Register** of the action taken in response to the protest.

Any person adversely affected by my written decision on a formal protest may appeal such decision under the provisions of 43 CFR Part 4.

Herbert L. Haglund,

State Director.

[FR Doc. 80–34552 Filed 11–5–80; 8:45 am]

BILLING CODE 1505–02–M

Utah; Final Wilderness Inventory Decision

AGENCY: Bureau of Land Management.

ACTION: Notice.

SUMMARY: I hereby make my final intensive inventory decision under the authority of Section 603 of the Federal Land Policy and Management Act and in accordance with the guidelines in the September 27, 1978, BLM *Wilderness Inventory Handbook* and Organic Act Directive No. 78–61, change 3.

By publication in the March 28, 1980 **Federal Register**, page 20576, and supplemented by notice published in the **Federal Register**, April 24, 1980, page 27831, the BLM announced the beginning of a 90 day public review and comment period on the 176 intensive inventory units encompassing approximately 5,228,800 acres. (This included Instant Study Areas.) The public comment period ended on June 30, 1980. During the public comment period 28 public open house meetings were held at both a statewide level and district/area level. All comments, whether mailed in or presented at the public open house meetings in writing or verbal, as well as late comments received in time to be reviewed before a final decision was made, were treated equally. They have been read, recorded, analyzed, and, where appropriate, field checked. The final intensive wilderness inventory report, (Nov. 1980) upon which this decision is based, including maps, will be available for review at each BLM district office and copies available upon request from the BLM Utah State Office, 136 East South Temple, Salt Lake City, Utah 84111 and will be mailed to everyone currently on the Utah State Office mailing list. The report contains the details of each unit identified as a Wilderness Study Area (WSA), including changes or modifications of each inventory unit.

Final Intensive Inventory Decision

1. These units are identified as Wilderness Study Areas

A. Units proposed as WSA's in the April 2, 1980, Proposed Wilderness Study Areas publication which was referenced in the March 28, 1980, **Federal Register** notice, and are hereby identified as WSA's as shown in the final intensive inventory report (Nov. 1980).

Unit No.	Unit name	Final WSA acreage
	Salt Lake District	
UT-020-089	North Stansbury Mountains	10,480
UT-020-105	Big Hollow	3,593
Subtotal		14,073
	Cedar City District	
UT-040-061	Steep Creek	22,034
UT-040-077	Mud Spring Canyon	38,075
UT-040-080	Fifty Mile Mtn.	146,143
UT-040-082	Scorpion	35,884
UT-040-132	Red Mountain	18,250
UT-040-143	Canaan Mountain	47,170
UT-040-145	Orderville Canyon	1,750
UT-040-146	Deep Creek	3,320
UT-040-147	Red Butte	804
UT-040-148	Spring Canyon	4,433
UT-040-149	The Watchman	600
UT-040-150	North Fork Virgin River	1,040
UT-040-153	LaVerkin Creek Canyon	567
UT-040-154	Taylor Creek Canyon	35
UT-040-176	Goose Creek Canyon	89
UT-040-177	Beartrap Canyon	40
UT-040-216	White Rock Range	2,600
UT-040-217	Moquith Mountain	14,830
UT-040-230	Parunuweap Canyon	30,800
UT-040-247	Paria-Hackberry	135,822
UT-040-268	The Blues	19,030
Subtotal		523,316
	Richfield District	
UT-050-061	Swasey Mountains	49,500
UT-050-073	Wah Wah Mountains	35,000
UT-050-127	Fish Springs Range	52,500
UT-050-221	Fremont Gorge	2,540
UT-050-237	Horseshoe Canyon	38,800
UT-050-238	Blue Hills—Mt. Ellen	54,480
UT-050-241	Fiddler Butte	27,000
UT-050-242	Bull Mountain	11,800
UT-050-247	Little Rockies	38,700
UT-050-248	Mt. Pennell	27,300
UT-050-249	Mt. Hillers	20,000
Subtotal		357,620
	Moab District	
UT-060-023	Sid's Mountain	80,970
UT-060-025	Devil Canyon	9,610
UT-060-028A	Crack Canyon	25,315
UT-060-029A	San Rafael Reef	55,540
UT-060-045	Horseshoe Canyon	20,550
UT-060-054	Mexican Mountain	60,360
UT-060-067	Turtle Canyon	33,870
UT-060-068A	Desolation-Gray Canyon	217,130
UT-060-100B	Diamond Canyon	48,240
UT-060-100C	Cottonwood Canyon	62,900
UT-060-116/117	Wrigley Mesa/Jone Canyon	5,100
UT-060-118	Star Marble Canyon	30,800
UT-060-131B	South Lost Spring Canyon	3,880
UT-060-139A	Mill Creek	10,320
UT-060-140A	Behind the Rocks	12,930
UT-060-164	Lockhart Basin	7,300
UT-060-167	Bridger Jack Mesa	5,300
UT-060-169	Butler Wash	22,120
UT-060-175	Middle Point	5,990
UT-060-188	Pine Canyon	11,300
UT-060-191	Cheese Box Canyon	15,410
UT-060-196	Bullet Canyon	8,730
UT-060-197/198	Sicikhorn/John's Canyon	46,800
UT-060-201	Road Canyon	34,740
UT-060-204	Fish Creek Canyon	48,530
UT-060-205B	Mule Canyon	5,320
UT-060-224	Sheiks Canyon	3,070
UT-060-227	Sqaw Canyon	6,580
UT-060-229	Cross Canyon	1,000
Subtotal		899,705
	Vernal District	
UT-080-103	Cold Springs Mountain	235
UT-080-113	Diamond Breaks	3,900
UT-080-414	Daniel's Canyon	2,475
UT-080-419	Bull Canyon	520
Subtotal		7,130

ISA's

North Escalante Canyon, The Gulch, Phipps-Death Hollow, and Canyons (Tract 1-5)	163,216
Grand Gulch	34,928
Dark Canyon	49,904
Subtotal	248,048

B. Units proposed to be dropped from further wilderness review in the April 2, 1980, Proposed Wilderness Study Areas publication which was referenced in the March 28, 1980, **Federal Register** notice, and are hereby identified as WSA's after further evaluation of public comments by BLM as shown in the final intensive inventory report (Nov. 1980).

Unit No.	Unit name	Final WSA acreage
	Salt Lake District	
UT-020-094	Cedar Mountains	50,500
	Cedar City District	
UT-040-076	Carcass Canyon	46,711
Subtotal		97,211

Note.—Those portions of the units listed above which are not included within a WSA as defined in the final intensive inventory report of November 1980, will no longer be subject to Interim Management Policy and Guidelines (IMP) once the decision becomes final.

2. The following units are dropped from further consideration as wilderness because of lack of wilderness characteristics, and will no longer be

subject to Interim Management Policy and Guidelines, once the decision becomes final.

A. Units proposed to be dropped in the April 2, 1980, Proposed Wilderness Study Areas publication which was referenced in the March 28, 1980, **Federal Register**, and are hereby dropped from further wilderness consideration:

Unit No.	Unit name	Acreage
Salt Lake District		
UT-020-011	Wagon Box Pass	2,294
UT-020-012	Wagon Box Pass	2,569
UT-020-037	Newfoundland Mountains	23,266
UT-020-040A	Silver Island Mountains	16,510
UT-020-040B	Silver Island Mountains	25,041
UT-020-040C	Silver Island Mountains	6,755
UT-020-042	North Salt Desert	376,168
UT-020-044	Ferber Wash	3,774
UT-020-046	Utah Peak	3,913
UT-020-047	Utah Peak	483
UT-020-050	Ferber Flat	6,379
UT-020-053	Northeast Corner	274
UT-020-054	Northeast Corner	146
UT-020-057	Northeast Corner	287
UT-020-087	North Cedar Mountains	16,089
UT-020-101	Big Creek	3,941
UT-020-102	Dry Canyon	960
UT-020-111	Onaqui Mountains	60,018
UT-020-129	Dugway Mountains	20,638
Subtotal		569,505
Cedar City District		
UT-040-041B	Black Ridge-LaVerkin Creek	15,668
UT-040-074	Colt Mesa	19,920
UT-040-075	Horse Spring Canyon	32,203
UT-040-078	Death Ridge	65,040
UT-040-079	Burning Hills	70,080
UT-040-081	Allen Dump	23,028
UT-040-085	Dance Hall Rock	6,972
UT-040-087	Sooner Water	123
UT-040-088	Sooner Bench	142
UT-040-089	Willow Gulch	259
UT-040-090	Cave Point	5,142
UT-040-091	Fifty Mile Creek	125
UT-040-092	Coyote Gulch	30
UT-040-104	Mt. Home Range	19,019
UT-040-134	Quail Draw	2,635
UT-040-135	East Mesa	6,225
UT-040-137	Canaan Gap	300
UT-040-138	Cottonwood Canyon	14,396
UT-040-142	Crater Hill	2,149
UT-040-144	Shune'e Hollow	1,220
UT-040-155	Sunset Canyon	2,220
UT-040-173	Shunesburg	80
UT-040-174	Jolley Gulch	160
UT-040-175	Home Valley Knoll	80
UT-040-179	Rockville Bench	320
UT-040-204B	Central Wah Wah Range	37,238
UT-040-218	Bull Pasture	5,668
UT-040-219	Shinarump Cliffs	537
UT-040-223	Muggins Flat	9,308
UT-040-224	Pasture Canyon	437
UT-040-226	Buckskin Mountains	3,328
UT-040-235	Flood Canyon	29,709
UT-040-245	Brigham Plains	16,500
UT-040-246	Nephi Wash	13,350
UT-040-248	Wahweap	137,980
UT-040-249	Coyote Creek	9,840
UT-040-255	Upper Kanab Creek	61,430
UT-040-266	East of Bryce	887
UT-040-274	Pine Hollow Canyon	9,343
Subtotal		623,091
Richfield District		
UT-050-019	Kern Mountains	28,700
UT-050-029	Granite Spring	28,180
UT-050-113	Thomas Range	44,000
UT-050-244	Ragged Mountain	28,615
UT-050-253	Long Canyon	16,550
UT-050-257	Notom Bench	8,975
Subtotal		155,020
Moab District		
UT-060-026	North Big Ridge	20,490
UT-060-028B	Cistern Canyon	11,480
UT-060-028C	Chute Canyon	31,340
UT-060-053	Cedar Mountain	104,200
UT-060-068B	Floy Canyon	82,300
UT-060-070	Jack Creek	6,570
UT-060-072	Dry Canyon	14,540
UT-060-075	Harmon Canyon	7,160
UT-060-076	Cow Canyon	5,000
UT-060-077	Argyle Ridge	8,940
UT-060-088	South Goose Neck	4,400
UT-060-100A	Westwater Creek	9,240
UT-060-119	Big Triangle	11,260
UT-060-120	Renegade Point	6,270
UT-060-122	Granite Creek	4,800
UT-060-131A	North Lost Spring Canyon	5,200
UT-060-137	Mary Jane Canyon	8,530
UT-060-138	Negro Bill Canyon	9,420
UT-060-165	Sixshooter Peak	10,130
UT-060-171	Sweet Alice Canyon	9,880
UT-060-181	Mancos Mesa	51,440
UT-060-194	Harmon Flat	10,470
UT-060-205A	Arch Canyon	7,500
UT-060-232	Little Ruin Canyon	1,000
Subtotal		441,560
Vernal District		
UT-080-104	Wild Mountain	130
UT-080-110	Hoy Mountain	5,515
UT-080-200	Stone Bridge Draw	2,280
UT-080-208	Boone Springs	27,483
UT-080-605	Sand Wash	19,503
UT-080-612	Nine Mile Canyon	20,040
UT-080-615	Argyle Canyon	36,460
UT-080-616	Devils Canyon	11,120
UT-080-707	East Big Pack Mtn.	5,775
UT-080-708	Big Pack Mtn.	7,730
UT-080-709	West Pack Mtn.	9,815
UT-080-715	Bitter Creek	14,463
UT-080-721	Atchee Ridge	13,853
UT-080-722	Rat Hole Ridge	8,160
UT-080-730	Winter Ridge	43,963
Subtotal		226,290

B. Units proposed as WSA's in the April 2, 1980, Proposed Wilderness Study Areas publication, which was referenced in the March 28, 1980, **Federal Register** notice, and are hereby dropped from further wilderness consideration:

Unit No.	Unit name	Acreage
Vernal District		
UT-080-415	Moonshine Draw	3,747
Subtotal		3,747
Acreage dropped from further consideration as wilderness because of lack of wilderness characteristics (those portions of units outside WSA's as noted above).		
Total		1,194,435
Grand total		3,213,648

The final intensive inventory decisions contained herein will become effective on December 15, 1980.

Protest and Appeal Procedures

The decision for each inventory unit is considered individually and separately from the decision for every other inventory unit. This decision will become final at 4:30 p.m. on December 15, 1980, for all units except for units that a timely written protest on a individual unit decision is received by the Utah State Director prior to that date.

Persons wishing to protest a unit decision announced herein must file a written protest to that unit decision with Utah State Director, BLM, 136 East South Temple, Salt Lake Ctiy, Utah, 84111, on or before 4:30 p.m., December 15, 1980. Only those protests received by the Utah State office by the time and date specified above will be accepted.

Each protest document must specify the inventory unit by name and number to which it is directed. It must include a clear and concise statement of the reasons for the protest of that unit decision, as well as data to support the reasons stated. Since the decision for each inventory unit is considered individually and separately from the decision of every other inventory unit, a separate protest must be filed for each individual unit protested. Protests which do not meet the above requirements may not be considered. All protests will be administratively reviewed on an individual unit basis.

At the conclusion of the protest period, the State Director will publish in the **Federal Register** a notice of the inventory units that were not protested and the decision on those are final. The notice will identify the inventory units which have received a protest, and the decision on such units will not become final until a final decision is issued on the protest.

The State Director will issue a written decision on each unit protest filed according to the above requirements and in addition will publish a notice in the **Federal Register** of the action taken on each protest. Any person adversely affected by the State Director's written decision on an individual unit protest, may appeal from that decision under provisions of 43 CFR Part 4.

The following summary data is provided for information purposes only as part of the overall Wilderness Reivew program in Utah:

State Wide Summary

Initial inventory	BLM-Administered public lands within State	Acres lacking wilderness characteristics
	22,075,916	14,647,238

	Total unit acreage	Acreage with wilderness characteristics	Acreage lacking wilderness characteristics
Intensive Inventory	5,073,486	1,899,055	3,174,431
ISA's	287,265	248,048	39,217
Previously Identified WSA's	.....	312,593	.....
Under Protest or Appeal	565,984	.....	.....

Summary of Intensive Inventory

District:			
Salt Lake District	648,520	64,573	583,947
Cedar City District	1,402,048	570,027	832,021
Richfield District	1,016,952	357,620	659,332
Moab District	1,756,212	899,705	856,507
Vernal District	249,754	7,130	242,624
Total	5,073,486	1,899,055	3,174,431

Summary of ISA's Under Inventory

	Total unit acreage	ISA acreage with wilderness characteristics	Acreage lacking wilderness characteristics
District:			
Salt Lake District	0	0	0
Cedar City District	202,433	163,216	39,217
Richfield District	0	0	0
Moab District	84,832	84,832	0
Vernal District	0	0	0
Total	287,265	248,048	39,217

Summary of Previously Identified WSA's Through Special Inventories

	Acreage with wilderness characteristics
District:	
Salt Lake District	[1] 68,910
Cedar City District	51,943
Richfield District	191,740
Moab District	0
Vernal District	0
Total	312,593

[1] Includes all of the Deep Creek Mountains Unit (UT-020-060/Ut-050-020).

Summary of Special Inventories

Inventory name	Acres lacking wilderness characteristics	Wilderness study areas		Units under protest/appeal	
		Units	Acres	Units	Acres
IPP	.....	7	210,883	3	206,495
Deep Creek Mountains	88,537	1	68,910	.....	.....
Prairie Canyon	17,700	.....	.....	.....	.....
Dirty Devil	.....	.....	.....	1	289,120
Paria ISA	23,468	1	21,470	.....	.....
Overthrust Belt	34,521	1	11,330	.....	.....

Summary of Previously Identified WSA's Through Special Inventories

Unit No.	Unit name	Acreage
UT-020-060/ UT-050-020.	Deep Creek Mountains	68,910
UT-040-046	Cottonwood Canyon	11,330
UT-040-057	Starvation	8,575
UT-040-123	Cougar Canyon	10,568
ISA	Paria ISA and Contiguous lands.	21,470
UT-050-035	Conger Mountain	22,863
UT-050-070	King Top	84,771
UT-050-077	Howell Peak	23,825
UT-050-078	Notch Peak	51,130
UT-050-186	Rockwell	9,151
UT-050-236	Dirty Devil	[1] 86,000
UT-060-007	Muddy Creek	[1] 31,360

[1] These units are under appeal to IBLA—No final decision.

Summary of Inventory Units Under Formal Appeal to Interior Board of Land Appeals [1]

Unit No.	Unit name	Unit acreage
UT-050-233	Factory Butte	67,605
UT-050-236	Dirty Devil	289,120
UT-050-236	Muddy Creek	150,930
UT-060-011	Upper Muddy Creek	20,405
UT-060-012	Molen Reef/Sand Bench	35,160

Summary of Inventory Units Under Protest to the State Director [1]

Unit No.	Unit name	Unit acreage
UT-020-001	Little Goose Creek #1	1,332
ISA	Devil's Garden	640

Summary of Inventory Units Under Protest to the State Director [1]—Continued

Unit No.	Unit name	Unit acreage
ISA	Link Flats	792

[1] These units are subject to the Interim Management Policy and Guidelines pending final disposition of protest/appeal.

FOR FURTHER INFORMATION CONTACT:
Kent Biddulph, BLM Utah State Office, (801) 524–5326.

Dated: November 3, 1980.

Gary J. Wicks,

State Director.

[FR Doc. 80–35146 Filed 11–13–80; 8:45 am]

BILLING CODE 4310–84–M

Wyoming; Decision on Statewide Wilderness Inventory

This decision is issued under the authority of Section 603 of the Federal Land Policy and Management Act of October 21, 1976; the guidelines provided in Step 6 of the *Wilderness Inventory Handbook* of September 27, 1978, issued by the U.S. Department of the Interior, Bureau of Land Management; and according to direction given in Bureau of Land Management's Organic Act Directive No. 78–61, including Changes 1, 2, and 3 and Instruction Memorandum No. 80–236.

Wyoming began the wilderness inventory of public lands by announcement in the **Federal Register** on November 16, 1978. The inventory has been done in two stages consisting of an initial inventory and an intensive inventory. The initial inventory was begun with the 1978 notice and the results of the initial inventory were announced in the **Federal Register** on February 7, 1979. At that time 86 inventory units totaling 1,037,000 acres were proposed for intensive inventory and a 90-day comment period was begun. During that comment period 11 formal open houses and 12 public meetings were held to inform the public of the wilderness inventory process and to obtain input.

The final decision on the initial inventory was announced in the **Federal Register** on July 10, 1979. In that decision, 83 units totaling 1,186,400 acres were identified for intensive inventory. During the summer and fall of 1979 the intensive inventory was conducted. Permanent documentation files have been prepared on each inventory unit and these materials were avialable for public review and comment. These files will be retained in the District Offices and will be available for public review at any time.

The Secretary of the Interior directed that the wilderness inventory of all inventory units on the "Overthrust Belt" be completed by December 31, 1979. Wyoming has seven units on the Overthrust Belt in addition to six other units on which the intensive inventory was completed and which were announced in the **Federal Register** on August 15, 1979. That notice proposed two of the Overthrust Belt units and a portion of one other unit as Wilderness Study Areas (WSA). The other 10 units were proposed to be released from the inventory due to lack of wilderness characteristics. The ensuing 90-day comment period did not generate any valid rationale to change the proposed decision and on December 14, 1979, the final decision for the Overthrust Belt units established the Raymond Mountain (WY–040–221) and Lake Mountain (WY–030–303a) units as Wilderness Study Areas. This decision was subject to protest and seven protests were received. Those protests were carefully reviewed and evaluated and a decision was published in the **Federal Register** on March 6, 1980, stating that the December 14, 1979, decision remains unchanged except that a minor modification was made to the boundary of the Raymond Mountain WSA.

The decisions issued on the protests resulted in four appeals to the Interior Board of Land Appeals (IBLA). One appeal has subsequently been withdrawn. The other three appeals concern the decision on the Raymond Mountain (WY–040–221), Lake Mountain (WY–040–110), and Coal Creek (WY–040–223) units. Disposition on these appeals is still pending.

The decision on one of the six additional units (WY–030–115, Lysite Badlands) was deferred for announcement with the other 74 units in Wyoming. The final decision on that unit is included in this announcement.

A proposed wilderness intensive inventory decision was issued on April 4, 1980. A 145-day public comment period ending on August 19, 1980, was provided. All comments received by that date were considered in reaching this decision. Other comments received after that date were also considered to the extent possible in reaching a decision. Eleven open houses and nine public meetings were held throughout the State during April, May, and June of this year. The formal and informal statements submitted at the public meetings were especially helpful in arriving at these decisions.

The comments were evaluated for information which could change the proposed decision. The pertinent points on which the public was invited to comment were the wilderness characteristics of size, naturalness, outstanding opportunity for solitude or primitive recreation, and any supplemental values the unit(s) may have. Opinions for or against wilderness or votes on a particular unit were not appropriate during this phase of the review process. Those who provided information on intrusions or personal experience in utilizing a particular unit were most helpful. Those who provided information on other resource values such as oil and gas or minerals were premature in their submissions; however, this information will be retained and utilized during the study phase of the wilderness review process.

This notice announces the final decision on 75 intensive inventory units encompassing approximately 1,062,353 acres.

The following table lists each inventory unit and the decision for each unit. A total of 525,504 acres have been determined to possess wilderness characteristics as set forth in Section 2(c) of the 1964 Wilderness Act and are identified as WSA's. These WAS's will be further evaluated, along with other resource values, through the Bureau planning process and a wilderness study report will be prepared. A recommendation will then be made to the Congress regarding whether or not the unit should be made a part of the National Wilderness Preservation System.

The designation of these units as WSA's will retain them under the constraints of interim management (Sec. 603(c) of the Federal Land Policy and Management Act) pending a decision by the Congress.

The remaining area, consisting of 536,849 acres, has been determined not to possess wilderness characteristics as se forth in Section 2(c) of the 1964 Wilderness Act and is therefore dropped from further consideration under the wilderness review process and released from the constraints of interim management as specified in Section 603(c) of the Federal Land Policy and Management Act.

Inventory unit No.	Unit name	Wilderness study area (WSA's) (acres)	Lacking wilderness characteristics (acres)	Total
	Worland District			
WY-010-104a, b, c	Owl Creek	710		710
WY-010-126	Bobcat Draw Badlands	17,150	12,720	29,870
WY-010-130	Sheep Mountain	23,250	6,000	29,250
WY-010-131	Red Butte	11,350	150	11,500
WY-010-220a	Bud Kimball Creek		27,300	27,300
WY-010-221a	Honeycombs	21,000	43,000	64,000
WY-010-222a	Cedar Mountain	21,570	5,265	26,835
WY-010-222b	Cedar Mountain		10,660	10,660
WY-010-236a	South Paint Rock	660		660
WY-010-239a	Paint Rock	2,770		2,770
WY-010-240a	Medicine Lodge	7,740	2,270	10,010
WY-010-241a	Potato Ridge		21,480	21,480
WY-010-241b	Potato Ridge		18,100	18,100
WY-010-241c	Alkali Creek	10,100	6,910	17,010
WY-010-242a	Trapper Creek	7,200		7,200
WY-010-334a	Emblem Draw		46,800	46,800
WY-010-335a	McCullough Peaks	25,210		25,210
WY-010-346a	Foster Gulch		16,150	16,150
WY-010-346b	Foster Gulch		14,060	14,060
District total		148,710	230,865	379,575
	Rawlins District			
WY-030-101	Sweetwater Canyon	9,056		9,056
WY-030-106	Whiskey Mountain		1,707	1,707
WY-030-107	Whiskey Mountain		421	421
WY-030-108	Whiskey Mountain		350	350
WY-030-109	Dubois Badlands	4,520		4,520
WY-030-110	Whiskey Mountain	487		487
WY-030-111	Copper Mountain	6,858		6,858
WY-030-113	Lysite Mountain		7,330	7,330
WY-030-115	Lysite Badlands		14,831	14,831
WY-030-120	Sweetwater Rocks	6,316		6,316
WY-030-121	Sweetwater Rocks		8,506	8,506
WY-030-122	Sweetwater Rocks	12,789	596	13,385
WY-030-123a	Sweetwater Rocks	7,041	7,747	14,788
WY-030-123b	Sweetwater Rocks	6,429	885	7,314
WY-030-301	Encampment River Canyon	3,380	2,460	5,840
WY-030-304	Bennett Mountains	5,722	1,358	7,080
WY-030-305	Pedro Mountains	5,990		5,990
WY-030-401	Adobe Town	33,000	22,000	55,000
WY-030-407	Ferris Mountains	20,495	2,660	23,155
District total		122,083	70,851	192,934
	Rock Springs District			
WY-040-104	South Soda Lake		70	70
WY-040-105	Cottonwood Creek		3,540	3,540
WY-040-106	East Fork	1,415	4,085	5,500
WY-040-114, 115, 116	LaBarge Islands		180	180
WY-040-125	New Fork Islands		72	72
WY-040-306	Buffalo Hump	10,300		10,300
WY-040-307	Sand Dunes	27,200	3,816	31,016
WY-040-311	Alkali Draw	16,990		16,990
WY-040-313	South Pinnacles	10,826	560	11,366
WY-040-314, 315	Pinnacles—Big Empty		13,797	13,797
WY-040-316, 317	Alkali Basin/East Sand Dunes	12,800	33,690	46,490
WY-040-318	Red Lake	9,515	1,087	10,602
WY-040-319	Bush Creek		15,186	15,186
WY-040-323	Honeycomb Buttes	41,620	31,161	72,781
WY-040-324	Oregon Buttes	5,700	1,456	7,156
WY-040-325	Whitehorse Creek	4,028	2,662	6,690
WY-040-326	Harris Slough		13,225	13,225
WY-040-327	Elk Mountain		7,795	7,795
WY-040-335	Mill Creek	1,300	614	1,914
WY-040-401	Devils Playground	15,646	1,058	16,704
WY-040-402	Twin Buttes	8,630	1,271	9,901
WY-040-403, 404	Anvil Wash/Butte Creek		22,560	22,560
WY-040-405	Wildhorse Basin		4,753	4,753
WY-040-406, 407, 410	Red Creek Badlands	7,100	26,945	34,045
WY-040-408	Adobe Town	52,710	8,970	61,680
District total		225,780	198,553	424,333
	Casper District			
WY-060-101	LaBonte		3,800	3,800
WY-060-201a	Gardner Mountain	6,423	12,017	18,440
WY-060-202	North Fork Powder River	10,089	5,082	15,171
WY-060-204	Fortification Creek	12,419	15,681	28,100
District total		28,931	36,580	65,511
State total		525,504	536,849	1,062,353

Any person(s) who has disagreement with this decision and has information which may influence this decision may file a protest with: State Director (931), Bureau of Land Management, 2512 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001.

Protests must be filed with the State Director by 4:30 p.m. December 15, 1980. No specific form need be used in filing a protest. However, protests must be specifically identified as follows: "Protest to Wyoming State Director's Statewide Wilderness Intensive Inventory Decision."

Should any protests be filed on any inventory unit the State Director will consider such protests and issue a decision which will be subject to appeal on that inventory unit(s) to the Department of the Interior, Board of Land Appeals (IBLA). If the decision on the protest remains consistent with this decision only the protestant may appeal to the IBLA. If the decision on the protest reflects changes from this decision based upon information submitted by the protestant, any adversely affected person(s) may appeal to the IBLA.

This decision will become effective as of 4:30 p.m. December 15, 1980, (close of protest period) for all inventory units on which no protest is filed. A **Federal Register** Notice and press release will be issued after December 15, 1980, announcing status of all units.

A publication listing the rationale for the decision on every intensive inventory unit, including 1:1,000,000 scale maps showing the wilderness study areas will appear as a special supplement to all daily newspapers in Wyoming the weekend of November 15 and 16, 1980. This supplement may also be obtained free of charge from any of the BLM offices listed at the end of this notice. A 1:500,000 scale map plus transparent overlay depicting the wilderness study areas are available for purchase from the Wyoming State Office of BLM as follows:

1:500,000 scale colored status map—$5.00 each copy.

Transparent overlay No. 6 dated November 1980—$4.00 each copy.

Paper copy of overlay No. 6—free of charge.

Additional information on this program is available on request from all BLM offices in Wyoming as listed below. These offices are also available for contact regarding input to the wilderness study phase.

State Director, Bureau of Land Management, 2512 Warren Avenue, P.O. Box 1828, Cheyenne, WY 82001, 307–778–2220, ext. 2413

Worland District Office, District Manager, P.O. Box 119, 1700 Robertson Avenue, Worland, WY, 82401, 307–347–6151

Grass Creek Resource Area [1]

Washakie Resource Area [1]

Cody Resource Area, Area Manager, P.O. Box 528, Federal Building, 1131 13th, Cody, WY 82414, 307–587–2216

Rawlins District Office, District Manager, P.O. Box 670, 1300 Third Street, Rawlins, WY 82301, 307–324–7171

Divide Resource Area [1]

Medicine Bow Resource Area [1]

Lander Resource Area, Area Manager, P.O. Box 589, Lander, WY 82520, 307–332–4220

Rock Springs District Office, District Manager, P.O. Box 1869, Highway 187 N, Rock Springs, WY 82901, 307–382–5350

Green River Resource Area [1]

Salt Wells Resources Area [1]

Pinedale Resource Area, Area Manager, Molyneux Building, Pinedale, WY 82941, 307–467–4358

Kemmerer Resource Area, Area Manager, P.O. Box 632, Kemmerer, WY 83101, 307–887–3933

Casper District Office, District Manager, 951 Rancho Road, Casper, WY 82601, 307–265–5550, ext. 5101

Platte River Resource Area [1]

Buffalo Resource Area, Area Manager, P.O. Box 670, Buffalo, WY 82834, 307–684–5586

Newcastle Resource Area, Area Manager, Highway 16 Bypass, Newcastle, WY 82701, 307–746–4453.

Maxwell T. Lieurance,

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Part XI

Department of Housing and Urban Development

Office of the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

Neighborhood Self-Help Development Program; Program Requirements

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

24 CFR Part 3610

[Docket No. R-80-715]

Neighborhood Self-Help Development Program; Program Requirements

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Final rule.

SUMMARY: The Neighborhood Self-Help Development Act of 1978 (42 U.S.C. 8121 *et seq.*), referred to as the "Act", authorizes the Secretary to make grants and provide training and information assistance to neighborhood organizations to prepare and implement neighborhood revitalization projects in low- and moderate-income neighborhoods. This final regulation revises the procedures for the award of grants and for training and information assistance under the Neighborhood Self-Help Development Program.

EFFECTIVE DATE: January 15, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph McNeely, Office of Neighborhood Self-Help Development, Room 4222, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-5595. This is not a toll free number.

SUPPLEMENTARY INFORMATION: This rule makes changes and adopts as final the interim rule published October 22, 1979 in the **Federal Register** (44 FR 60934).

The Neighborhood Self-Help Development Act of 1978 was passed by Congress as Title VII of Pub. L. 95-557 of the Housing and Community Development Amendments of 1978. This Act authorizes the Secretary to make grants and provide training and information assistance to neighborhood organizations to prepare and implement neighborhood revitalization projects in low- and moderate-income neighborhoods. These neighborhood-based projects include support to housing, economic and community development and other appropriate neighborhood revitalization activities in partnership with local government and other public and private entities. The Neighborhood Self-Help Development Act was a component of the President's Urban Policy announced in March 1978 and authorized by Congress in August 1978. The interim regulation for the Neighborhood Self-Help Development Program had an effective date of November 21, 1979. On December 13, 1979, a grant announcement was published in the **Federal Register** inviting interested organizations from urban and rural areas to prepare and submit applications to the program. An application kit was prepared and sent to over 8,000 people who requested it. The closing date for accepting applications was March 21, 1980 and approximately 730 neighborhood organizations applied. On May 4, 1980 the Department announced that seventy (70) organizations were selected for grant awards under the first cycle. A grant announcement for the availability of funds under a second cycle was published on April 1, 1980 with a closing date of July 15, 1980. Over 5,000 people requested this application kit. Approximately 555 neighborhood organizations applied to the program under this cycle. Under the second cycle fifty-five (55) organizations received grant awards.

Changes in Response to Public Comment

Since the publication on October 22, 1979 of the interim regulation (24 CFR Part 3610), public comments and recommendations for the final regulation have been solicited. During a ninety-day formal public comment period, thirty-three written comments were received. A series of public meetings and pre-application conferences in November, 1979 resulted in over 2,000 verbal comments and suggestions. Over 1,500 people consulted program staff regarding technical questions during the two cycles of grant applications. On-going meetings with neighborhood groups, local officials, congressional staff, civil rights organizations and national neighborhood networks resulted in approximately 1,000 additional verbal comments and recommendations. All comments were carefully considered. In addition, two cycles of grant applications occurred under the interim regulation. The experience of soliciting, reviewing and selecting neighborhood organizations for grants was also considered in the preparation of this final regulation. The following summarizes the major changes from interim to final regulation based on the comments, recommendations and program administration experience:

(i) It was determined through public comment and experience that the same definition of "low- and moderate-income" could not be used by both urban and rural organizations. Therefore, the definition has been changed to provide flexibility while being consistent with other HUD programs.

(ii) It was found through program experience and public comment that the criteria constituting either "proven record" or "demonstrable capacity" (§ 3610.103) was not clear to organizations. Therefore, the eligibility criteria for "proven record" and "demonstrable capacity" are redefined and clarified.

(iii) Through program experience, it was found that neighborhood organizations were confused about what constituted a specific project, as opposed to a general ongoing program. Therefore, the final regulation on eligible projects (§ 3610.104) describes the components necessary for a *specific* project and the preamble to that section provides extensive examples of eligible specific projects.

(iv) Through comments and experience, it was found that the types of activities that qualify as preparation and/or partial implementation activities were not clear to neighborhood organizations. Therefore, the final regulation on eligible activities (§ 3610.104) clarifies what activities are considered acceptable based on the project's stage of development, and the preamble section provides examples of acceptable preparation activities.

(v) Through program experience, it was found that many neighborhood organizations requested support for projects considered inconsistent with the intent of the program because either they did not directly benefit the residents in low- and moderate-income neighborhoods, or they were composed of activities on the list of ineligible activities. Therefore the section on ineligible activities (§ 3610.105) is expanded.

(vi) Through experience, it was learned that the program's "factors for award" which were presented in the **Federal Register** Notice of Grant Availability were more effective in communicating the evaluation criteria for eligible organizations than the "project selection criteria" described in § 3610.106 of the Interim Rule. Therefore, the factors for award replace the project selection criteria in § 3610.106 of the Final Rule.

(vii) During the first year of the program, Congress passed the Housing and Community Development Act Amendments of 1979. Section 107 of the Amendments affected the provision on local government certification (§ 3610.107). Therefore, additional language is offered which states that up to ten percent of the program's grants may be awarded for innovative projects without local government certification.

Summary of the Final Regulations

Section 3610.101 states the purpose of the Neighborhood Self-Help Development Program. The purpose of this program is to assist neighborhood organizations, through grants, training and information assistance, to increase their capacity to effectively prepare, finance, package and manage specific housing, community and economic development projects. The projects must directly benefit the residents of low- and moderate-income neighborhoods, contain a self-help component which captures the energy and resources of the neighborhood residents themselves, and be connected to an overall neighborhood revitalization strategy.

The intent of this program is to encourage and support projects identified and developed by neighborhood organizations on a local level which combine their appropriate local strategies, resources and people. To realize the greatest impact of the program in meeting this intent, successful strategies, tools and projects as demonstrated by the funded projects are shared with a wide range of self-help groups by means of information exchange, training, workshops and on-site consultation. Assistance is given to organizations to work in partnership with the public and private sectors to prepare and implement neighborhood revitalization projects.

Section 3610.102 defines three terms: "low- and moderate-income", "neighborhood" and "self-help".

The interim regulation defined low- and moderate-income as 80% of the median income of the county. The intent of the change in the final rule to 80% of the median income of the area, as determined by HUD, is to provide a flexible basis for comparison other than the county for those counties where the median income is substantially below that of the state and for those cities which are county jurisdictions in larger, more affluent metropolitan areas.

Two definitions are given for "neighborhood"—one urban and one rural. Applicant organizations know best what constitutes a "neighborhood." Therefore organizations are expected to use their own definition of neighborhood. However, no neighborhood may be defined in such a manner as to include or exclude any identifiable segment of it on the basis of race, color, religion, sex, age, or national origin. The following factors often contribute to people's definition of neighborhood:

(i) A sense of belonging or identity that ties residents to a given area;

(ii) Social, cultural, political, or economic activities around which people organize themselves;

(iii) The existence of cohesive organizations formed by residents; and

(iv) A history of acting or being treated as a distinct or cohesive unit.

Examples of ways which organizations define their neighborhood include:

(a) A residential area which is geographically separated from the rest of the city by a river and two highways and is known as the "South End" neighborhood;

(b) An area of several blocks of multi-family buildings which is known as "Golden Park;"

(c) One, two or more adjacent low-income public housing projects which have become identified as the "Joseph" project or area or community;

(d) A commercial area with residential areas adjacent to the main retail street which is known by both residents and business owners as the "Loeste" neighborhood.

(e) Several target areas in a rural region where the residents are organized and identified as farmworkers and refer to their community as the "Vallejo" area.

"Self-help" is broadly defined because the intent of the program is to support and stimulate diverse local self-help methods. The direct involvement of residents in the proposed specific project must be tied to a more comprehensive neighborhood resident effort in revitalization activities carried out by the applicant organization. Examples of different types of self-help include, but are not limited to:

(a) Direct, on-going involvement of neighborhood residents in the planning of a specific project;

(b) Direct involvement and coordination of the evaluation of a project by the neighborhood residents;

(c) Financial and technical contributions from residents and other members of the neighborhood to a specific project;

(d) Volunteer efforts by residents and other members of the neighborhood to a specific project; and

(e) Sweat equity tied to a specific project.

Section 3610.103 describes the eligibility criteria for neighborhood organizations which apply to this program. Organizations must satisfy each criterion to be considered eligible.

The regulation requires that an organization be broadly representative of the neighborhood where the project is located (Paragraph (b)). While the regulation does not require a specific method structure to satisfy this criterion, the applicant organization is expected to document its performance or methods of residential representation showing that it is representative of the racial, ethnic, economic, disabled, age and sex distribution of the population in the neighborhood served.

Paragraph (c) requires that an organization be accountable to neighborhood residents with respect to the project being proposed. This section of the regulation requires that an organization directly involve, and be responsive to, the neighborhood residents. This section requires some specific structure for the project for organizations which are *not* based in the project neighborhood alone. Organizations which are city-wide, county-wide or multi-county, or serve more than one neighborhood are eligible, therefore, to participate in the program if they establish some structure by which they are accountable to neighborhood residents for the proposed project. This regulation does not specify what the structure must be, but examples include: task forces, planning committees, advisory committees and specific neighborhood-based organizations; provided that these groups have actual control over the project.

Paragraph (d) requires that an organization has preservation or revitalization of low- and moderate-income neighborhoods as one of its objectives. An applicant organization may satisfy this requirement by reference to its charter, by-laws, articles of incorporation, mission statements, minutes from board meetings, or other organizational documents which state this objective or it may refer to its past and current activities which support this objective.

Paragraph (f) requires that an organization have either a proven record or demonstrable capacity to undertake and manage its proposed project. The regulation defines the distinction between demonstrable capacity and proven record for both the programmatic and management requirement. An organization must provide evidence supporting how it satisfies this criterion by describing its past and current projects. An organization which has never implemented any project will not meet this criterion.

Examples of organizations with a satisfactory programmatic and management "proven record" include: a non-profit housing sponsor which has purchased and successfully managed several multi-family buildings now proposes to purchase, rehabilitate and manage several additional properties; a neighborhood development organization

which has done several improvement projects on a commercial strip now proposes to develop a vacant piece of property on the strip for the construction of a new supermarket.

Examples of organizations with a programmatic and management "demonstrable capacity" are: a tenant's organization which proposes to purchase a building for conversion to a cooperative and has identified legal and other technical skills to assist in the implementation of this project; a rural non-profit housing sponsor which rehabilitated several low-income housing units now proposes to package and construct FmHA self-help housing and has recently hired a construction manager with new housing construction experience; an organization which has engaged in a variety of housing development activities and now proposes to establish a construction company as its first economic development venture and has assembled financial and legal consultants to assist in the formation of the company and the refinement of the proposed company's business plan; and an organization which has packaged commercial rehabilitation loans and now proposes to construct and manage commercial space to be rented to a neighborhood supermarket, and has identified a private commercial developer who will particpate in the project as a joint venture.

Paragraph (g) requires an organization be incorporated as a nonprofit under state law. This criterion does not require the applicant have Internal Revenue (IRS) 501(c)3 status.

Paragraph 3610.104(a) describes the eligible projects and activities under this program. To support the intent of this program and to encourage a high level of local creativity and initiative by neighborhood organizations to meet their specific housing, community and economic development and neighborhood revitalization needs, little limitation has been placed on the types of *projects* which are eligible.

The regulations state specific components for each proposed project which distinguishes "specific projects" from "general program activities". It is the intent of this program to support discrete single or inter-related projects which advance the organization's revitalization strategy or strengthen its development programs. An applicant organization must document the relationship between the proposed project and its revitalization strategy and/or overall development program activities for the target neighborhood. Examples of eligible projects include:

(a) Neighborhood-based housing development projects

(i) New construction

(ii) Acquisition, rehabilitation and resale of properties

(iii) Rehabilitation and cooperative conversion

(iv) Renovation of abandoned facilities into housing units including those accessible to the handicapped

(b) Neighborhood commercial development projects

(i) Rehabilitation of neighborhood commercial structures

(ii) Construction of neighborhood commercial facilities

(iii) Creation of neighborhood retail stores

(c) Neighborhood-based economic and business development projects

(i) Creation of a construction company employing low- and moderate-income neighborhood residents

(ii) Development of industrial parks which create jobs for low- and moderate-income residents and handicapped workers

(iii) Creation of ventures connected to neighborhood-based housing activities (i.e., adobe brick, wood and cabinetmaking manufacturing, and tile manufacturing)

(iv) Establishment of agricultural equipment and marketing cooperatives for use and ownership by farmworkers and small farmers

(v) Establishment of fishing cooperatives and forestry-related business for use and control by low- and moderate-income residents

(vi) Development of recycling businesses which employ residents and generate income for other neighborhood projects

(vii) Creation of playground manufacturing businesses which employ neighborhood youth and other low- and moderate-income residents

(d) Neighborhood-based energy-related projects

(i) Solar energy installation related to neighborhood housing development activities

(ii) Alternative technology projects related to other neighborhood-based projects

(iii) Creation of gasohol plants which employ low- and moderate-income neighborhood residents

(iv) Creation of insulation material and solar panel manufacturing businesses which provide neighborhood jobs and generate income for other neighborhood-based projects.

Paragraph 3610.104(b) states what activities are eligible under the program. It is the intent of this program to support the specific activities for projects at the stage of development where early planning has been completed, and a specific timetable for implementation and project completion has been identified.

Examples of preparation activities eligible under this program include:

(i) Architectural services;

(ii) Preparation of rehabilitation specifications;

(iii) Detailed financial planning and packaging;

(iv) Technical services for making building and facilities accessible to and usable by the physically handicapped;

(v) Acquiring site control through down payment, option or purchase;

(vi) Land acquisition;

(vii) Legal services to package venture projects or adapt existing facilities to new uses;

(viii) Technical, professional project staff services;

(ix) Refining and updating market studies; and

(x) Equity infusion.

The intent of the program is to maximize the coordination and leveraging of other public and private sector resources for project implementation (Refer to Project Selection Criteria—§ 3610.106.). Therefore, the program will not support the complete costs of preparing any project and it will support only a portion of implementation costs (i.e., construction, capitalization, etc.) for a specific project. An organization which requests implementation resources under the program must document that other implementation resources are committed to the project. HUD makes a determination of the appropriate portion of implementation costs supported by the program based on the type of proposed project and the availability of other implementation resources. HUD does not intend to replace a source of funding currently available for the support of a specific project, nor does it intend to duplicate funding project activities which should be supported by other, more appropriate resources.

Section 3610.105 states what activities are ineligible under this program. An organization may not propose any of the listed activities as its specific project. The Secretary may determine that additional activities are ineligible if they are considered inconsistent with the intent of the program.

Section 3610.106 states the project selection criteria by which the Department will select among eligible applicants. No organization meets all project selection criteria perfectly; the competitive strength of each application will be based on the applicant organization's ability to carry out and complete the proposed project; the

soundness of the project itself; the financial feasibility and leverage of the proposed project; the quality of the planning activity accomplished already; and the quality of the work plan to implement the project. Grant announcements and application kits, available at the time of grant availability, will describe how each factor will be used.

Section 3610.107 sets forth the local government certification process required under this program. It also states that HUD has discretionary authority to make grants and other forms of assistance for projects which do not have local government certification but do demonstrate innovative means of preparing and implementing neighborhood revitalization projects.

Section 3610.108 states the program objectives and major administrative procedures for the Neighborhood Self-Help Development program. Section 3610.109 states the affirmative action requirements and other assurances which must be satisfied by organizations receiving grants under this program.

This rule is listed as item number NVACP–1–78 in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044, as extended by 12221. The Neighborhood Self-Help Development program is listed in the Catalog of Federal Domestic Assistance as 14.800.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2) (C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C., 20410.

Accordingly, 24 CFR Part 3610 is revised in its entirety to read as follows:

PART 3610—NEIGHBORHOOD SELF-HELP DEVELOPMENT PROGRAM

Sec.

3610.101 Purpose.
3610.102 Definitions.
3610.103 Eligible applicants.
3610.104 Eligible projects and activities.
3610.105 Ineligible activities.
3610.106 Evaluation and selection criteria.
3610.107 Local government certification.
3610.108 Program administration.
3610.109 Other Federal requirements.

Authority: Title VII of the Housing and Community Development Amendments of 1978 (42 U.S.C. 8121 et seq.).

§ 3610.101 Purpose.

There are three major, inter-related objectives to this program: to support the preparation and implementation of specific neighborhood revitalization projects as identified by neighborhood organizations; to increase the capacity of eligible neighborhood organizations to successfully plan and manage specific neighborhood revitalization projects; and to encourage partnerships between neighborhood organizations and the local public and private sectors.

§ 3610.102 Definitions.

(a) "Low and Moderate" refers to neighborhoods in which family income does not exceed 80% of the median income for the area, as determined by HUD, with adjustments for the size of the family.

(b) "Neighborhood", for the purposes of this program, is defined differently for urban and rural areas.

(1) *Urban neighborhood.* In urban and suburban areas and in cities with 10,000 or more in population, a neighborhood is a distinct geographic area which is smaller than a city and has a readily identifiable residential character.

(2) *Rural neighborhood.* In rural areas and in small cities with under 10,000 in population, a neighborhood is either a portion of the small town or a specifically designated target community within a rural area. Wherever the term "neighborhood" appears in this regulation, it applies to the communities or target areas of organizations in small cities or rural areas.

(c) "Self-Help" means, for the purposes of this program, any efforts or contributions by which neighborhood residents plan, finance, implement and evaluate specific projects.

§ 3610.103 Eligible applicants.

To be eligible for grants under this program, neighborhood organizations must satisfy all of the following eligibility criteria:

(a) The applicant must be a voluntary organization. States, units of general or special purpose local government, government agencies, tribal governments and corporations created by units of government and which function as instrumentalities for that unit of government are not eligible under this program.

(b) The applicant must be broadly representative of the neighborhood in which the project will be located. The applicant organization must have incorporated in its membership, board of directors or structure governing the proposed project an economic, racial, ethnic, disability, age and sexual composition appropriate for the neighborhood where the proposed project is to be located. The Department examines particularly whether minorities, poor, elderly, women and handicapped residents are not excluded from the decision-making structure regarding the proposed project. An organization may have representation from local businesses, financial, governmental and non-governmental entities.

(c) The applicant must be accountable to neighborhood residents with respect to the project being proposed. The applicant organization must have a specific structure through which it is accountable to the neighborhood residents during the lifetime of the proposed project. A board of directors may serve as the accountability structure only if the applicant organization is based within one neighborhood and its board members are from the same neighborhood. Applicant organizations which are either citywide, countywide, multicounty, or serve more than one neighborhood must have a specific structure, other than the board, identified and described by which the organization is accountable for the project to residents of the neighborhood where the project is located.

(d) The applicant must have as one of its objectives the preservation and revitalization of low- and moderate-income neighborhoods.

(e) The applicant must be a neighborhood development organization. That is, the applicant must have prepared an overall neighborhood revitalization strategy, implementing one or more physical revitalization projects, and be committed to the continued implementation of the strategy through future physical revitalization projects.

(f) The applicant must have a proven record or demonstrable capacity for developing resources for, and effectively implementing, neighborhood conservation and revitalization projects. The application organization must provide evidence of both:

(1) Programmatic capability for the specific type of activity proposed; and

(2) Existing management expertise for development and administration of the neighborhood project proposed.

(i) The "proven record" criterion under this program may be met when an organization proposes to undertake a project similar in type and scale to one it has already undertaken. To satisfy the programmatic aspect of a proven record,

an organization must have completed the same type of project and have the related technical skills in place. To satisfy the management aspect of a proven record, an organization must have managed a project of the same scale and must have the administrative skills and systems in place.

(ii) The "demonstrable capacity" criterion under this program must be met when an organization proposes to undertake a project which is either a new type of project or a project of a significantly larger scale than those previously undertaken but the organization has sufficient past experience and present capability to undertake the new type or larger scale project. To satisfy the programmatic aspect of demonstrable capacity, an organization must have available specific individuals with experience in the new type or larger scale of proposed project. To satisfy the management aspect of demonstrable capacity, an organization must have management skills and systems which are comparable to those required for the administration of the proposed project.

(iii) If more than one organization is involved in the proposal, the applicant organization itself must comply with both the management and the programmatic aspects of the appropriate criterion. Applicants are not considered more or less qualified based on whether they have either a proven record or demonstrable capacity.

(g) The applicant must be incorporated as a nonprofit organization under applicable state law.

(h) The applicant must have a Board of Directors other than the paid staff of the organization, although a small number of paid corporate officers may be part of the Board.

(i) The applicant must have an auditable internal accounting system as certified by an independent (or government) accountant.

§ 3610.104 Eligible projects and activities.

(a) *Eligible projects.* Any specific housing, community and economic development project which is not excluded under § 3610.105 (Ineligible Activities) and which contributes to the revitalization of low- and moderate-income neighborhoods and directly benefits the residents of those neighborhoods is eligible under this program. A specific project must have the following components: a definite target area or a single or limited number of identified sites within a specific designated area; a specific time delineation for completion of the project; and a direct connection to overall revitalization programs or strategies carried out by the applicant organization. All projects must also meet the requirements of § 3610.104(b) below.

(b) *Eligible activities.* Any activities which support the preparation and/or implementation of specific neighborhood revitalization projects and are not found under § 3610.105 (Ineligible Activities) are eligible under this program. The program does not support the full cost of implementing any project. If funds for implementation activities are requested, the program will provide only a portion of those costs. The Department will determine what are appropriate portions of implementation costs based on the type of project proposed and the availability of other implementation resources. To qualify as a *specific* project under § 3610.104(a), the preliminary stages of project development must be completed before the Neighborhood Self-Help development application is made including all activities necessary to produce:

(1) A clear project structure with basic components;

(2) Feasibility studies or market analysis;

(3) Preliminary financial projections;

(4) An estimated timetable for project implementation; and

(5) Initial research of available resources supportive of project implementation.

§ 3610.105 Ineligible activities.

The following activities are ineligible for funding under this program:

(a) Early planning functions or planning where there is no proof of the probability of implementing the project;

(b) Public works such as street repairs which are not associated with a specific development project being funded;

(c) Operating social services programs which are not associated with the specific project being funded;

(d) Economic or business development which does not primarily benefit the residents of the neighborhood in which it will be located;

(e) Operating and/or administrative costs of a community group which are not directly associated with the specific project being proposed;

(f) Weatherization not associated with the specific project being proposed;

(g) Renovation and/or construction of neighborhood centers (including cultural and multipurpose centers) or related facilities not directly tied to the specific development project and an overall revitalization strategy supported under this program;

(h) Revolving loan and grant funds not directly associated with the specific project being proposed;

(i) Organizing, advocacy and training activities, such as community anti-crime, cultural, counseling and tenant support activities;

(j) Relocation costs occasioned by community development activities other than the project supported under this program;

(k) Construction of open park space or other recreational facilities, not directly associated with a specific project supported under this program;

(l) Employment and training activities not associated with a specific project supported under this program; and

(m) Any other activities determined by the Secretary to be inconsistent with the purpose of the Neighborhood Self-Help Development program.

§ 3610.106 Evaluation and selection criteria.

Neighborhood organizations which propose projects must satisfy all the eligibility criteria (§§ 3610.103 and 3610.104). Those applicants which are deemed eligible will be evaluated by such criteria as:

(a) *Organizational qualifications.* The organization is evaluated on the degree to which the organization's past accomplishments evidence a proven record or demonstrable capacity to develop, prepare and effectively implement the type of neighborhood revitalization project proposed (see paragraph 3610.103(f) for definition of "proven record" and "demonstrable capacity"). The organization is also evaluated for its ability to manage the type of neighborhood revitalization project proposed. The organization is evaluated for its history of service to the area served by the proposed project and to low- and moderate-income residents served by the proposed project.

(b) *Quality of project planning.* The organization is evaluated on the degree to which it has prepared and described an overall revitalization strategy which will be advanced by the proposed project. The organization is evaluated on the degree to which it has identified the project components, described the completed planning and estimated financial projections and a timetable for project implementation. The organization is evaluated on the degree to which neighborhood residents are incorporated in planning the proposed project.

(c) *Soundness of project and its components.* The organization is evaluated on the degree to which it has realistically conceived its proposed project, documented the relationship

between the project's components and described the project's direct benefits for low- and moderate-income neighborhood residents. The organization is evaluated on the degree to which it proposes to directly involve neighborhood residents who are directly affected by the project in all stages of project development, implementation and evaluation.

(d) *Financial feasibility.* The organization is evaluated on the degree to which it has coordinated self-help, private and public resources for the proposed project and identified that the additional resources are committed to a degree comparable to the stage of development of the project. The organization is evaluated on the degree to which the Neighborhood Self-Help Development (NSHD) budget share is realistic and reasonable and on the degree to which the NSHD share does not duplicate costs that could be covered by other funding sources.

(e) *Quality of project management.* The organization is evaluated on the degree to which it has a project management plan which specifies a clear timetable to accomplish the tasks of the proposed project, shows assignments by tasks, identifies necessary resources to complete the tasks and establishes financial controls for the project. The organization is evaluated on the degree to which it has assembled a capable project team including a project manager, project staff and technical consultants.

§ 3610.107 Local Government Certification.

(a) A neighborhood organization must submit, as a part of its final and completed application, a letter from the chief elected official of the most immediate jurisdiction of general local government certifying that he or she has reviewed the proposal prepared by the neighborhood organization and that the proposed project is consistent with, and supportive of, the specific objectives of that unit of local government including housing and community development, economic development, and neighborhood conservation or revitalization activities being carried out by that unit of general local government. In jurisdictions where the chief executive officer of the unit of general purpose local government is elected, only that person qualifies as the chief elected official for certification of the Neighborhood Self-Help Development proposals. In jurisdictions where the chief executive officer is appointed or hired by a body of elected persons, the chairperson of that body is the only person who qualifies as the chief elected official for certification of the Neighborhood Self-Help Development proposals, whether that chairperson holds the chair as a result of plebescite or by action of the elected body itself. For projects located in more than one jurisdiction (i.e., multicounty or city and county), there must be a letter from the chief elected official of each jurisdiction.

(b) The Secretary may authorize grants up to ten percent of the annual appropriation for this program for innovative projects and other activities without requiring government certification.

§ 3610.108 Program Administration.

(a) The Neighborhood Self-Help Development program is administered by the Office of Neighborhood Self-Help Development under the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection. Through this program, HUD is committed to selecting a variety of neighborhood organizations by size, type, term of existence and geographic location. Organizations including neighborhood nonprofit rehabilitation sponsors, nonprofit community development corporations, tenant management corporations, multiservice organizations and neighborhood-based economic development groups are eligible if they satisfy all the criteria stated in the regulation. A substantial number of grants will be made to organizations in rural and nonmetropolitan areas under 10,000 in population. HUD, through this program, is committed to the selection of diverse projects with respect to project type, size, scale and length of time.

(b) The availability of grants is announced through the **Federal Register** and supplemented through other methods of communication. Neighborhood organizations which intend to apply to this program must satisfy all the eligibility requirements stated in order for their applications to be evaluated. Specific application procedures and requirements will be stated in application kits which will be available at the time of the announcements for the availability of grants. Procedures for submitting unsolicited proposals will be announced annually in the **Federal Register.**

(c) All organizations which apply for, and subsequently receive, a grant award under this program must adhere to administrative, reporting and monitoring procedures in conformance with the Uniform Administrative Procedures for nonprofit organizations as stated in OMB Circular A–110 and cost principles for nonprofit organizations as stated in OMB Circular A–122. Applicants must comply with the A–95 review requirements which will be described as a part of each grant announcement published in the **Federal Register** and contained in the application kits.

(d) HUD has the authority to recapture funds if an organization which receives a grant does not conform with or satisfactorily meet either the reporting requirements or monitoring procedures. HUD has the right to decline funding any applications from organizations which do not satisfy the requirements and criteria set forth in these regulations and in the grant announcements. HUD has the right to deny funding applications due to program budget limitations.

§ 3610.109 Other federal requirements.

(a) *Equal opportunity requirements.* (1) Participation in this program requires compliance with Title VI of the Civil Rights Act of 1964 (Pub. L. 88–352) and the regulations issued pursuant thereto requiring that no person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial Assistance.

(2) Participation in this program must also comply with the provisions of Title VIII of the Civil Rights Act of 1968, as amended (Pub. L. 90–284); Executive Order 110638 (Fair Housing); Executive Order 11246, as amended (nondiscrimination in employment regarding Federal and federally assisted contractors); Section 3, Housing and Urban Development Act of 1968 (Pub. L. 90–448) (Employment of low-income residents and participation of small business concerns in HUD-assisted projects); OMB Circular A–102, Attachment O, paragraph 9(a) (Utilization of Minority Business Enterprises); and Executive Order 12138 (Women Business Enterprise).

(b) *Other Federal Statutes and Regulations.*

Any applications receiving grants must demonstrate compliance with 24 CFR Part 50 and other Departmental regulations which implement HUD responsibilities under the National

Environmental Policy Act, Departmental criteria for implementing Executive Order 11990 on Protection of Wetlands, Executive Order 11988 on Floodplains, Departmental regulations for implementing the Flood Disaster Protection Act of 1973, the National Historic Preservation Act and Archeological and Historic Preservation Act of 1974 as well as other related statutes, regulations and Executive Orders.

Issued at Washington, D.C., November 6, 1980.

Geno C. Baroni,

Assistant Secretary for Neighborhoods, Voluntary Associations, and Consumer Protection.

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Part XII

Department of Labor

Occupational Safety and Health Administration

Guarding of Low-Pitched-Roof Perimeters During the Performance of Built-Up Roofing Work

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S-007]

Guarding of Low-Pitched-Roof Perimeters During the Performance of Built-Up Roofing Work

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Final standard.

SUMMARY: This notice amends Subpart M of 29 CFR Part 1926, by adding a standard for the guarding of low-pitched-roof perimeters during the performace of built-up roofing work. This final standard is being issued after appropriate consultation with the Advisory Committee on Construction Safety and Health and public comment. It provides for the use of motion-stopping safety systems, warning lines, and safety monitoring systems in certain specified situations, requires the use of safety belt or guardrail systems at hoisting and storage areas, prohibits the use of mechanical equipment near unprotected roof sides or edges, and requires training for all employees engaged in built-up-roofing work. In addition, it clarifies the application of the existing standards on perimeter guarding contained in Subpart M.

EFFECTIVE DATE: This standard will become effective January 13, 1981.

FOR FURTHER INFORMATION CONTACT:
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For Copies of this Regulation Contact: Office of Publications, Occupational Safety and Health Administration, U.S. Department of Labor, Room S1212, Washington, D.C. 20210, Telephone (202) 523–8677.

SUPPLEMENTARY INFORMATION:

I. History of the Regulation

Subpart M of Part 1926, entitled "Floor and Wall Openings, and Stairways", was promulgated in 1971, under section 6(a) of the Occupational Safety and Health Act of 1970. It contains the following provision pertaining to the guarding of perimeters:

§ 1926.500(d). *Guarding of open-sided floors, platforms, and runways.* (1) Every open-sided floor or platform 6 feet or more above adjacent floor or ground level shall be guarded by a standard railing, or the equivalent, as specified in paragraph (f)(1) of this section, on all open sides, except where there is entrance to a ramp, stairway, or fixed ladder.

Because no other specific standards in Subpart M address the guarding of low-pitched-roof perimeters (sides and edges), OSHA interpreted § 1926.500(d)(1) as being applicable to such roofs. However, two circuit courts of appeals have ruled that the language of 29 CFR 1926.500(d)(1) is not amendable to such an interpretation because the word "roof" is not in the language of the standard (*Langer Roofing and Sheet Metal, Inc. vs. Secretary of Labor*, 524 F. 2d 1337 (7th Cir. 1975); *Diamond Roofing Co., Inc. vs. Occupational Safety and Health Review Commission*, 528 F. 2d 645 (5th Cir. 1976)).

As a result, OSHA reviewed the available data and information, together with the *Langer* and *Diamond* decisions, and determined that a new provision should be proposed specifically to cover the guarding of low-pitched-roof perimeters during roofing work in order to supplement the existing provisions of § 1926.500. (Roof openings and holes are already required to be guarded by the provisions of Subpart M since "floor holes" and "floor openings" are defined in § 1926.502 as including holes and openings in roofs. In addition, protection for other roof level work operations is provided under provisions such as §§ 1926.28(a), 1926.104, 1926.105, 1926.451 as well as Section 5(a)(1) of the Occupational Safety and Health Act of 1970.)

Prior to issuing the proposal, OSHA consulted with the Advisory Committee on Construction Safety and Health in 1977 and 1978 as to the substance of the draft proposal. The Committee's recommendations are discussed in more detail below. After evaluating these recommendations, OSHA published its proposed standard for the guarding of low-pitched-roof perimeters during roofing work on August 17, 1979 (44 FR 48275). The proposal contained requirements for the guarding of low-pitched-roof perimeters, including hoist and storage areas, restrictions on the use of mechanical equipment near roof edges, and requirements for employee training. A period for receipt of written comments on the proposed standard and issues raised therein and for the filing of objections was established through October 12, 1979.

To assist participants in preparing their written comments and to give interested persons an opportunity to obtain clarification of the proposal, OSHA scheduled a public meeting for September 28, 1979. A transcript of the meeting was prepared and is part of the record of this rulemaking. Subsequently, on October 16, 1979, the comment period was extended through November 26, 1979 (44 FR 59561).

Over 200 written comments were received by the end of the comment period. Most of the comments favored the adoption of the proposed standard in principle. A number of comments offered recommendations for minor modification of certain provisions of the proposal. There were no requests for a hearing under section 6(b)(3) of the OSH Act.

A Regulatory Assessment (Ex. 3:3) was prepared in accordance with Executive Order 12044 (43 FR 12661, March 24, 1978), and was made available to the public, as noted in the preamble to the proposed standard (44 FR 48279). Opportunity was given to interested persons to comment on the subject matter and contents of that report. (See Section VI, Regulatory Assessment, below.)

The final standard on the guarding of low-pitched-roof perimeters during the performance of built-up-roofing work is based on a full consideration of the entire record of the rulemaking proceeding including the materials relied on in the proposal, the transcript of the public meeting, and all written comments and exhibits received. All materials in the record are available for public review and copying at the OSHA Docket Office, Room S6212, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW, Washington, D.C. 20210, Telephone (202) 523–7894.

II. Roof Perimeter Guarding

The National Bureau of Standards (NBS) reports that the roofing and sheet metal industry has had, in recent years, a lost-time-injury-accident rate of 56 injuries per million man-hours of work. According to NBS and a report issued by the National Institute for Occupational Safety and Health (NIOSH) (Ex. 3:5) the roofing industry has one of the highest lost-time-injury-accident rates of any industry in the United States, exceeding even that for the coal mining industry.

As shown in a report by the Bureau of Labor Statistics (BLS) (Ex. 3:2), there are over 133,000 employees in the Standard

Industrial Classification (SIC) 176-Roofing and Sheet Metal Workers. The Regulatory Assessment (Ex. 3:3) concludes that of these employees, approximately 40,000 are exposed to the hazard of falling off low-pitched-roofs and that, on an annual basis, approximately 82 of these employees will fall, resulting in one to three fatalities, six to eleven permanent disabilities, and the loss of 3,600 workdays.

However, based on the data in the record, it appears that neither the Bureau of Labor Statistics, most state agencies, nor the insurance industry compile job-related injury data in the precise format or detail necessary to determine the exact causes of accidents. Of the data that are available, the NIOSH report cites a 1970 State of California report that shows "falling off roofs", both low and high pitched, to comprise 17.7 percent of all roofing accidents. The NIOSH report also cites a similar State of New York report that shows "falling to a different level" to be the most serious of all types of roofing accidents. Further, in a 1976 report issued for the State of Wisconsin, falls from roofs comprised 5.1 percent of all roofing accidents and 26 percent of all accidents in the category "falls to a different level." In addition, NIOSH concludes there are, undoubtedly, many more workers injured in falls from roofs than are reported under these headings because, although the roofing and sheet metal industry does most of the commercial roofing work performed, employers whose business is less than 50 percent roofing work have their roofer employment and injury data placed under other classifications such as residential or nonresidential building construction.

Based on the information in the record, OSHA concludes that employees working on roofs are confronted with a significant risk of serious injury or death. None of the participants in the proceeding seriously contested the hazards faced by employees or the need for protection from these hazards.

The record shows that falls from low-pitched roofs occur frequently, often result in severe injuries, and involve roofing workers with varying degrees of roofing experience (Ex. 3:5). It is the intent of this standard to significantly reduce such injuries.

Guardrails are often used to provide fall protection and are required for open-sided floors and platforms by § 1926.500(d)(1). However, although guardrails can be used during construction of a roof deck, they must be removed prior to the application of roof waterproofing membranes and related sheet metal work at the roof edge. According to a report by the engineering firm of Simpson, Gumpertz and Heger (Ex. 3:6), the reason guardrails must be removed is that, unless mounted on a parapet wall, guardrails are normally mounted on the roof deck and impede the application of the roof membrane. The use of freestanding guardrail systems as an alternative is limited since such guardrails must also be moved out of the way when the membrane is applied near roof edges and thus they are not a solution to the problem of providing fall protection. Other potential concerns include the increase in cost and time required to erect guardrails and the question of whether guardrails are needed when the work to be performed is not near the roof edge. These problems exist whether the work being done is a reroofing operation on an existing building or the application of a new roof on new construction.

Unique difficulties with conventional guarding systems are encountered on low-pitched roofs during the performance of "built-up" roofing work which involves the application of waterproofing membranes (usually felt and tar) and related insulation and sheet metal work. The proposal was directed toward providing fall protection in these circumstances. While the scope of the proposal was not explicitly limited to built-up roofing, OSHA intends that this final standard cover only built-up roofing work performed on low-pitched roofs. Accordingly, as will be discussed below in the summary and explanation section of this preamble, the term "built-up roofing work" is used throughout this preamble and in the final standard in order to clarify the standard's coverage.

The record establishes that fall protection during built-up roofing work presents unique problems. As will be shown, the provisions of this standard are directed at these special circumstances.

The Simpson, Gumpertz, and Heger report prepared for the National Roofing Contractors Association (NRCA), concluded that guardrails make orderly built-up roofing work impossible and do not offer the protection desired since they must be removed prior to the completion of roof side and edge finishing work. In addition, the report concluded that some free-standing guardrail systems may seriously overstress the roof support system because the roof deck is normally not designed to hold the weight necessary to keep the guardrail upright. And, as noted earlier, freestanding guardrail systems which do not overstress the roof, still have to be moved out of the way prior to the application of waterproofing membranes (and related sheet metal work) close to roof edges, where protection is most needed.

The Simpson, Gumpertz, and Heger report concluded that other conventional guarding systems also pose serious feasibility problems during built-up roofing operations on low-pitched roofs. Catch platforms, for example, cannot be used on a majority of building types because of the presence of high windows, lightweight wall panels, or unknown masonry structural details which make it very difficult to safely anchor the platform to the building. Safety belt systems, according to the report, are difficult or impossible to anchor safely and result in chaos when used during built-up roofing work. When safety belts are used during such work, the lines drag in the hot tar, pose tripping hazards to employees working in hot tar areas and tend to become tangled during the normal rapid movement of employees doing built-up roofing work.

OSHA believes that the difficulties with conventional guarding systems (referred to in the standard as "motion-stopping-safety (MSS) systems") during the performance of built-up roofing work, will be avoided by allowing the use of a warning line and/or safety monitoring system (referred to in the proposal as "direct supervision") as alternatives to MSS systems in specified circumstances. Simply described, a warning line is a rope, chain, or wire, supported by a series of stanchions set back from the side or edge of the roof. It serves to delineate the area where mechanical equipment may be used. It also serves to warn and remind employees that they are approaching or working near a fall hazard by providing a direct physical contact with the employee. The contact attracts the employee's attention, enabling the employee to stop in time to avoid falling off the roof. The safety monitoring system is a verbal warning system and requires that a competent person be designated to monitor the safety of all employees in a roofing crew and warn them when it appears that they are unaware of the hazard or are acting in an unsafe manner. These systems are not intended to serve as positive fall restraints, but only as warning systems. These alternative systems of fall protection are discussed in detail in Section III of this preamble.

The concepts of the warning line and safety monitoring systems were first suggested by the NRCA in a September 1977 letter to OSHA (Ex. 6). These

concepts have also received support from the United Slate, Tile and Composition Roofers, Damp and Waterproof Workers' Association (AFL-CIO) (Ex. 2:191). The warning line concept has also been endorsed by the Simpson, Gumpertz and Heger report which calls it a "practical solution" to the problem of roof-perimeter protection. In addition, several contractors have used the warning line and support the use of the warning line as an effective safety system (cf. Ex. 2:8, 31, 43).

As has been noted, the MSS system, warning line, and direct supervision proposals were reviewed prior to their publication by the Advisory Committee on Construction Safety and Health (Ex. 3:1). At a meeting held on November 29, 1977, the proposals were first submitted by OSHA to the committee for review. Action was postponed until the following meeting so that the committee would have time to evaluate them. During the February 1978 committee meeting, the proposals were discussed, modified, and determined by the Committee to be acceptable procedures for use during roof level repair or construction.

The proposals were resubmitted to the Committee at the December 5, 1978 meeting to show the Committee how its recommendations had been incorporated into the proposal language (Ex. 3:1). The Committee, which had just had a significant membership change, voted at this meeting to recommend the adoption of a standard that would require the use of MSS systems around low-pitched roof perimeters, and would not allow warning lines or direct supervision as alternatives.

The Committee's suggested approach at the December 5, 1978 meeting was not included in the proposal and is not included in this final standard, which is limited to built-up roofing work only. As noted, serious questions exist as to the feasibility and benefits of the Committee's recommended approach for the operations involved. These questions are discussed more thoroughly both in the Economic Impact Statement/Assessment (Ex. 3:3) performed for OSHA by Centaur Associates, Inc. (See Section VI, Regulatory Assessment), and in the Simpson, Gumpertz, and Heger report discussed earlier.

OSHA concludes from the record that warning line and safety monitoring systems, as detailed in the following section, are effective safety systems for employees working on roofs which have a slope less than or equal to four in twelve, during the performance of built-up roofing work. These requirements are necessary and appropriate to provide protection for employees from the significant risks of falling from such roofs during the performance of built-up roofing work.

III. Summary and Explanation of the Standard and Major Issues

The following section discusses the individual requirements of the standard, including analysis of the major issues raised during the proceeding, the record evidence, and the policy considerations underlying the various provisions of the standard.

The language of the standard closely follows that of the proposal except for revisions based on OSHA's review of the entire rulemaking record, including written comments and testimony submitted at the public meeting.

The format of the final standard differs in several respects from that of the proposal. The discussion in the preamble will refer primarily to the paragraph numbers contained in the final standard. However, in order to clarify the format changes, the following table sets forth the paragraph numbers of the final standard § 1926.500(g) which differ from the paragraph numbers as proposed:

Proposed paragraph	*Final paragraph*
1926.500	1926.500
Exceptions to (g)(1)	(g)(2)
(g)(2)(iii)	(g)(4)(ii)
(g)(2)(iv)	(g)(4)(i)
(g)(2)(v)(*a*)	(g)(3)(iii)(*a*)
(g)(2)(v)(*b*)	(g)(3)(iii)(*b*)
(g)(3)	Deleted
(g)(3)(i)	(g)(1)(ii)
(g)(3)(ii)	(g)(1)(iii)

In general, the proposal provided three alternative means to provide the required perimeter protection on low-pitched roofs during the performance of roofing work: motion-stopping-safety (MSS) systems, warning lines, and direct supervision. MSS systems may be used in all circumstances, whereas warning lines and safety monitoring systems may be used only in certain situations. Most of the comments expressed agreement with the intent of the proposal.

The standard applies to low-pitched roofs, defined as roofs with a slope no greater than four in twelve. While the proposal made a distinction between slopes of three in twelve and four in twelve for some purposes, this distinction does not apply in the final standard, as discussed more fully below.

The record shows there was some confusion as to the exact nature of the work covered by the proposal (cf. Ex. 2:49, 50, 52). The proposal was intended to apply only to built-up roofing operations. This was due to the problems encountered with conventional guardrail and other MSS systems which are unique to these operations. In order to make this clear, the words "built-up" are added to the title of the standard and throughout the text of the standard wherever the term "roofing work" is used. To further clarify the scope, a definition of built-up roofing is added to the standard as follows:

"(p) 'Built-up roofing'—a weatherproofing cover, applied over decks, consisting of either a liquid-applied system, a single-ply system or a multiple-ply system. Liquid-applied systems generally consist of silicone rubber, plastics, or similar material applied by spray or roller equipment. Single-ply systems generally consist of a single layer of synthetic rubber, plastic, or similar material, and a layer of adhesive. Multiple-ply systems generally consist of layers of felt and bitumen, and may be covered with a layer of mineral aggregate."

The standard does not apply to other types of roofing work such as shingle application and removal. This limitation of scope is based on the extent of available data in this record and does not reflect a conclusion that hazards do not exist in other types of roofing work. The recommendation of the Advisory Committee on Construction Safety and Health that MSS systems be required for all other employees on roofs is being evaluated for future rulemaking.

Section 1926.500(g)(1)—General provisions. The general provisions of the standard, paragraph (g)(1), require that, during the performance of built-up roofing work on low-pitched roofs, with a ground to eave height greater than 16 feet, employees engaged in such work be protected from the hazard of falling from sides and edges by the use of one or more of the following: motion-stopping-safety systems (MSS systems), and, in specific situations, warning lines and/or safety monitoring systems. This is the same requirement as proposed except the term "safety monitoring system" replaces the term "direct supervision." This change is made because it was suggested, that "direct supervision" implies that a management level person is required to provide this supervision (Ex. 2:191). Since any individual, supervisory or non-supervisory, may be designated to be the safety monitor, the term "direct supervision" was determined to be inappropriate.

The definition of "low-pitched roof" is the same as in the proposal. It is defined as any roof with a pitch (slope) equal to or less than the ratio four in twelve (i.e. four inches vertical to twelve inches horizontal). This limit, together with the minimum roof height of greater than sixteen feet, was selected so that the new provisions would complement the provisions of § 1926.451(u)(3) (catch

platforms) contained in Subpart L, which apply to roofs having a slope greater than four in twelve and a minimum ground to eave height greater than sixteen feet.

The proposal created somewhat different requirements for protection of roofing employees depending on the pitch of the roof on which they are working. The proposal required that only MSS systems be used on low-pitched roofs with a slope greater than three in twelve. On roofs less than or equal to three in twelve, the employer was not limited to MSS systems, but could use MSS systems, warning lines, and/or direct supervision as described in the proposal. This distinction in the proposal between slopes of three in twelve and four in twelve was based on the view that slopes greater than three in twelve constituted a significantly greater hazard to employees due to the increased difficulty for employees to stop their momentum on such roofs and because of a greater likelihood of slipping on hot tar. Although these factors do increase as the roof slope increases, there is not enough information in the record to warrant the proposed prohibition on the use of warning lines on slopes between three in twelve and four in twelve. In addition, several comments indicated that confusion could possibly result from the distinction between slopes of three in twelve and four in twelve, particularly since low-pitched roofs were defined only in terms of four in twelve (cf. Ex. 2:27, 28, 31). Consequently, references to roofs with slopes of three in twelve are deleted and the final standard provides similar requirements for all roofs with slopes less than or equal to four in twelve.

The standard indicates when MSS, warning line, and safety monitoring systems are to be used, either alone or in combination. Paragraphs (g)(1) (i) and (ii) require that on roofs with a ground to eave height greater than 16 feet, employers must protect their employees by the use of an MSS system, warning line and MSS system combination, or warning line and safety monitoring system combination. Paragraph (g)(1)(iii) provides that on roofs 50 feet or less in width (where mechanical equipment is not used or stored), the employer may protect employees by a safety monitoring system alone. MSS systems are defined to include guardrails, platforms or scaffolds with guardrails, safety nets, and safety belt systems. As noted earlier, warning lines and safety monitoring systems are being permitted as alternatives to MSS systems only because of the nature of the problems encountered in built-up roofing work.

Comments were made that MSS systems should not be allowed as alternative safety protection during built-up roofing work and that only warning lines and safety monitoring systems should be allowed (cf. Ex. 2:6, 9, 12). However, there is little, if any, dispute that MSS systems are more effective at preventing fall injuries than are warning lines and safety monitoring systems. Indeed, OHSA believes that MSS systems are, in general, the best available means of fall-injury protection. It is only due to the unique problems presented by built-up roofing work on low-pitched roofs that OHSA has decided not to require the use of MSS systems in all such work. It is evident, therefore, that OHSA does not intend to prohibit or discourage the use of MSS systems as alternatives to the other systems in situations where they are appropriate. Similarly, where a guardrail or other MSS system is already in place from previous work on the roof deck, this standard will not require the roofer to remove it, or to supplement it with other protection.

On roofs 50 feet or less in width, the workers are never more than 25 feet from an edge and are therefore, aware of the proximity of the fall hazard. In addition, a warning line on such roofs creates a very narrow protected work area inside the line. In these situations the warning line may not be practical. Therefore, paragraph (g)(1)(iii) allows safety monitoring to be used on roofs 50 feet or less in width where mechanical equipment is not used or stored. This does not, of course, preclude the employer from using mechanical equipment on roofs 50 feet or less in width if he uses an MSS system or warning line for protection (provided that the equipment is kept inside the warning line). As noted above, a safety monitoring system is a verbal warning system and requires that a competent person be designated to monitor the safety of all employees in a roofing crew and warn them when it appears that they are unaware of the hazard or are acting in an unsafe manner. The monitor may have supervisory or non-supervisory responsibilites as there are no restrictions on the performance of other duties. (It is obvious, however, that the monitor must not be so busy with other responsibilities that the monitoring function is encumbered.) The monitor must be on the same roof as and within visual sighting distance of the employees, and must be close enough to verbally communicate with the employees.

The record indicates there is confusion as to which dimension of a building should be considered to be the width of a roof (Ex. 2:147). In all cases the building must first be viewed in plain view (i.e., viewed from above, looking down). The width of the roof is then determined to be the narrower of the two primary dimensions which define the roof area.

Appendix A is provided to serve as a guide in determining the widths of roofs which are not simple rectangles in shape. Although the appendix does not show all possible roof configurations, it does give some common arrangements. This appendix does not create any additional obligations or detract from any obligations otherwise contained in the final standard. It is intended to provide useful, explanatory material and information to employers and employees to aid in understanding and complying with the standard.

Paragraph (g)(2)—Exception. The requirements of paragraph (g)(1) do not apply at points of access such as stairways, ladders, and ramps. In addition, employers are not subject to the requirements of paragraph (g)(1) if their employees are on the roof solely for the purpose of investigating, inspecting, or estimating roof level conditions. This is because of the relatively short time, if any, spent near a roof edge during such work.

It was requested that an additional exception be made for the emergency repair of roofs (Ex. 2:82). Such an exception is not appropriate because the nature and hazards presented by such repair work do not differ significantly from the general kinds of built-up roofing work covered by the standard. The exception for estimating, inspecting, and investigating is provided because these operations are normally conducted in good weather, require little time, if any, near the roof edge, do not require the employees to be on the roof for long periods of time, and involve work of a nature such that the employee is more likely to be aware of his proximity to the roof edge. On the other hand, emergency repairs may be necessary in inclement weather, may require a significant amount of time to complete, and involve use of the same type of equipment used in regular built-up roofing work. In addition, such repairs may require the employee to work close to a roof edge. As is the case with built-up roofing work in general, the employee doing the repairs will be concentrating on his task, and not necessarily on the falling hazard. Moreover, it should be noted that some "emergency repairs" may

even involve the complete reroofing of a structure.

Paragraph (g)(3)—Warning lines. This paragraph sets forth the specific requirements and limitations for the use of warning lines. As noted above, a warning line is a rope, chain, or wire, supported by a series of stanchions. The warning line is set back from the side or edge of the roof. It serves to warn and remind employees that they are approaching or working near a fall hazard. Warning lines function by providing a direct physical contact with the employee. The contact attracts the employee's attention, enabling the employee to stop in time to avoid falling off the roof. The system is not intended to serve as a positive restraint, but only as a warning system.

Some comments suggested that the standard not apply when the scheduled work activity is to take place exclusively at the roof edge (cf. Ex 2:31, 42, 98), or exclusively away from the edge (Ex. 2:77, 82). While the "warning" benefits of the line may not be as critical at these points, other features still contribute to the safety of the employees both inside and outside the warning line. The warning line delineates the work area outside which employees' safety must either be monitored or provided for by the use of an MSS system. It prevents employees inside the warning line from inadvertently moving out of their work area and into the more hazardous area at the roof edge. The line designates the area within which they may perform work without special concern about falling. In addition, the warning line also clearly delineates the boundary outside which mechanical equipment may not be used, as discussed below.

The proposal stated that warning lines could only be used where the work area is free of ice and snow. The reason for this requirement was the assumption that the setback distances of six and ten feet (discussed below) for the warning line would not be sufficient for slippery roof conditions. The records indicate that built-up roofs cannot be and, therefore, are not applied over roof decks covered with ice and snow (cf. Ex 2:12, 20, 120). Therefore, this provision is deleted. Snow removal for maintenance purposes is not intended to be covered by this standard.

Paragraph (g)(3)(i)(*a*) of the standard requires that the warning line be set back from the roof edge at least six feet when no mechanical equipment is being used. When mechanical equipment is being used, paragraph (g)(3)(i)(*b*) requires that the warning line be at least ten feet from the roof edge which is *perpendicular* to the direction of mechanical equipment operation and at least six feet from the roof edge which is *parallel* to the direction of mechanical equipment operation. This is a change from the proposal which required a distance of at least ten feet from all edges when mechanical equipment is being used. The change recognizes that the greatest hazards with mechanical equipment operation are at the points of turn-around (perpendicular to the direction of equipment movement) where an employee's attention is no longer on the edge hazard, but rather is on the effort required to turn the equipment around (cf. Ex 2:82, 120, 191). At these points, employees are in danger of losing their balance because of the sometimes awkard motions necessary to turn the mechancial equipment, and because of the need to step backward toward the edge, as they try to line the machine up for the next run. These unique problems do not exist along the parallel edge. Therefore, the ten foot requirement is reduced to six feet along such edges.

The six and ten foot distances were selected to allow a worker time to react to the warning line before getting close to a roof edge. This is especially important in the roofing trade where a worker may be moving backwards during the application of roofing materials.

The six-foot distance is sufficient to allow an employee to stop moving after being alerted by the line as to the proximity of the roof edge. When mechanical equipment is being used, the distance of ten feet from the edge perpendicular to the direction of equipment movement allows for the added momentum of the equipment which makes it harder for an employee to stop.

The six and ten foot distances from the roof edge are minimums for those jobs which are located away from the roof edge. However, there is no upper limit on the distance that a warning line may be erected away from a roof edge provided that the entire work area is enclosed. The warning line erected around the work area need not be placed as close to the roof perimeter as six or ten feet. Obviously, it is advantageous to have the warning line surround as much of the work area as possible since paragraph (g)(4) (discussed below) prohibits the use or storage of mechanical equipment outside the warning line.

According to a report by the University of Michigan (Ex. 3:8), a warning line must be highly visible to be effective. Accordingly, paragraph (g)(3)(i)(*a*) requires that the line be flagged with high-visibility material at no more than six foot intervals. However, since visibility is primarily dependent on the brightness of the visual device to its environment and not on the color of the flagging material, no specific color is specified for use.

Paragraph (g)(3)(ii)(*b*) requires the line to be positioned between 34 and 39 inches from the roof surface. As recommended by the University of Michigan report, the height is low enough to warn a short worker stooped over, while, at the same time, it is high enough not be a tripping hazard. The limits also allow for the sag which is present in any non-rigid system.

Paragraph (g)(3)(ii)(*c*) requires that the stanchions supporting the warning line be capable of resisting, without tipping over, a force of at least 16 pounds applied horizontally against the stanchion, at a point 30 inches above the roof surface, perpendicular to the warning line, and in the direction of the roof edge.

A minimum force is specified because a worker may approach the line while moving backwards or may otherwise have his attention diverted, and the line must offer sufficient resistance to attract a worker's attention when the worker touches it. The proposal contained the same requirements as the final standard except that a force of 25 pounds was specified and the force was to be applied at the top of the stanchion.

Comments were received expressing concern that the proposed 25 pound requirement would necessitate a stanchion weighting 75–80 pounds (assuming a two-foot-diameter base) (Ex. 2:82, 152). The stanchions would thus be awkward and heavy to move. It was recommended that the minimum force be lowered to 10 to 15 pounds (Ex. 2:152, 154, 204).

The proposed 25 pound requirement was based on the University of Michigan study (Ex. 3:8) which recommended that the minimum force-resistance capacity (righting moment) of the stanchions be 25 pounds. However, although it did state that the 25 pound force is more than adequate to make a worker aware of the warning line's presence, the Michigan study provided no supporting data for this figure. The study also indicated that a force of as little as one pound would produce sufficient pressure to be felt by the average person wearing no shirt.

It is clear to OSHA, based on the comments and the University of Michigan report, that the appropriate resistance for stanchions will be significantly greater than one pound in order to allow for heavy clothing often worn by roofing employees. However, the resistance may also be less than the 25 pounds proposed in order to allow

the use of reasonably sized stanchions which are manageable by employees.

There is little hard data on which to rely in making a determination as to the proper minimum force resistance capacity for warning line stanchions. OHSA believes that a 40-pound stanchion will be a reasonable weight for use on roofs. A stanchion of this size will sustain a 16-pound force applied 30 inches above the base before tipping over (assuming a two-foot diameter base). Stanchions meeting these requirements are available from suppliers (Ex. 2:204). In addition, such stanchions may be easily fabricated by employers in their own workshops or at the construction site. Therefore, based on this reasoning, paragraph (g)(3)(ii)(*c*) requires the stanchion, after being erected and the warning line attached, to withstand such a force, applied horizontally against the stanchion, without its tipping over.

The standard requires that this force be applied to the stanchion at a point 30 inches from the roof surface. The proposal required the force to be applied to the "top" of the stanchion. Since stanchions may be constructed to any height, the proposal's force requirement would have varied with the height of the stanchion. The new requirement specifies the height for testing the resistance to overturning forces and will assure uniform application of the standard.

Paragraph (g)(3)(ii)(*d*) requires the warning line rope, wire, or chain to have a minimum tensile strength capable of supporting the 16 pound test load applied to the stanchion without breaking. In no case shall the tensile strength be less than 500 pounds. This performance requirement simply assures that the line is capable of functioning as intended, regardless of how far apart the stanchions are placed. In addition, the minimum tensile strength of 500 pounds assures that the line is made of materials more substantial than string, such as wire, chain, rope, or heavy cord.

A new requirement of the standard, paragraph (g)(3)(ii)(*e*), provides that the rope, wire, or chain be securely attached to each stanchion and not simply passed through an eye bolt. Eyebolts may be used but the line must be attached to them in such a way that the stanchion will start to tip over before slack in either adjacent section of line is taken up. This will assure that when the warning line is contacted, it will provide sufficient resistance to the employee.

Paragraph (g)(3)(iii) requires that points of access, materials handling areas, and storage areas be connected to the work area by a path formed by warning lines. The proposal required that "roof edge points of access, materials handling and storage areas" be so connected. The words "roof edge" were deleted since points of access, materials handling areas and storage areas can be at locations other than at roof edges. The revised requirement assures that workers being protected by a warning line have the benefit of that protection at all times.

Paragraph (g)(4)—Mechanical Equipment. Paragraph (g)(4) of the standard limits the use and storage of mechanical equipment to areas where employees are protected by MSS or warning line systems. The proposal required that mechanical equipment not be stored or used between a warning line and roof edge unless the employees are protected by an MSS system. In addition, the proposal prohibited the use of mechanical equipment in areas where direct supervision is used to protect employees. There is no substantive difference between the provisions of the proposal and the final language; however, the language was changed to make the requirement clearer.

As noted above, the warning line serves to designate those areas of low-pitched roofs where mechanical equipment may and may not be used or stored. Wherever employees are being protected by safety monitoring systems, whether they be outside the warning line or on a roof 50 feet or less in width, mechanical equipment may not be used or stored. (This does not, of course, preclude the employer from using mechanical equipment on roofs 50 feet or less in width if an MSS system or warning line for protection is being used.)

In connection with this requirement, the proposed definition of mechanical equipment is changed. The definition in § 1926.502(p)(4) now reads as follows: "Mechanical equipment—all motor or human propelled, wheeled equipment except for wheelbarrows and mopcarts". The definition in the proposal did not make any exception for wheelbarrows or mopcarts. These two pieces of equipment are excluded from the definition because their use does not require employees to move backward. In addition, they are light in weight and, therefore, develop little momentum. Wheelbarrows and mopcarts do not present the same degree of risk to roofing employees as do such machines as felt layers and gravelbuggies (cf. Ex. 2:36, 120, 152). Mopcarts and wheelbarrows do not require employees to divide their attention between the equipment they are using and the roof edge, as they would have to do with heavier, more awkward machinery. In addition, excluding mopcarts and wheelbarrows from outside the warning line would require employees to transport hot tar, gravel, and related materials by hand. This could result in increased burn injuries and employee fatigue, both of which may be very hazardous when working near the roof edge (cf. Ex. 2:36, 42, 56).

Paragraph (g)(5)—Roof edge materials handling areas and material storage. These provisions are essentially the same as those contained in the proposed standard, except as noted.

Paragraphs (g)(5) (i) thru (v) require the use of MSS systems at all roof edge materials handling areas. These are particularly hazardous areas because employees often lean out over the roof edge in order to observe the hoisting operations. Warning lines and safety monitoring systems are not allowed as alternatives to guardrails or safety belt systems in these areas. The feasibility question discussed earlier involving the dragging and tangling of safety lines during built-up roofing work does not arise during materials handling operations at the roof edge. No comments were received on these provisions.

Paragraph (g)(5)(vi) prohibits the storage of materials within six feet of the roof edge unless a guardrail is erected. Paragraph (g)(5)(vii) requires that all stacked materials be arranged in a stable and self-supporting manner. The proposal required that materials not be stacked higher than the guardrails unless stacked more than six feet from the roof edge. However, this would not prevent materials from sliding under a guardrail in the event the stacked materials shifted (Ex. 2:147). The requirement was changed to address this problem of stability. The new requirement is in addition to any relevant materials storage requirements contained in § 1926.250—General Requirements for Storage.

Paragraph (g)(6)—Training. This paragraph requires that all employees engaged in built-up roofing work be trained in the proper techniques and practices applicable to the use of MSS, warning line, and safety monitoring systems. These systems must be fully understood if they are to be used properly. For example, employees must be instructed that a warning line will only warn them of the nearness of a roof edge and will not function as a positive restraint.

The standard does not specify the details of the training program. Instead, it requires that employees be fully informed about the hazards of working near roof edges and that they be instructed in the proper use and

maintenance of the safety systems prescribed in the standard. In this way, the standard provides flexibility for the employer in designing the training program.

The proposal required that training be given to all new employees and to all employees before they start on each new jobsite. This provision was widely criticized as requiring an excessive amount of training (cf. Ex. 2:3, 12, 27). Many roofing jobs take only a day or so to complete and many of the employees working on one job are the same people who will work on the next job. Therefore, the final standard requires that training be provided for each newly-hired employee, and for all other employees as necessary to insure that they maintain proficiency in the listed subjects. This allows flexibility in the scheduling of training while still requiring that employees be properly trained. The initial training for new hires is essential to assure that protection is maintained regardless of the turnover rate for roofing employees.

Section 1926.502(p) (1) to (9)—Definitions. Paragraph (p) of § 1926.502 provides definitions for key words used in § 1926.500(g). The definitions as proposed have been modified to reflect the changes in the substantive provisions of the proposal. In addition to these changes, which have already been discussed, the following modifications are made: the words "insulation" and "vapor barrier" are added to the definition of "Built-up-roofing work" to further clarify the exact nature of the work intended to be covered by the standard; the definition of "warning line" is deleted as being unnecessary.

IV. Metric Conversion Policy

English measurement values given in this standard are followed by an equivalent International System (SI) metric measurement value, usually in parentheses. The first stated value is the requirement; the second value may only be an approximation. The SI units as employed are in accordance with the American National Standard for Metric Practice, ANSI/ASTM E380.

It is OSHA's policy to use this method, known as "soft conversion" to facilitate metrication activities under guidelines published by the Federal Interagency Committee on Metric Policy. These guidelines were published in the **Federal Register** at 45 FR 1840 on January 8, 1980. OSHA's metrication policy was established through a memorandum to the Assistant Secretary of Labor for Policy, Evaluation and Research from the Assistant Secretary of Labor for Occupational Safety and Health dated January 19, 1977.

V. References

Materials in the record of this rulemaking, including the public comments, the transcript of the public meeting, the regulatory assessment, and the reports referred to in this preamble are available for public inspection and copying at the OSHA Docket Office, Room S6212, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210 Telephone (202) 523–7894.

VI. Regulatory Assessment

In accordance with Executive Order No. 12044 (43 FR 12661, March 24, 1978), OSHA has assessed the potential economic impact of this standard. Based on the economic identification guidelines of the Department of Labor (44 FR 5570, January 26, 1979), OSHA has concluded that the subject matter of this proposal is not a "major" action which would necessitate further economic impact evaluation and the preparation of a Regulatory Analysis.

Centaur Associates, Inc., has prepared for OSHA an economic assessment entitled "Economic Impact Statement/Assessment for the Proposed Amendments for the Guarding of Low-Pitched-Roof Perimeters" (Ex.3:3). The study includes estimates of the benefits as well as the costs of compliance associated with the proposed amendments. The effects of the proposed regulation on productivity and market structure are also considered.

According to the study, compliance costs are not expected to reach the threshold for determining that a proposed regulation will have a major economic impact. Total first year cost of the standard is estimated to be $21.3 million. The proposed amendments to Subpart M are also not expected to have any other economic impact that might be considered major. No significant market structure effects are projected nor is it expected that employment will be affected.

The report briefly discusses the feasibility of the MSS and the warning line systems. While warning lines are found to be feasible and easily fabricated and assembled by relatively unskilled employees, the MSS systems are found to have feasibility problems.

The report notes that guardrails, whether fixed or portable, must be removed prior to the completion of roof edge work. Thus, they cannot be in place at the time when they are needed most. Catch platforms may have anchorage problems because of high windows, lightweight panels, or unknown masonry details. Safety belts reduce necessary mobility, pose tripping hazards, and may not be possible to anchor safely. While these systems can work on some roofs, and, therefore, would not be prohibited from use by the standard, the report indicates that the warning line is adaptable to any low-pitched roof situation.

The study concludes that compliance with the standard is both technically and economically feasible.

Opportunity was given to interested persons to comment on and testify concerning the contents of the report and related issues. No contentions were made that the standard, with its limited scope, would be economically burdensome. Since OSHA received no comments regarding the regulatory assessment, the determination that the standard is not a "major" action in terms of economic impact remains unchanged. Based on its review of the Centaur report and the entire rulemaking record, OSHA also concludes that the standard is both economically and technologically feasible and that it contains provisions reasonably necessary and appropriate to reduce the significant risk faced by employees, at very limited cost.

In addition, OSHA certifies that this standard is not "major" under Executive Order 12044 and the Secretary's guidelines (44 FR 5570).

VII. Effective Date

Based on the information in the regulatory assessment, and in the absence of any contentions to the contrary, it is anticipated that employers will have little difficulty in obtaining or constructing the safety systems required by this standard. There should be no need for extended delay for employers to implement the provisions of the standard. Therefore, the effective date of this standard is January 13, 1981, 60 days from publication.

VIII. Authority

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Third Street and Constitution Avenue, N.W., Washington, D.C. 20210.

Accordingly, pursuant to section 6(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96; 40 U.S.C. 333), Secretary of Labor's Order No. 8–76 (41 FR 25059), and 29 CFR Part 1911, Part 1926 of Title 29, Code of Federal Regulations is amended by adding a new paragraph (g) to § 1926.500, by adding a new paragraph (p) to § 1925.502, and by adding an

Appendix A to Subpart M, as set forth below.

Signed at Washington, D.C. this 6th day of November 1980.

Eula Bingham,

Assistant Secretary of Labor.

1. Section 1926.500 of 29 CFR Part 1926 is amended by adding a new paragraph (g) to read as follows:

§ 1926.500 Guardrails, handrails and covers.

* * * * *

(g) *Guarding of low-pitched roof perimeters during the performance of built-up roofing work.*—(1) *General provisions.* During the performance of built-up roofing work on low-pitched roofs with a ground to eave height greater than 16 feet (4.9 meters), employees engaged in such work shall be protected from falling from all unprotected sides and edges of the roof as follows:

(i) By the use of a motion-stopping-safety system (MSS system); or

(ii) By the use of a warning line system erected and maintained as provided in paragraph (g)(3) of this section and supplemented for employees working between the warning line and the roof edge by the use of either an MSS system or, where mechanical equipment is not being used or stored, by the use of a safety monitoring system; or

(iii) By the use of a safety monitoring system on roofs fifty feet (15.25 meters) or less in width (see Appendix A), where mechanical equipment is not being used or stored.

(2) *Exception.* The provisions of paragraph (g)(1) of this section do not apply at points of access such as stairways, ladders, and ramps, or when employees are on the roof only to inspect, investigate, or estimate roof level conditions. Roof edge materials handling areas and materials storage areas shall be guarded as provided in paragraph (g)(5) of this section.

(3) *Warning lines.*

(i) Warning lines shall be erected around all sides of the work area.

(*a*) When mechanical equipment is not being used, the warning line shall be erected not less than six feet (1.8 meters) from the roof edge.

(*b*) When mechanical equipment is being used, the warning line shall be erected not less than six feet (1.8 meters) from the roof edge which is parallel to the direction of mechanical equipment operation, and not less than 10 feet (3.1 meters) from the roof edge which is perpendicular to the direction of mechanical equipment operation.

(ii) The warning line shall consist of a rope, wire, or chain, and supporting stanchions erected as follows:

(*a*) The rope, wire, or chain shall be flagged at not more than six foot (1.8 meters) intervals with high-visibility material;

(*b*) The rope, wire, or chain shall be rigged and supported in such a way that its lowest point (including sag) is no less than 34 inches (.86 meters) from the roof surface and its highest point is no more than 39 inches (1 meter) from the roof surface;

(*c*) After being erected, with the rope, wire, or chain attached, stanchions shall be capable of resisting, without tipping over, a force of at least 16 pounds (71 Newtons) applied horizontally against the stanchion, 30 inches (0.76 meters) above the roof surface, perpendicular to the warning line, and in the direction of the roof edge;

(*d*) The rope, wire, or chain shall have a minimum tensile strength of 500 pounds (227 Kilograms), and after being attached to the stanchions, shall be capable of supporting, without breaking, the loads applied to the stanchions as prescribed in paragraph (g)(3)(ii)(*c*) of this section; and

(*e*) The line shall be attached at each stanchion in such a way that pulling on one section of the line between stanchions will not result in slack being taken up in adjacent sections before the stanchion tips over.

(iii) Access paths shall be erected as follows:

(*a*) Points of access, materials handling areas and storage areas shall be connected to the work area by a clear access path formed by two warning lines.

(*b*) When the path to a point of access is not in use, a rope, wire, or chain, equal in strength and height to the warning line, shall be placed across the path at the point where the path intersects the warning line erected around the work area.

(4) *Mechanical equipment.* Mechanical equipment may be used or stored only in areas where employees are being protected by either a warning line or an MSS system. Mechanical equipment may not be used or stored between the warning line and the roof edge unless the employees are being protected by an MSS system. Mechanical equipment may not be used or stored where the only protection provided is by a safety monitoring system.

(5) *Roof edge materials handling areas and materials storage.* Employees working in a roof edge materials handling or materials storage area located on a low-pitched roof with a ground to eave height greater than 16 feet (4.9 meters) shall be protected from falling by the use of an MSS system along all unprotected roof sides and edges of the area.

(i) When guardrails are used at hoisting areas, a minimum of four feet of guardrail shall be erected on each side of the access point through which materials are hoisted.

(ii) A chain or gate shall be placed across the opening between the guardrail sections when hoisting operations are not taking place.

(iii) When guardrails are used at bitumen pipe outlets, a minimum of four feet of guardrail shall be erected on each side of the pipe.

(iv) When safety belt systems are used, they shall not be attached to the hoist.

(v) When safety belt systems are used they shall be rigged to allow the movement of employees only as far as the roof edge.

(vi) Materials may not be stored within six feet of the roof edge unless guardrails are erected at the roof edge.

(vii) Materials which are piled, grouped, or stacked shall be stable and self-supporting.

(6) *Training.* (i) The employer shall provide a training program for all employees engaged in built-up roofing work so that they are able to recognize and deal with the hazards of falling associated with working near a roof perimeter. The employees shall also be trained in the safety procedures to be followed in order to prevent such falls.

(ii) The employer shall assure that employees engaged in built-up roofing work have been trained and instructed in the following areas:

(*a*) The nature of fall hazards in the work area near a roof edge;

(*b*) The function, use, and operation of the MSS system, warning line, and safety monitoring systems to be used;

(*c*) The correct procedures for erecting, maintaining, and disassembling the systems to be used;

(*d*) The role of each employee in the safety monitoring system when this system is used;

(*e*) The limitations on the use of mechanical equipment; and

(*f*) The correct procedures for the handling and storage of equipment and materials.

(iii) Training shall be provided for each newly hired employee, and for all other employees as necessary, to assure that employees maintain proficiency in the areas listed in paragraph (g)(6)(ii) of this section.

2. Section 1926.502 of 29 CFR Part 1926 is amended by adding a new paragraph (p) to read as follows:

§ 1926.502 Definitions applicable to this subpart.

* * * * *

(p) For the purposes of paragraph (g) of § 1926.500, the following definitions shall apply:

(1) "Built-up-roofing"—a weatherproofing cover, applied over roof decks, consisting of either a liquid-applied system, a single-ply system, or a multiple-ply system. Liquid-applied systems generally consist of silicone rubber, plastics, or similar material applied by spray or roller equipment. Single-ply systems generally consist of a single layer of synthetic rubber, plastic, or similar material, and a layer of adhesive. Multiple-ply systems generally consist of layers of felt and bitumen, and may be covered with a layer of mineral aggregate.

(2) "Built-up-roofing work"—the hoisting, storage, application, and removal of built-up roofing materials and equipment, including related insulation, sheet metal, and vapor barrier work, but not including the construction of the roof deck.

(3) "Low-pitched roof"—a roof having a slope less than or equal to four in twelve.

(4) "Mechanical equipment"—all motor or human propelled wheeled equipment except for wheelbarrows and mopcarts.

(5) "MSS Systems" (motion-stopping-safety systems)—fall protection using the following equipment singly or in combination: standard railings (guardrails) as described in § 1926.500(f); scaffolds or platforms with guardrails as described in § 1926.451; safety nets as described in § 1926.105; and safety belt systems as described in § 1926.104.

(6) "Roof"—the exterior surface on the top of a building. This does not include floors which, because a building has not been completely built, temporarily become the top surface of a building.

(7) "Safety-monitoring system"—a safety system in which a competent person monitors the safety of all employees in a roofing crew, and warns them when it appears to the monitor that they are unaware of the hazard or are acting in an unsafe manner. The competent person must be on the same roof as and within visual sighting distance of the employees, and must be close enough to verbally communicate with the employees.

(8) "Unprotected side or edge"—any side or edge of a roof perimeter where there is no wall three feet (.9 meters) or more in height.

(9) "Work area"—that portion of a roof where built-up roofing work is being performed.

3. Subpart M of Part 1926 is amended by adding the following Appendix at the end of the Subpart:

Appendix A to Subpart M for § 1926.500(g)(1)—Roof Widths

This appendix serves as a guideline to assist employers in complying with the appropriate requirements of Subpart M, § 1926.500(g)(1). Each example shows a roof plan or plans and indicates where each roof or roof area is to be measured to determine its width. Section views or elevation views are shown where appropriate. Some examples show "correct" and "incorrect" subdivisions of irregularly shaped roofs into smaller regularly shaped areas. In all examples, the dimension selected to be the width of an area is the lesser of the two primary dimensions of the area. Example A shows that on a simple rectangular roof, width is the lesser of the two primary overall dimensions. This is also the case with roofs which are sloped toward or away from the roof center, as shown in Example B.

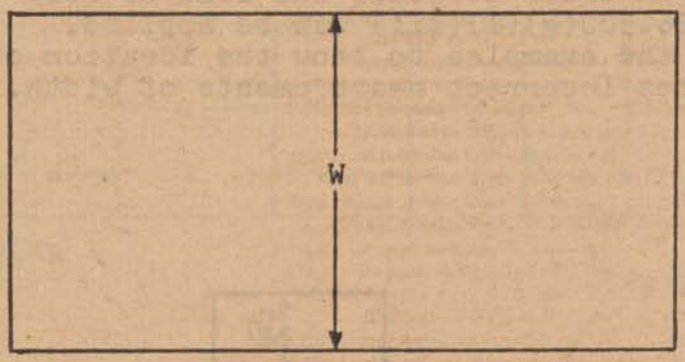
Many roofs are not simple rectangles. Such roofs may be broken down into subareas as shown in Example C. The process of dividing a roof area can produce many different configurations. Example C gives the general rule of using dividing lines of minimum length to minimize the size and number of the areas which are potentially less than 50 feet wide. The intent is to minimize the number of roof areas where § 1926.500(g)(1)(iii) can be applied.

Roofs which are comprised of several separate, non-contiguous roof areas, as in Example D, may be considered as a series of individual roofs. Some roofs have penthouses, additional floors, courtyard openings, or similar architectural features; Example E shows how the rule for dividing roofs into subareas is applied to such configurations. Irregular, non-rectangular roofs must be considered on an individual basis, as shown in Example F.

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Example A.

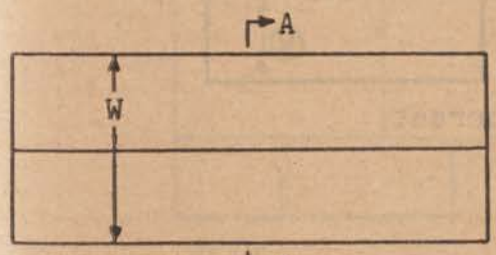
RECTANGULAR SHAPED ROOFS



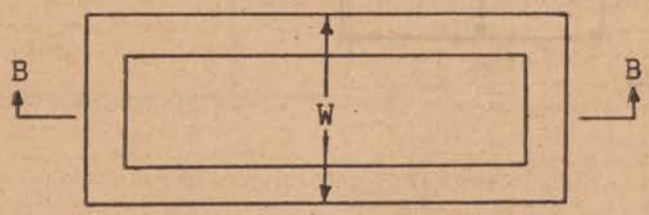
PLAN VIEW

Example B.

SLOPED RECTANGULAR SHAPED ROOFS



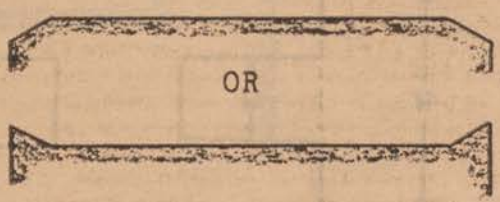
PLAN VIEW



PLAN VIEW



SECTION A-A

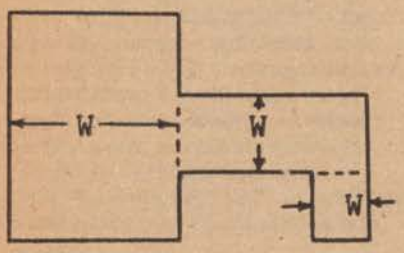


SECTION B-B

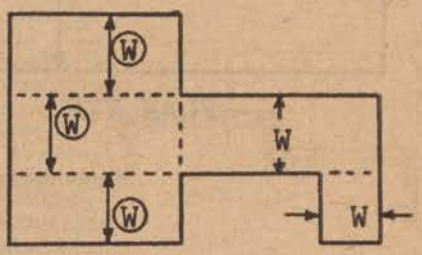
Example C.

IRREGULARLY SHAPED ROOFS WITH RECTANGULAR SHAPED SECTIONS

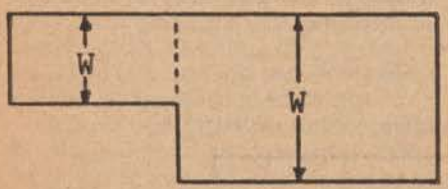
Such roofs are to be divided into sub-areas by using dividing lines of minimum length to minimize the size and number of the areas which are potentially less than or equal to 50 feet (15.25 meters) in width, in order to limit the size of roof areas where paragraph 1926.500(g)(1)(iii) can be applied. Dotted lines are used in the examples to show the location of dividing lines. Ⓦ denotes incorrect measurements of width.



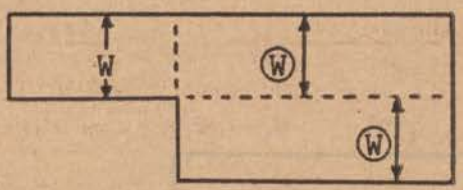
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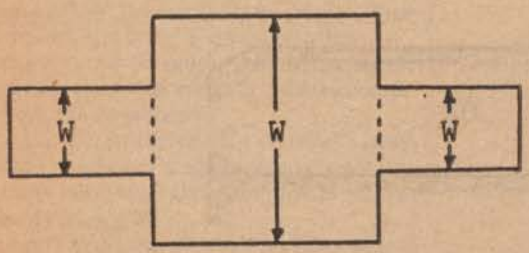
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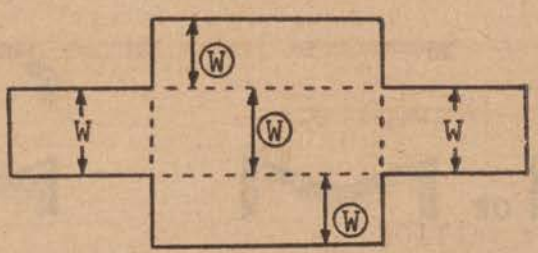
Correct



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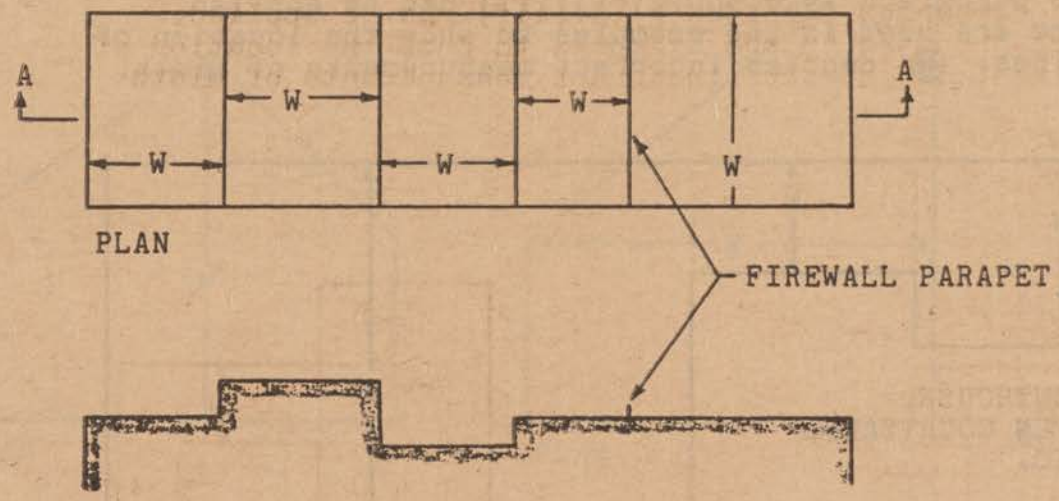


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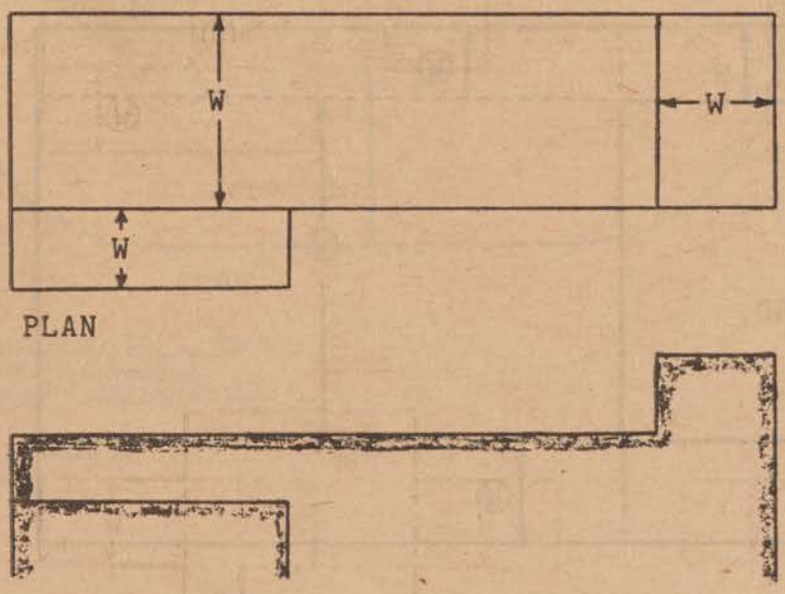
Example D.

SEPARATE, NON-CONTIGUOUS ROOF AREAS

1.



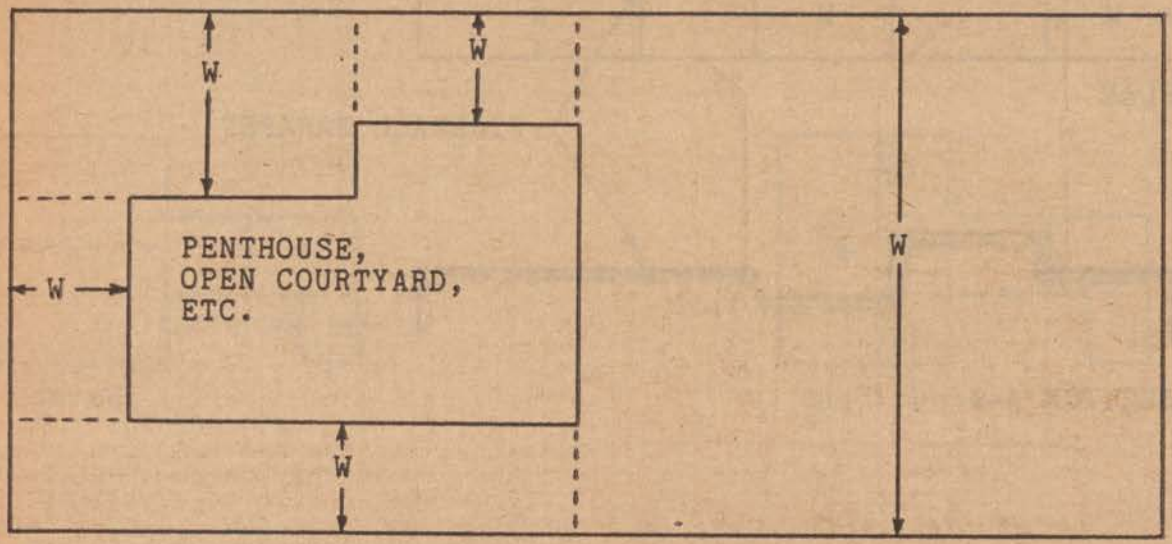
2.



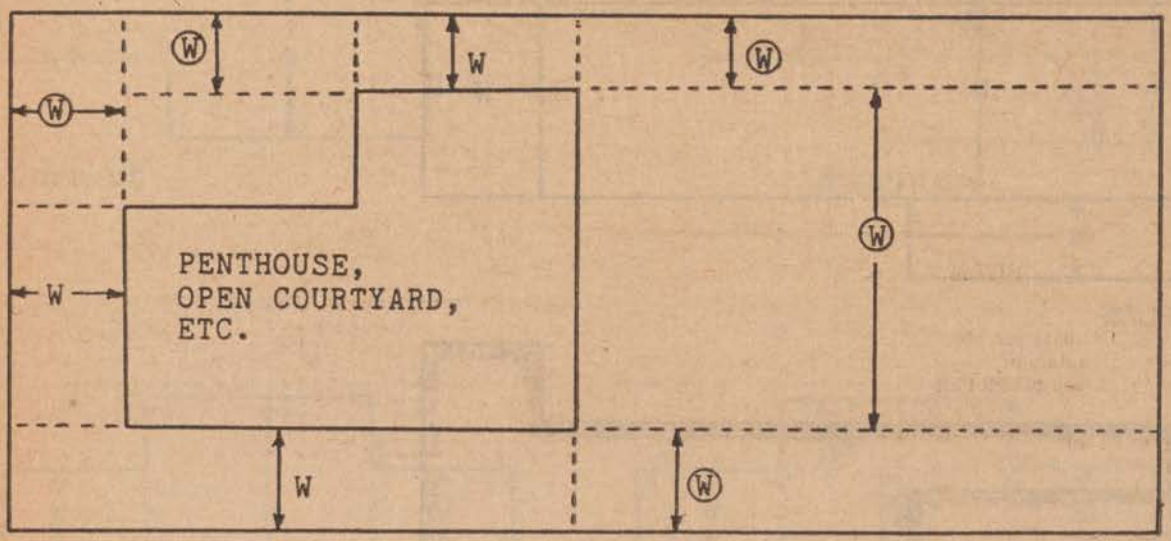
Example E.

ROOFS WITH PENTHOUSES, OPEN COURTYARDS, ADDITIONAL FLOORS, ETC.

Such roofs are to be divided into sub-areas by using dividing lines of minimum length to minimize the size and number of the areas which are potentially less than or equal to 50 feet (15.25 meters) in width, in order to limit the size of roof areas where paragraph 1926.500(g)(1)(iii) can be applied. Dotted lines are used in the examples to show the location of dividing lines. Ⓦ denotes incorrect measurements of width.



Correct

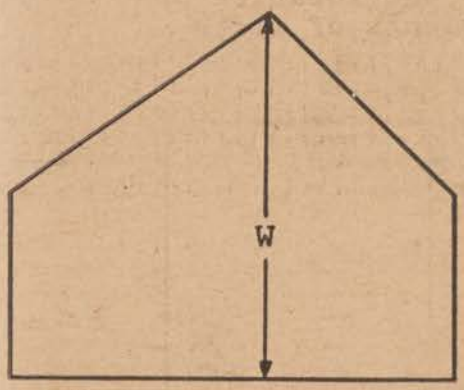


Incorrect

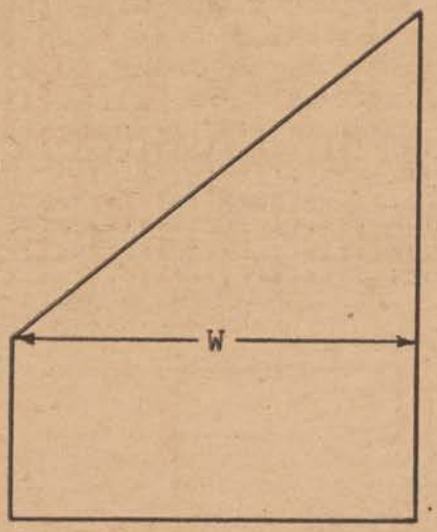
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Example F.

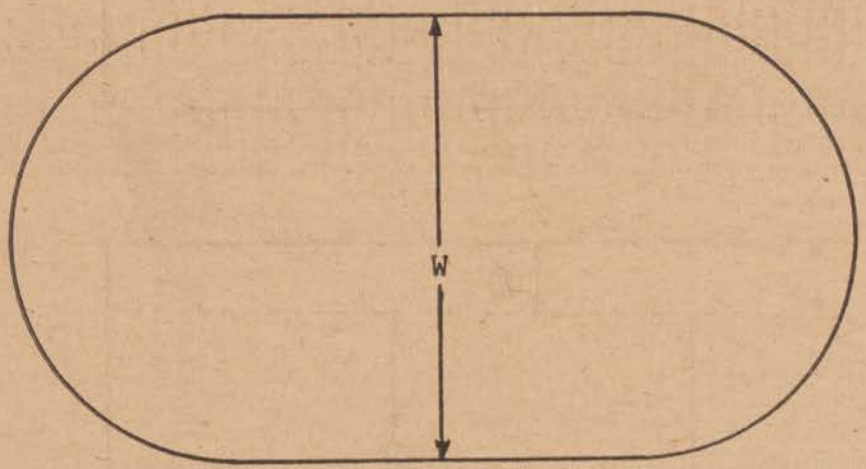
IRREGULAR, NON-RECTANGULAR SHAPED ROOFS



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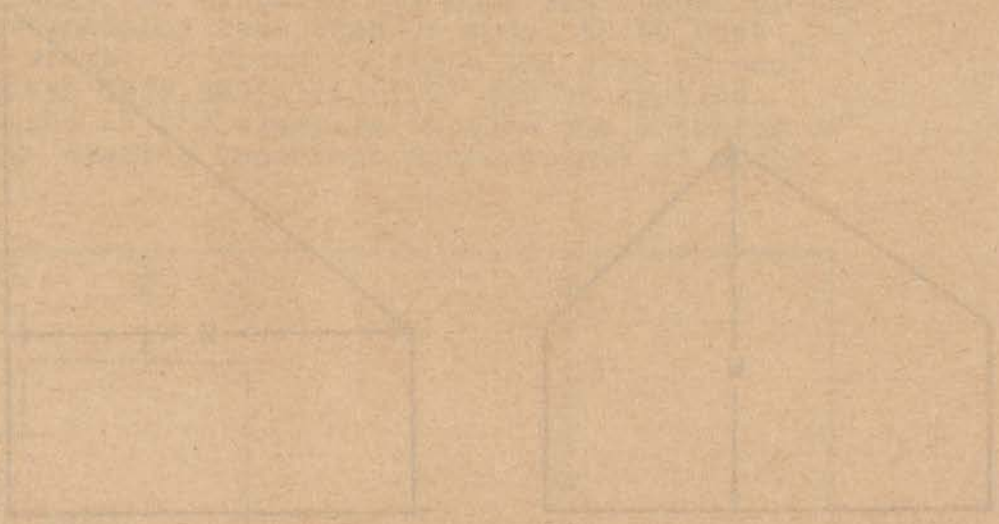
PLAN



PLAN

(Sec. 6, 84 Stat. 1593 (29 U.S.C. 655); sec. 107, 83 Stat. 96 (40 U.S.C. 333); Secretary of Labor's Order 8–76 (41 FR 25059); 29 CFR Part 1911)

[FR Doc. 80–35614 Filed 11–13–80; 8:45 am]
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